

Report on visit to District Jails Simdega and Lohardaga 5-6 September, 2016

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1. District Jail, Simdega

Jail Profile and history

Today Simdega is one of the few districts left in Jharkhand with high concentration of tribes. With 70.2 per cent tribal population, it ranks highest among all the districts of Jharkhand as far as population of Scheduled Tribes is concerned.

The district was carved out of erstwhile Gumla district on 30 April 2001. A decade ago it was an abode of peace; today it is ravaged by extremism. Protection of civil liberties of people, majority of whom are tribes, therefore, is a unique challenge in this district. Prison administration in the district too has to play an important role in this context in providing just and fair treatment to those who are incarcerated.

District Jail, Simdega is a hundred year old jail. Originally set up as sub jail in 1915, it was upgraded as district jail in 2005. Yet it has to go a long way in introducing prison reforms and ensuring prisoners, especially the poor amongst them, access to justice.

Land and Infrastructure

The jail has a total extent of 12.24 acres of which 05 acres form the covered area. The jail complex comprises of 08 separate wards -07 wards for male and 01 each for female prisoners, the jail hospital, library, kitchen and store. 02 Cells are available, one each for male and female prisoners, which are currently not occupied. Most of the buildings are old and are in run down condition. It was learned that in view of the run down condition of the buildings, a revised estimate for construction of new barracks for accommodating 100 prisoners has been prepared and forwarded to the State Government for administrative approval. A proposal for construction of a new women's ward in the place of 04 condemned

wards is also stated to have been sent to Executive Engineer, PWD for preparation of estimates. However, no time- frame appears to have been fixed for completing the proposed items of works.

Manpower

It is seen that against a *sanctioned staff strength of 65* , only *07 posts are filled up*; 55 posts are stated to be vacant. At present, the post of Superintendent of the jail (JS) is vacant. An Executive Magistrate is provisionally holding charge of Superintendent at present. A regular Jail Superintendent ought to be posted without any further delay.

It was learned that the posts of Deputy Superintendent , Assistant Superintendent, Jailor, Asst. Jailor and Jail clerk are also vacant. Two (out of 03) posts of Senior Warder, *37 posts of warders* (out of 40), 01 Women Warders (04) are also vacant. Security inside the jail is *manned by 34 ex-service men*. On the medical side, only one Post of Medical Officer has been sanctioned and filled up. *No paramedical staff is available*. The post of Pharmacist is vacant.

Jail capacity and occupancy

Against a sanctioned capacity of 190 (185 male and 05 female), 326 (308 male and 18) female prisoners are accommodated in the jail. 04 children (01 boy; 03 girls) are residing in the jail with their mothers/guardians. It was reported that *there are two pregnant women prisoners* lodged in the jail at present.

Category-wise details of UT prisoners

Out of 326 prisoners, only 18 were reported as convicted prisoners. The rest 308 are under trials. Only one male prisoner is sentenced to simple imprisonment. The remaining 17 convicted prisoners are sentenced to rigorous imprisonment (RI); two of them are women. 05 of the convicts are sentenced to Life Imprisonment (LI); one of them is women. Among 308 under trials 115 (107 male; 08 female) are session- committed. No civil prisoners were reported to be present. 07 are elderly prisoners. 16 juvenile (age group 19-21) are also lodged in the jail. *It is seen that there is no segregation between convicts and under trials*.

Under trial Prisoners

According to data furnished by prison administration, among the under trial prisoners **164** prisoners (156 male;08 female) have spent up to **06 months**; **61** prisoners (53 male; 08 female) **up to one year**; **58** prisoners (56 male;02 female) up to **02 years**; **19** male prisoners up to **03 years**; **09** male prisoners up to **04 years**; **03** male prisoners **more than 05 years in jail**. If timely production of prisoners before the courts has been taking place regularly. as claimed by jail administration, under trial prisoners would not have had to spent so many years whiling away their time. It needs to be ensured that all prisoners are provided necessary legal assistance as well as legal counseling. They ought to be produced before courts regularly. Cases against them ought to be tracked. Video-conferencing need to be efficiently utilized. Overall coordination between police and prison administration ought to be ensured.

Condition of prisoners

As stated 16 male prisoners are convicts. Four among them Roshan Kullu, Inderjit Singh, Ramdayal Khadiya and Mundal Bading have been sentenced to Life Imprisonment.

As mentioned, the buildings are old and badly need repairs. JS stated that a proposal has been sent for renovation and new construction of wards. I visited some of the wards and had interaction with prisoners.

Ward no.01 is the reception ward where newly admitted prisoners are provisionally kept. Other prisoners were also seen accommodated in the same ward. The ward has a sanctioned capacity of 25 prisoners, but in reality has 30-35 prisoners. It had sufficient ventilation. I was told that TV sets have been provided in all the wards. A color TV set is seen installed in the ward. Lights and fans were in working condition. However, lighting was inadequate. More number of tube lights are needed. The condition of toilets was satisfactory. For drinking water, hand pumps are available. Prisoners have been provided with items of daily use. Prisoners did not make any complaints about their living conditions.

