



LIVING CONDITIONS AND HUMAN RIGHTS OF INMATES

**Status in 14 Prisons of the Five States
in North-Eastern Region**

(Volume-III)



**NATIONAL HUMAN RIGHTS COMMISSION
INDIA**



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Chairperson NHRC

PREFACE

The National Human Rights Commission is mandated to visit jails or other institutions under the control of State Governments, where persons are detained or lodged for the purposes of treatment, reformation or protection for the study of living conditions of the inmates and make recommendations thereon to the Government. In accordance with this mandate, the Commission has been visiting such institutions especially, prisons to obtain a firsthand assessment of the living conditions prevailing there. The Commission has especially assigned this job to its Special Rapporteurs, who have carried out a large number of visits to different prisons located across the country.

It was considered useful to have all the reports submitted by the Special Rapporteurs on the basis of above visits compiled so that the students and researchers interested in the subject may have an easy access to them. Accordingly, a region wise compilation of the reports has been prepared by Dr. (Ms.) Balbir Teja, Consultant, NHRC. Shri J.S. Kochher, Joint Secretary, NHRC provided useful inputs in the preparation of these compilations. These have been distributed into different volumes based upon the region in which the prisons are located. The first Volume covers 18 prisons located in the four States in Southern region, while the second Volume covers 20 prisons located in Union Territory of Chandigarh and 8 States. The third Volume covers 14 prisons located in the five States of North-Eastern region.

I hope these compilations of prison reports will be found useful by researchers working in the area of prison reforms and related issues pertaining to civil and political rights.

(Justice K.G. Balakrishnan)

New Delhi
10 December, 2013

INTRODUCTION

Prisoners housed in jails have a right to life with dignity even while in custody and it is the responsibility of the State to ensure protection of human rights of persons in custody; provide them best possible facilities admissible as per law to prisoners to maintain their dignity; ensure protection of their human rights; reform prisoners by involving them in various spiritual and educational activities; and engage them in various vocational training and works programmes to rehabilitate them after their release from prisons.

The National Human Rights Commission under section 12 (c) of the Protection of Human Rights Act, 1993 had been entrusted with an important mandatory function of visiting the prisons under the control of the State Governments where persons are detained or lodged for the purpose of treatment, reformation and protection, so as to assess the living conditions of prison inmates and suggest remedial measures.

In accordance with the above mandate, the Chairperson and Member, NHRC, Honorary Representative, and Special Rapporteurs, of the Commission had been visiting the prisons in various parts of the country to study the functioning and performance of prisons; evaluate the living conditions of prison inmates; review the protection of human rights of prisoners; and assess the strengths and weaknesses of prison administration and management. The jails covered by Member and other officials of National Human Rights Commission in the North-Eastern Region of India are given below:

North Eastern Region

1. Assam

Shri Chaman Lal, Honorary Representative of NHRC visited the Central Jail Jorhat on 21 and 22 December, 2007; District Jail Golaghat on 20 and 21 December, 2007; and Mohendra Nagar Open Air Jail on 22 December, 2007. Shri S.K. Tiwari, Special Rapporteur, NHRC visited Central Jail Tezpur on 27 October, 2008.

2. Meghalaya

Shri Chaman Lal, Special Rapporteur visited District Jail Jowai on 7 June 2006; and District Jail Shillong on 8 June 2006.

3. Nagaland

Shri Chaman Lal, Honorary Representative, NHRC visited Central Jail Dimapur on 24 November, 2007; District Jail Kohima and Sub-Jail Dimapur from 24 to 29 November, 2007.

4. Sikkim

Shri Damodar Sarangi, Special Rapporteur visited Central Jail Rongyek on 10 and 11 September, 2008.

5. Tripura

Justice Y Bhaskar Rao, Member and Shri Chaman Lal, Special Rapporteur NHRC visited the Central Jail Agartala, Female Jail Agartala and District Jail Udaipur, South Tripura on 11 and 12 June, 2004 and Special Rapporteur visited the Sub Jail Sonamura, West Tripura on 13 June, 2004.