I spoke to some of the prisoners. Tilakman Sahu 30 was with the Maoist group for 15 years. He stated that he joined the movement without understanding its implications. His friends had also joined and they lived in the jungles. Due to family pressure he surrendered to the police. He received a sum of Rs 5 1/2 lakh in

lieu of surrender from Jharkhand Government. JS stated that he was being shifted to Open Jail at Hazaribagh. Binod Munda 27 is also an ex-Maoist. He joined the movement in 2008 out of peer pressure. He has studied up to 9th class. He is married and has one child. He stated that due to family pressure he too surrendered. Rajesh Singh 40 belongs to PLFI (People's Liberation Front India). He has several cases against him, including one registered in Simdega and eight other cases in Orissa. He was brought to Simdega in 2013 but went to Orissa on 20-7-2015. He has been brought here again on 17-7-2016 as one case against him in Simdega is yet to be decided. Sunil Topo, is booked under the Arms Act. He came from Sunder Nagar Jail, Orissa.

It is seen that prisoners are also kept in a new building with 04 wards constructed in 2012 . Against a sanctioned capacity of 25, 55-60 prisoners have been kept in these wards resulting in overcrowding. On asking, the prisoners stated that they have no complaints. 04 new cases of extremists were also reported. Karan Nayak 28, Larde Sahu, zonal commander and Patric Topo and Sanjay Surin (pahadi Cheeta--their names could not be verified) all belonging to PIFI also reportedly surrendered. *It seems necessary to segregate extremist prisoners from others, especially the ones who are yet to be surrendered.*

Budhuwa Kerketta 30, along with 04 others, is allegedly involved in a murder case. He came to jail only the previous day. Isakar Khakha 24 is booked in a murder case. He was admitted to jail on 2-9-2016. He stated that he was implicated in the case by others.

Juvenile prisoners

16 young prisoners of age group 19-21 are lodged in a separate ward. The ward is located in an old building. 16 of them are seen accommodated in a congested room.

I spoke to some of them. Vikram Singh 16, is allegedly involved in a *dacoity* case and has spent 04 months in jail . Rohit Chik Badai 15 is involved in a *rangdhari* case .He stated that he was not involved in the case but his mobile was used by others for committing the crime. He also has spent 04 months in jail. Md. Sahj, 17, is booked in a sexual harassment case under section 354 IPC. He has spent 03 months in jail. Sumit Kherwal, 15, is allegedly involved in a kidnapping case. He

hails from Assam. He came only 06 days ago and is yet to have an advocate. Ram Naik is allegedly involved a rape case. He has a lawyer and has spent 03 months in jail. Birbal Badai, 17 is booked in a murder case. He has spent 03 months in jail. Anju Pradhan 17 is allegedly involved in a *dacoity* case. He has spent 02 months in jail. Sajit Gudia 18 has a case of Loot registered against him. He has spent 16 days in jail. He too has legal assistance. Sudama Minz 17 is in jail for kidnapping a girl; he has spent 03 months in jail. Rohan Brai, 18, is allegedly involved in a rape case. He has spent one year 02 months in jail. Rahul Kumar Sahu 18 is allegedly involved in a black mailing case. He has spent 12 days in jail.

On verbally ascertaining their age it is seen that *all of them are under aged*. They, therefore, ought to be lodged in a boy's remand home. It would appear that in order to stay near their homes perhaps they were shown as aged 19 and above. The matter ought to be brought to the notice of the courts, after due verification. As mentioned, all of them have legal assistance.

Women Prisoners

18 female prisoners are lodged in the female section in the jail. As mentioned four children, 01 boy and 03 girls, are staying with their mothers. It was learned that two children are new born and were delivered in jail. Two of the female prisoners are stated to be pregnant.

It is reported that among the 18 female prisoners 02 are convicts. Sita Kumari admitted on 8-11-14 and booked u/s 302 has been sentenced to Life Imprisonment. Butain Devi admitted on 13-8-2016 booked u/s 341 IPC and other sections is sentenced to 05 years imprisonment.

The female ward is located in an old building. It is somewhat small (15x15 ft) and congested. One side of the room has a window which gives ventilation. Two fans and tube lights in the room were in working condition. It is seen that a color TV is provided in the room. For drinking water a hand tube well is available. There were altogether 05 toilets, and one bathroom. The drains around were newly sprinkled with bleaching powder. No separate kitchen is available in the female ward. It was stated that a new ward for female prisoners is planned to be constructed, after demolishing the adjoining old buildings.

I spoke to some of the women prisoners. Saraswati Devi 28 is in jail since 9-11-15. She is allegedly involved in a trafficking case. She has a 04 month old baby girl with her. She delivered the baby in jail. Budhni Devi 65 is booked u/s 304 IPC and is in jail since 12-10-15. Munni Tete 45 was admitted on 19-07-2015 in connection with the murder of her husband. Anima Kindo 30 was admitted on 26-12-15. *She is stated to be mentally ill.* A case u/s 341/324/307/352 IPC has been registered against her. Pratima Devi 24 came to jail *two years ago*. She too is stated to be involved in a murder case. Her 03 year daughter is staying with her. Dhunki Devi 33 is involved in a case u/s 324 and 307 IPC. She came to the jail on 23-02-2015. Surjin Ba 30 and Anita Ba 25 are allegedly involved in a witch murder case. Anita has a 21/2 year girl child with her. It was learned that the child was in hospital .

A prisoner volunteer functions as a teacher for teaching women prisoners . Crèche is run in a small adjoining room wherein only minimum facilities are available for children. 02 Anganwadi Sevikas are deputed for care of the children It was stated that milk and fruits are supplied daily to children.

As for health care of women prisoners it was stated that no gynecologist or lady doctor is posted in the jail to take care of the women prisoners and their children. A Medical Officer deputed from Sadar hospital attends to their health needs, along with that of others. It was reported that a nurse deputed from Sadar hospital Simdega attends to vaccination of children. It was learned that three of the children are admitted in hospital outside due to illness. It is unfortunate that the prison does not have adequate health care facilities, especially for women and children. *Having Sadar hospital, Simdega in the vicinity cannot be a justification for not providing the facilities in the jail campus itself.* Government hospitals are already over- crowded; the time and effort in taking out a sick prisoner to hospital can only be imagined. It is necessary to have at least an ANM posted on regular basis to take care of the children and pregnant women.

As far as vocational training of women prisoners are concerned, at present only training in stitching is being provided to women by Ms Jolibha Lakda, deputed from the District Counseling Center. No space is available for sports activities.

The Apex court in RD Upadyay Vs State of Andhra Pradesh (Writ Petition (civil) 559 of 1994 dated 13-4 2006) has issued detailed guidelines on the care of women

and children incarcerated in jails. Jail authorities ought to strictly follow these guidelines and provide facilities to women prisoners and children, if any, staying with them..

Mentally ill prisoners

It was stated that at present one prisoner has been identified as mentally ill. He is stated to be under supervision and treatment by RINPAS. It is seen that prisoners generally suffer from a variety of mental illnesses like schizophrenia, depression, anxiety disorders, bipolar disorder, dementia etc. It is surprising that the jail administration has not been able to identify more number of prisoners as mentally ill. It would appear that no proper screening for mental illness is conducted at the time of admission or subsequently, on regular basis. A team from RINPAS ought to conduct yearly screening.

Naxalite prisoners

49 alleged Maoists are lodged in this jail. All are stated to be under trials. According to data furnished by jail authorities, some of the naxalite prisoners have surrendered. Deepak Sahu from Chiksaur viilage, Hilsa Thana (already mentioned), Raju Singh Lola, from Pahan Toli, Bano Thana, Vinod Munda viil. Konap, Bano thana and Lele Sahu, Sogda viillage Thana Sisai surrendered recently on the basis of the offer made by the State Govt. to provide rewards for those who surrendered. The push given by the administration to track down extremists, family pressure and getting large sums of money have been cited as the reasons for their surrender. JS stated that the surrendered extremists are to be shifted to open jail in Hazaribagh so that they could work and live with their families.

Crimes under "Jharkhand Anti Witchcraft Act", 2001

The evil practice of witch hunting is prevalent in several districts of Jharkhand including Simdega, Gumla, Lohardaga, Dumka and Singhbhum. Old Bihar was the first state in India to pass a law against witch hunting which was named "Prevention of Witch (Daain) Practices Act, 1999". Jharkhand followed it and enacted the "Jharkhand Anti Witchcraft Act", 2001 to protect women from inhuman treatment as well to provide victim legal recourse to abuse.

20 prisoners allegedly having committed witch -hunting/killing and related crimes are lodged in this jail. Only one of them-Mundal Badiga (ST) Lovasokra village, Bano Thana, Simdega has been convicted. The rest all are under trials. Two of them are women. As mentioned, Surjin Ba 30 and Anita Ba 25 are allegedly involved in a witch murder case. All culprits belong to either SC or ST community.

Custodial Deaths /violence

Jail authorities confirmed that there was one custodial death reported in the jail in 2015 . The death reported was that of a disabled person, who was an accused in a witch hunting case. He reportedly slipped and fell down. The cause of death reported was shock due to injury and internal hemorrhage. No external injury was found. A detailed inquiry *on the circumstances of the case* needs to be ascertained. Accountability for any lapse ought to be fixed and action taken against the guilty.

Escape of prisoners/jail break

No such incident was reported in the jail.

Basic amenities

Water supply and Sanitation

It was mentioned that water supply is currently being made with the help of 03 deep tube wells. In addition there are 06 hand pumps for the use of male and 01 hand pump for women prisoners .A water tank of 20,000 liter is also installed from which water is distributed. RO system installed is *not* reportedly functional .No RO system, however, is seen installed in the women's ward. Water quality tests are apparently not being carried out.