The issues covered during the visits included the following:

- Adequacy and effectiveness of physical and social infrastructure;
- Problems of congestion and overcrowding of space available in the prison;
- Institutional arrangement for keeping of prison inmates, women, adolescents; children and mentally sick persons; freedom of communication;
- Various aspects relating to treatment of prisoners with reference to the basic needs compatible to the dignity of human life;
- Living conditions including issues related to food, water, protective clothing and linen, personal hygiene and sanitation, lighting and ventilation;
- Special problems of children (0-6 age group) staying with convicted mothers;
- Avenues of recreation including games, sports, bhajans, yoga and pranayama for inmates;
- Interviews with family members/relatives;
- Literacy programmes run inside the prison for the benefit of inmates;
- Issues related to work programmes and occupational therapy;
- After care and rehabilitation of released prisoners;

- Medical examination on admission, a regular medical check-up and medical care and treatment including specialized treatment of contagious diseases like tuberculosis, HIV, respiratory, cardio vascular and terminal ailments etc.;
- Scrutiny of deaths in the prison;
- Strength of prison staff in terms of custody, security, institutional discipline;
- Rules and regulations governing the management of prisons;
- Procedure regarding the internal management of prisons with a view to uphold the rights of prisoners;
- Availability of legal help;
- Jail Adalats (Courts);
- Board of Visitors;
- Record Keeping;
- Issues relating to trial and bail of UTPs;
- Issues relating to premature release, parole and furlough of convicted prisoners.

PRISON PROFILE

The infrastructure of each prison should meet the well-defined norms. The prison infrastructure should be environmental conducive for the reformatory treatment and should also provide the necessary facilities for prisoners to be treated as human beings.

Prison profile including brief history, prison infrastructure, problems of overcrowding, and types of prisoners housed in different prisons of 5 States of the North- Eastern Region of India visited by Member NHRC, Special Rapporteurs and Honorary Representatives of NHRC is as follows:

PRISONS IN ASSAM

Central Jail, Jorhat

Date of Visit: 21 and 22 December, 2007

Central Jail, Jorhat was established as a District Jail in 1947 and upgraded as Central Jail in 2002. The Jail building constructed in 1911 had 9 living barracks for male and 2 barracks for female inmates; 8 cells; a jail hospital in both male and female sections; Kitchen; TB ward/barrack; prayer building (Naingarh); and a separate administrative building with attachment of security guard. Women Jail was established in a separate enclosure within the main jail.

The Central Jail Jorhat had the authorized capacity to house 670 prisoners including 646 male and 24 female inmates. The actual prison population of 485 prisoners including 14 female prisoners and 4 children below 6 years staying with their mothers in the women jail showed prison occupancy of 72.4 per cent and idle capacity of 27.6 per cent. The overcrowding, therefore, was not a problem in the jail.

The jail population included 276 convicts; 194 UTPs; and 15 detenues. The convicts included 226 male and 1 female prisoner sentenced to life imprisonment and 1 sentenced to capital punishment. The UTPs constituted 40 per cent of the total jail population.

The female enclosure was housing 4 convicts including 1 lifer; 7 UTPs; 3 detenues and 4 children staying with their mothers on the day of visit. Against

the authorized capacity to house 24 female prisoners, the female population of 14 prisoners on the day of the visit showed no problem of overcrowding.

Central Jail, Tezpur

Date of Visit: 27 October, 2008

The buildings of the Central Jail Tezpur were very old. The jail had the land area of more than 30 acres and built up area of 9 acres. The jail had the authorized capacity to house 725 male and 22 female prisoners. The actual population of 473 male, 14 female prisoners and a child of 2 years staying with his mother showed prison occupancy of 65 per cent in the male section and 63 per cent in the female section and idle capacity of 35 per cent in male section and 37 per cent in female section. Though there was no overcrowding in the jail, the 2 female wards were actually found to be unfit to keep even one prisoner and the 14 male wards also did not have the claimed capacity and were found to be overcrowded.

The old buildings of male wards were in a somewhat better state due to repair, but female wards were not habitable. The Medical Ward and the Isolation Ward being used for housing mentally ill convicts/undertrials were equally unsuitable for habitation. The jails buildings required a lot of money and effort to bring them to some acceptable standard.