As far as sanitation facilities for male prisoners are concerned, 27 toilets are available, in addition to cage toilets in each of the wards for night use. 20 urinals have also been provided to male prisoners. However, it is reported that 07 of the toilets are not functional. It was stated by JS that estimates for renovation of dysfunctional bathrooms and toilets have been prepared by the PWD and the same has been sent to IG (Prison) for administrative approval. Besides, 20 new toilets are under construction and they are expected to be ready shortly.

05 toilets are available to women prisoners. 02 bathing platforms for male and a separate bathroom for female prisoners have been provided.

It was stated that arrangements are also made for keeping the jail premises clean and hygienic.

Power Supply

It was stated that 24 hour power supply is available in the jail. Two generators of 30 and 15 KVS have been installed as back up. In addition, a 15 KVPA top grid solar power system has also been installed recently. With this, it is reported that there is no problem about power supply in the jail.

Food supply

The jail kitchen is located in a separate block. It is a fairly large room with two windows which is lighted and ventilated. Pipe water supply is available for cooking, washing and cleaning purposes. LPG stoves are available for cooking purposes. 13 under trial prisoners are working in the kitchen. *Dal/vegetable* and rice are served for lunch and *dal, roti* and vegetable for dinner. Tea also is served twice. There were no complaints about the quantity and quality of food supplied.

Education

It was reported that no regular government instructors have been deputed to teach the prisoners, both male and female. Open School system is not functional in the jail. Only volunteers from among the prisoners are functioning as teachers.

A comprehensive plan for promoting education among prisoners needs to be put in place. University education also needs to be promoted amongst those who would like to pursue their studies with the help of IGNOU.

Health care

Health care of prisoners is managed by Dr. Surjit Kumar Murmu deputed from Sadar Hospital, Simdega. No pharmacist or paramedical staff are posted. It is seen that the jail has no proper hospital or indoor facilities. In emergency patients are referred to Sadar Hospital, Simdega. 07 prisoners are said to be currently

undergoing treatment in the Sadar hospital -(01 male /02 women prisoners /03 children); RIMS Ranchi 01 patient; Medanta, Gurgaon-01

As there is no regular hospital set up in the jail, a provisional ward is seen set up .It appears that the room has not been white -washed in recent times.13 patients were being treated here. There were only four beds and were seen occupied by the elderly. Other patients were lying on the floor. Lighting of the ward is done with the help of 03 solar tube lights. All five fans were found working.

I spoke to some of the indoor patients. Johnson Topno 28 has a case u/s 302 is pending against him. Krishna Badai 40 is suffering from fever. He has already spent 4 1/2 years in jail. Madhusudan Singh is mentally ill. He is being treated by RINPAS. Rohit Kerketta 70 is suffering from weakness. David Kerketta 75 has eye problem, besides fever. Sulaiman 42 is suffering from cough. Inderjeet Singh 75 also has weakness and itching in the body.

Video-conferencing

Video-conferencing facilities are available in the jail. The system is stated to be connected with all courts in Jharkhand.

Legal Aid

It was stated that District Legal Services Authority is functional in Simdega. 04 lawyers (no woman lawyer) deputed by the Authority provide counseling to prisoners. In addition one Para- legal volunteer also assists prisoners in legal matters. One woman Para legal volunteer provides counseling to women prisoners. It was stated that 10-12 cases of legal aid is sanctioned per month.

Access to justice

It was claimed by authorities that prisoners are produced before magistrates on a regular basis . It was learned that appeals have been filed only by two of the convicted prisoners. It was also confirmed that *no prisoner is languishing in jail for want of sureties, after getting bail.*

Lok Adalats

It was stated that CJM visits the jail once a month. and *Lok Adalat* is being regularly organized in the jail .

Parole/ Remission

It is learned that paroles are not being sanctioned at present and remissions are also not considered. However, parole ought to be sanctioned to convicted prisoners as per rules.

Visitors

A Visitor Management System (VMS) is stated to be functional in the jail. However, no proper set up is seen available for visitors to meet their families. Only 8-10 visitors with proper ID are allowed to meet under trial prisoners once a week. Convicted prisoners are allowed to meet visitors once in a fortnight.

PCOs/Telephone

It was stated that a telephone booth has been set up to enable prisoners to communicate with their families. A prisoner volunteer have been trained to operate the system.

Board of visitors

There was no information available about the constitution of a visitor's Board.

Complaints management

It seems that a proper complaint management system is yet to be put in place by the jail authorities. There is every need to have prisoner's Durbar. District collector and SP ought to have periodic interaction with the prisoners.

Library

A library cum cultural center is available in the jail campus. The library has a collection of 310 books .

Cultural programs

It was learned that cultural programs are being regularly organized in the jail.

Sports

As far as outdoor games are concerned, facilities for playing only volley ball are available. Among indoor sports facilities for playing only carom and Ludo are available. No sport facilities are available to women prisoners.

Religious activities

For conducting religious activities a Dharam Sabha is stated to be functional in the jail. A library with religious books is also available for the use of those who are interested.

Yoga/Gym

Yoga classes are organized with the help of one male and female prisoner volunteers each who were trained by Patanjali Yoga. Gym facilities however are not available.

Recreation It is seen that color as well as black & white TV sets have been provided in all wards for entertainment of the prisoners. Altogether 08 color TV sets have been installed. 07 news papers are supplied to prisoners. Women prisoners also need to be supplied news papers.

Vocational Training

Currently, no vocational trainings are seen being organized in the jail .

Drug De-addiction program

No drug De-addiction program is being organized in the jail.

Role of NGOs

As already mentioned services of Non Governmental Organizations are not being currently utilized, except for family counseling.

Inspections

It was stated that inspections are being conducted by the District Judge/CJM and the DM. Besides, regular inspections are being carried out by senior prison officials.

Security

It was stated that 15 CCTVs have been installed at different points. 11 walkie-talkies and 13 fire-fighting equipment are available with jail authorities. Security outside the jail is manned by regular force, whereas, internal security is handled by jail staff and home guards. There are 05 watch towers which are manned by armed guards. 01 siren has also been installed in the jail. There is, however, need to sanction more posts of security staff. Security arrangements -both external and internal-need to be periodically assessed.

Solar Lighting

Solar lighting has been introduced in the jail. A 15 KV generator is installed for this purpose. Street lighting is done by solar energy. Solar system however, is not being used for cooking or water heating.

Budget

It was confirmed that sufficient funds are available for jail activities. A sum of Rs 1.8 crore is the budget allocation for this jail for 2016-17 out of which Rs.30.00 lakh constitute salary of jail staff and officials. A sum of round Rs.77.00 lakh is estimated for providing ration to the inmates; Rs.2.8 lakh is allocated for medicines and Rs.53,000 on uniforms.

To ensure more efficiency it would be useful to allow the jail to have Rs.5 lakh as untied funds for meeting expenses of urgent nature for welfare of prisoners, including urgent minor civil works /repairs. Funds could be administered by a committee comprising of the DM/SP and the jail superintendent. Meeting ought to be held in the jail premises.

Regular auditing of funds received ought to be carried out. Civil construction works ought to be closely monitored.

Jail Manual

Jharkhand is still following the Prisons act, 1894 and 1900 . Bihar has already enacted the Bihar Prison Manual,2012. It is high time that a new Jail Manual is brought out quickly by the State Government.

Modernization

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Apart from a proposal to construct new wards to accommodate 100 male prisoners, and a new female ward, no comprehensive plan appears to have been prepared for up gradation of infrastructure and modernization of the jail.

Observations/ Recommendations:-

Although notified as a District jail, facilities available here are not commensurate with its status. In effect it functions as a sub jail only. Apart from improving its infrastructure, all-round jail reforms need to be introduced in the jail quickly. The following actions are recommended.

1. To post a regular Jail superintendent
 2. Modernization of the jail
 3. Filling up staff vacancies
 4. Posting additional security staff
 5. To reduce under trial population/ improve prisoners access to law/ monitor cases closely/ arrange counseling of prisoners with the help of reputed institutions
 6. Completion of inquiry in custodial death cases-action against the guilty
 6. Up-gradation of hospital/Lab facilities
 7. Screening for mental illness/TB Malaria/HIV/AIDS
 8. To post a regular ANM
 9. Full compliance of SC-directions on care of women prisoners/children
 10. To set up modern telephone management System/ improve facilities for meeting with visitors
 11. To set up a proper complaint management system
 12. Up-scale/diversify vocational activity-
 13. Sanction untied funds
 14. To involve NGOs in various activities
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11. Report on visit to District Jail, Lohardaga

Jail Profile and history

The district of Lohardaga was carved out of old Ranchi district in 1983. As the time of its formation Lohardaga was the smallest district in erstwhile Bihar. Today it has grown into a full-fledged district with 07 blocks. While other facilities have improved in the district, jail facilities continue to remain woefully inadequate.

Originally set up as sub jail in 1974, the jail was upgraded as district jail only in 2008. It essentially serves as a remand prison only. It is situated at a distance of 3.5 km from Lohardaga town.

Infrastructure

The jail has an area of 7.5 acres. 50% of the land is utilized for a well-cultivated vegetable garden. The jail complex comprises of 05 separate blocks. Two of the blocks have 4-4 wards each for accommodating male prisoners, with each ward having a sanctioned capacity of 25 prisoners. 01 ward for female prisoners, the jail hospital, kitchen and store are located in rest of the blocks. Juvenile ward and civil prisoners ward are located on the first floor. One ward is kept vacant for accommodating VIPs. 05 cells available are not occupied. One of the issues pointed was that the staff quarters for jail staff are currently occupied by CRPF. They need to be got vacated quickly.

Manpower

It is seen that against a sanctioned staff strength of 54, only 05 posts are filled up; 49 posts are stated to be vacant.