Suggestion

- The IG Prisons may visit the prison and assess the need to repair the building.

District Jail, Golaghat

Date of Visit: 20 and 21 December, 2007

The District Jail Golaghat was shifted from its old location in the heart of Golaghat town to a newly constructed jail in March, 2005. The Jail had a total area of 74 bighas; 9 living barracks including 6 for male and 3 for female inmates; 15 cells for housing segregated prisoners suffering from TB and other infectious diseases; kitchen; library; hospital; and women enclosure.

The prison had the authorized capacity to house 148 prisoners including 115 male and 33 female inmates. The actual population of 339 prisoners including 329 male and 10 female prisoners on the day of the visit showed an overcrowding of 129 per cent. The prison population of 339 inmates comprised of 113 convicts including 64 lifers and 226 UTPs. The UTPs constituted 66.7 per cent of the jail population.

Women prisoners were lodged in a separate enclosure within the main jail compound. The female enclosure had 3 living barracks. Against the authorized capacity to house 33 female prisoners, the actual population of 10 female

prisoners including 3 convicts and 7 UTPs on the day of the visit showed no problem of overcrowding in the female section.

Mohendra Nagar Open Air Jail

Date of Visit: 22 December, 2007

Mohendra Nagar Open Air Jail was governed by the Assam Superintendence and Management of Jails (Supplementary Provisions) Rules, 1968. As per the rules IG Prison, Assam was authorized to select suitable prisoners, particularly lifers from different Jails of Assam in the month of January every year. The criterion for selection of prisoners for admission to Open Air Jail included non-habitual convicts in the age group of 21 to 60 years; having good conduct and record in jail; having physical fitness for working hard; sentenced to imprisonment of 5 years or above 5 years; already served at least one third of the total period on sentence with remission and have at least one year of unexpired portion of sentence.

Mohendra Nagar Open Air Jail was established as an "Open Air Agricultural-cum-Industrial Reformatory colony" in 1964 quite adjacent to the Central Jail Jorhat. This jail was spread over an area of 160 Bighas. The jail was set up with an authorized capacity to house 100 male prisoners. The actual population of 41 male inmates including 37 lifers on the day of the visit showed prison occupancy of only 41 per cent and idle capacity of 59 per cent.

PRISONS IN MEGHALAYA

District Jail, Jowai

Date of Visit: 7 June, 2006

District Jail Jowai was set up in March 1989. The new Jail building was inaugurated in November 1992 and commissioned on June 1, 1993. The jail had the land area of 43676 sq. meters (10.70 acres) and built up area of 3621.19 sq. meters. It had five wards; one cell; hospital building; dining hall; recreation hall; kitchen; and a room for running literacy classes. All the prisoners were accommodated in wards and the cell was not being used. The Female Section of the Jail had not been used till the time of the visit. The female prisoners of District Jowai were lodged at District Jail Shillong at a distance of 65 Km and were brought for appearance before the Court of Jowai. A separate building for Female Section adjacent to the main jail building was to be put to use after completion of the construction of security wall.

The District Jail Jowai had an authorized capacity to house 130 prisoners including 120 male and 10 female prisoners. The actual jail population of 121 male prisoners on the day of the visit showed no problem of overcrowding. The jail was holding 117 male Undertrial prisoners, 4 detenues and no convict on the

day of the visit. The Undertrial prisoners constituted 98.7 per cent of the total jail population.

District jail, Shillong

Date of Visit: 8 June, 2006

The buildings of District Jail Shillong were very old as this jail was established in 1897. The jail had land area of 5.5 acres; 9 wards including a hospital ward; 2 wards to house female inmates; and one room for vocational training, religious activities, and counselling purposes. The jail did not have a dining hall or a recreation hall.