At present, the post of Superintendent of the jail (JS) is vacant. Ms. Sima Singh, Executive Magistrate, is provisionally holding charge of Superintendent at present. Incidentally, it is learned that she was posted as JS only a day before my visit to the jail. A regular Jail Superintendent ought to be posted without any further delay. The only post of Jailor, one post of Asst. Jailor (02), all 03 posts of Senior Warders, 38 Warders (40), three Women Warders (04) are vacant. Security

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inside the jail is manned by 29 ex-service men. On the medical side only one Post of Medical Officer has been sanctioned and is seen filled up. The post of Pharmacist is vacant. No paramedical staff is available.

Jail capacity and occupancy

Against a sanctioned capacity of 210 (200 male and 10 female), 267 (259 male and 08 female) prisoners are accommodated in the jail. No children are residing in the jail with their mothers/guardians. Pregnant women prisoners were also not reported to be present.

UT prisoners

Since this jail essentially functions as a remand jail, mostly under trial prisoners are seen lodged here. 262 under trial prisoners (254 male and 8 female) are lodged in the jail, out of which 122 (117 male & 05 female) are session- committed. No prisoner is sentenced to simple imprisonment (SI). Only 05 male prisoners are sentenced to rigorous imprisonment (RI). According to data furnished by prison administration, among the under trials, **138 prisoners** have spent more than **06 months** in jail; **19 prisoners** more than **one year**; **60 prisoners** more than **02 years**; **27 prisoners** more than **03 years**; **04 prisoners** more than **04 years**; **02 prisoners** more than **05 years** and *one prisoner more than 06 years.*

Krishna Oraon from village Badka Bedal PS Bhandra (booked u/s 118/10 ST Act) **has spent 06 years in jail.** A case U/s 306 is pending against him. Govinda Oraon from Late Lede village (booked u/s 302, 34 IPC) and Manoj Kujur village Doba, PS Kuru (booked U/S 302/34 IPC) **have spent more than 05 years in jail.** Ustak Ansari village Tigra (U/s ST act,154/12), Mangru Oraon, village Jamgain, Bhandra PS (booked U/s 376 IPC), Budh Deo Oraon, Badmars Bhati Toli village PS Kuru (ST Act 107/12) and Naro Pahan village Hiri Tiriya toli P.S. Lohardaga (booked u/s ST Act 173/12) **have spent 04 years in jail.** It is unfortunate that under trial prisoners are forced to spend long years in jail due a variety of reasons. If timely production of prisoners before the courts has been taking place regularly, as claimed by jail administration, under trial prisoners would not have had to spent so many years in jail, whiling away their time. It needs to be ensured that all prisoners are provided necessary legal assistance as well as legal counseling. They ought to be produced before courts regularly. Cases against them ought to be tracked

regularly. Video-conferencing need to be efficiently utilized. Overall coordination between police and prison administration ought to be ensured.

Condition of prisoners. It was mentioned that the sanctioned capacity of each of the wards is 25 prisoners. Most of the wards, however has prisoners exceeding sanctioned capacity (Av.129.5%), ranging from 31-37 prisoners.

I visited some of the wards and had interactions with the inmates. As the actual number of prisoners exceed sanctioned capacity there is considerable over-crowding. The wards were generally clean and had enough ventilation. TV sets have been provided in every ward. Lights and fans were in working condition. The condition of toilets was satisfactory. Drinking water was available .

I spoke to some of the prisoners. Mangru Bhagat 75 has a 'half murder case"(u/s IPC 307) case against him. According to him, although was on bail, again a warrant was issued against him for not complying with bail conditions. He stated that due to his advanced age and illness he could not do so. He has a lawyer and is expecting to get bail once again. Guddu Sahu is booked in a case U/s 376 IPC and has spent 1 1/2 years in jail. He stated that witnesses are not appearing in his case due to which his case is lingering. He already had 05 years imprisonment.

Raja Oran 18 has a theft case registered against him and has been in jail for four months. Irshan Khan is also involved in a theft case. He stated that he did not *have a lawyer*. He pointed out that court cases are very slow; bail is not granted quickly. He alleged that money is illegally taken for witness production. Ashok Mahto is booked u/s 302 IPC. He stated that he was forced to stay in the thana for 08 days . He was also asked to name some one in the case when he refused his name was included .

Bijay Kerketta is an ex-BDO. He is booked u/s 376 IPC and has been in jail for last one year. It was stated that the police raided his home and took objectionable materials in his mobile and thereafter, FIR was filed against him. Sandeep Kumar 20 is from Bihar .He is involved in a kidnapping case. He complained that lawyers are cooperating with him. Sukra Munda 68 is in jail for last 2/12 years. A case u/s 376 has been registered against him. His stated that his case is nearing completion. But witnesses were not appearing .Hence the case got delayed.

I visited ward no 05. Against a sanctioned capacity of 25 , 33 prisoners are kept. The ward has sufficient number of lights.05 fans were in working condition. It is seen that a color TV has been provided.

I spoke to some of the prisoners. Santosh Chodhury is allegedly involved in 09 cases-07 murders and 02 kidnapping cases. He stated that his cases had just concluded. Baleshwar Kherwar 56 has against him a case of murder of his wife. He has already spent 3years and one month in jail. Dharmura 60 is also allegedly involved in a murder case. He has spent 4 1/2 months in jail. Dillep Oraon 25 is in jail for allegedly raping his uncle's daughter. He has spent 2years 02 months and 12 days in jail.

Most of the prisoners complained about poor progress in their cases. Non /delayed production before courts, non- appearance of witnesses, inadequate legal support, not organizing Lok Adalats / and corruption at various levels were pointed out by them. IG (Prisons) ought to look into these grievances without any delay. SP Lohardaga also needs to look into the delay at every stage in conducting cases.

Women Prisoners

Against a sanctioned capacity of 10 prisoners , 08 female prisoners are lodged in the female section in the jail. As mentioned, no children are staying with their mothers.

The female ward is located in an old building. It is somewhat spacious. With windows there is sufficient ventilation in the rooms. Out of four fans only two were functional and 03 lights were functional. The only tube light was not working. A hand tube well is available nearby which was found to be functional.. There were three toilets one inside the ward and two outside. Condition of both were satisfactory. A separate bathroom is available. The drains around were newly sprinkled with bleaching powder. Women prisoners cook their own food in their enclosure.LPG facilities are available for this purpose. No crèche facilities are available

I spoke to all the women prisoners. Satyavati Oraon 40 is in jail since 2013. She has spent more than 03 years in jail. She is allegedly involved in a trafficking case. Runa Devi 55 is booked u/s 304 IPC. Savitri Devi 42 was admitted on 22-03-2015.

Power Supply

It was stated that 24 hour power supply is available in the jail. Two generators of 15 KV & 5 capacity each are installed as back up.

Food supply

The kitchen is well-lighted and ventilated. Pipe water supply is available for cooking, washing and cleaning purposes. LPG stoves are available for cooking purposes. 12-14 prisoners are working in the kitchen. In the general kitchen food is cooked for male prisoners. As mentioned women prisoners have their own set up for cooking food. Average cost of food / prisoner comes to RS.38/-Prisoners are paid through pass books. *Dal/vegetables* and rice are served for lunch and *dal, roti* and vegetables for dinner. Tea also is served twice.

Education

It was reported that no regular government instructors have been deputed to teach the prisoners, both male and female. Open School system is not functional in the jail.

Despite the fact that most of the prisoners are under trials, a comprehensive plan for promoting education among prisoners needs to be put in place. Volunteers from among the prisoners could coach others. University education also needs to be promoted amongst those who would like to pursue their studies with the help of IGNOU.

Health care

Health care of prisoners is managed by a single (male) jail doctor. It was stated that a lady doctor from the Sadar Hospital makes a visit to the jail once a week. No pharmacist or paramedical staff are posted. Two of the prisoners have been trained to help the MO.

It is seen that no proper hospital with indoor facilities is set up in the jail . The civil and juvenile prisoner's wards have been converted to a 'hospital' ,with 15 beds. Bed occupancy reported was 09 only. No isolation ward is seen set up. Wards were well ventilated and the floors were tiled and looked clean. Lights and fans in the hospital ward were functional. Adequate number of toilets were

available both inside and outside the wards. It was mentioned that health screening of prisoners is undertaken at the time of admission..

I spoke to some of the indoor patients. Sulaieman Anzari 70 is booked for murder of his son. He is suffering from hyper tension. Nazin Ansari is suffering from jaundice and gall stones. Biru Oraon 35 is jailed in connection with a witch-murder- case. He allegedly set fire on a husband and wife who were branded for allegedly practicing witchcraft. Kanil Nagesia 18 is alleged to have murdered his father. He has spent two years in RINPAS. Now he is suffering from TB and epilepsy. S P Sahu 41 is suffering from mental illness. A case is registered against him u/s 302 IPC for murder of his wife. He also was in RINPAS for five months. Amin Oraon 32 too is involved in a witch- murder case. He has signed the bail bond. He too suffers from epilepsy. *Ranjit Asur is a member of primitive tribe (Asur)*. He stated that he was grazing cattle in his village when the alleged murder took place. He pleaded innocent. He has already spent 3 years and 03 months in jail. He suffers from epilepsy. His case needs to be looked into. Laldeep Karwar is alleged to be a sub- zonal commander of the Maoists. He stated that he has been a Maoist for 10-11 years. He spent eight years in the forest. He surrendered at the instance of the state government promising money on surrender. He has received Rs.11/2 lakhs which was promised. He became a mental case and spent 06 months in RINPAS. He is likely to be shifted to the Open Jail in Hazaribagh.

Video-conferencing

Video-conferencing facilities are available in the jail. It was stated that 20-25 prisoners are produced before the courts through video conferencing, on daily basis.

Legal Aid

It was stated that District Legal Services Authority is functional in the district. 03 lawyers, including a woman lawyer, deputed by the Authority provide counseling to prisoners. Two of the prisoners have been trained as Para- legal volunteers to assist prisoners in legal matters. However, it is learned that one of them was released on 18-8-2016.

Access to justice

It was mentioned that prisoners are produced before magistrates on a regular basis . It was learned that no appeals have been filed by the prisoners and that no prisoner is languishing in jail after getting bail, for want of sureties.

Lok Adalats

No information was provided whether *Lok Adalat* is being regularly organized or not in the jail.

Parole/ Remission

Being a remand jail paroled are not being sanctioned at present and remissions are also not considered. However, in respect of convicted prisoners paroles/remissions ought to be sanctioned as per rules.

Visitors

A Visitor Management System (VMS) is functional in the jail. Due to paucity of space visitors are allowed to meet their family only across a counter. Visitors are allowed to meet visitors only once a week.

PCOs/Telephone

It was stated that two telephones booths have been set up to enable prisoners to communicate with their families. Prisoner volunteers have been trained to operate the system.

Board of visitors

There was no information available about constitution of a visitor's Board.

Complaints management

A complaint box is installed to receive complaints from prisoners. There is every need to have prisoner's Durbar. District collector and SP ought to have periodic interaction with the prisoners.

Library

A small library with 501 books is seen set up in the jail for use of prisoners.

Cultural programs

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It was learned that cultural programs are being regularly organized in the jail

Sports

As far as outdoor games are concerned, only facilities for playing volley ball are available. Among indoor sports facilities, only carom is available. *No sport facilities are available to women prisoners.*

Religious activities

There are no organized religious activities in the jail. Prisoners are allowed to follow their own religious practices. Religious festivals are also celebrated by prisoners of all communities

Yoga/Gym

Yoga classes are being organized with the help of trained volunteers. Gym facilities are not available.

Recreation It is seen that color as well as black & white TV sets have been provided in all wards for entertainment of the prisoners. Canteen facilities are available in the jail. 05 news papers are supplied to prisoners. Women prisoners also need to be supplied news papers.

Vocational Training

Being a remand jail, no vocational trainings are being organized. However activities could be organized for convicted prisoners. Under trials could also join them.

Drug De-addiction program

No drug de-addiction program is being organized in the jail.

Role of NGOs

As already mentioned services of Non Governmental Organizations (NGOs) are not being currently utilized.

Inspections

It was stated that inspections are conducted by the District Judge/CJM and the DM. Besides, regular inspections are being carried out senior prison officials.

Security

15 CCTVs have been installed out of which only 06 are stated to be functional. It was mentioned that non-functional CCTV cameras have been repaired. Two mobile jammers have been installed.

Details of security provided were not furnished by jail authorities. There is however need to sanction more posts of security staff. Security arrangements -both external and internal-need to be periodically assessed.

Budget

It was confirmed that sufficient funds are available for jail activities. A sum of Rs 1,93,82,00 (Rs. one crore ninety-three lakh) is the budget allocation for this jail for 2016-17 out of which Rs.40 lakhs constitute salary of jail staff and officials. A sum of round Rs.73 lakhs is spent on ration; Rs. 2.8 lakhs on generators; Rs.1,90,000 on medicines and Rs.65,000 for uniforms.

To ensure more efficiency it would be useful to allow the jail to have Rs.5 lakh as untied funds for meeting expenses of urgent nature for welfare of prisoners, including urgent minor civil works /repairs. Funds could be administered by a committee comprising of the DM/SP and the jail superintendent. Meeting ought to be held in the jail premises.

Regular auditing of funds received ought to be carried out. Civil construction works ought to be closely monitored.

Jail Manual

Jharkhand is still following the Prisons act, 1894 and 1900 . Bihar has already enacted the Bihar Prison Manual,2012. It is high time that a new Jail Manual is brought out quickly by the State Government.

Modernization

There was no indication about a modernization plan for the jail.

Observations/ Recommendations:-

The district of Lohardaga was created 33 years ago. District Jail, Lohardaga continues to function as a sub jail, despite its up gradation.

General recommendations/suggestions have been included in various sections of this report. However specific recommendations in respect of this jail are summarized below:-

1. To post a regular Jail Superintendent
 2. Upgrade infrastructure/plan for modernization
 3. Fill up staff vacancies
 4. Post additional security staff
 5. Reduce under trial population/ ensure prisoners access to justice/ arrange counseling of prisoners with the help of reputed institutions
 6. To up-grade hospital/Lab facilities
 7. Screen for mental illness/TB Malaria/HIV/AIDS
 8. To post a regular ANM
 9. Full compliance of SC-directions on women prisoners/children
 10. To set up telephone management system/meeting with visitors
 11. To set up a complaint management system
 12. To up-scale/diversify vocational activity
 13. Sanction untied funds
 14. Involve NGOs in various activities
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