The location of jail building in a crowded civilian area was quite objectionable. There were, however, no plans for shifting the jail to a suitable location as the Government had sanctioned an amount of Rs. 9.6 crore for renovation and new construction at the same site. The administrative building constructed in Phase-I was ready for occupation. This would provide space for facilities of vocational training, which was conspicuously absent at the time of the visit. The construction of a barrack for convicts, kitchen and dining hall, a recreation hall was planned to be undertaken in Phase-II. There was a provision for construction of workshops for male and female prisoners in Phase-III of construction.

The jail had an authorized capacity to house 150 prisoners including 135 male and 15 female prisoners. The actual population of 315 prisoners including 302 male and 13 female prisoners on the day of visit showed an overcrowding of 123.70 per cent in the male section and no overcrowding in the female section. The congestion in District jail, Shillong was expected to decline with the completion of construction work of 2 new district jails of West Khasi Hills and Ri-Bhoi.

The Jail was holding 265 UTPs including 8 female UTPs, 41 convicts including 5 female, and 9 detenues on the day of the visit. The UTPs held in the jail included 92 UTPs of other districts such as West Khasi Hill District Nongstoin, Ri-Bhoi (Nongpoh) and 2 female UTPs of District Jowai. The UTPs constituted 84.13 per cent of the jail population.

PRISONS IN NAGALAND

Central Jail, Dimapur

Date of Visit: 24 November, 2007

The Central Jail, Dimapur was established in 1965 following the creation of State of Nagaland in 1963. The jail was spread over an area of 60 bighas. The 4 of the 11 living barracks were earmarked for convicts and the remaining 7 for UTPs. However, an objectionable practice observed during the visit was that convicts were housed in 3 barracks and convicts and UTPs were housed together in the

remaining 8 barracks. The convicts held together with UTPs were of good physical and mental ability. It appeared that the convicts were selected carefully for exercising control over the UTPs. Since the living conditions in the wards housing convicts were better than wards housing UTPs, the lower functionaries were keeping UTPs in the convict's wards without consulting the jailor for some consideration.

The jail had the authorized capacity to house 600 prisoners. The actual population of 250 male prisoners including 93 convicts, 152 UTPs and 5 NSA Detenues on the day of the visit showed prison occupancy of 41.6 per cent and idle capacity of 58.4 per cent. The 93 convicts housed in the jail included 6 lifers and the 152 UTPs held in the jail constituted 61 per cent of the jail population.

Central Jail, Dimapur was not holding any female prisoners at the time of the visit as female prisoners had been shifted to Sub-jail, Dimapur about two years back. However, 8 female warders sanctioned specifically for female prisoners continued to stay in Central Jail, Dimapur and their services were being utilized for handling the interviews.

District Jail, Kohima

Date of Visit: 24 to 29 November, 2007

District Jail, Kohima was established in the late 19th century. It had six separate buildings and four of these six buildings were constructed in 1950. The kitchen was built in 2000, and a double storey barrack was added in 2006. The 8 male and one female ward of the jail were designed to accommodate 15 inmates each. The two cells in the jail were used as isolation wards for housing patients infected with TB, Leprosy and other infectious diseases.

District Jail, Kohima had an authorized capacity to house 110 prisoners including 102 male and 8 female prisoners. The actual population of 107 prisoners including 100 male and 7 female prisoners and a child below 5 years staying with his mother on the date of visit showed no problem of overcrowding. Prison was holding 104 UTPs and 3 convicts. The UTPs constituted 97 per cent of the jail population.

Sub Jail, Dimapur

Date of Visit: 24 to 29 November, 2007

The 30 year old building of Sub Jail Dimapur comprised 3 male and 2 female barracks. This jail had an authorized capacity to house 100 prisoners. The actual prison population of 39 prisoners including 24 male, 15 female prisoners and one child staying with his mother on the day of the visit showed prison occupancy of 39 per cent and idle capacity of 61 per cent. The jail was housing 16 convicts including 2 lifers, 22 UTPs and 1 Detenue. The UTPs constituted 56 per cent of jail population on the day of the visit.

PRISONS IN SIKKIM

Central Prison, Rongyek

Date of Visit: 10 and 11 September, 2008

The jail had an authorised capacity to house 138 prisoners including 118 male and 20 female prisoners. The actual population of 182 prisoners including 174 male and 8 female prisoners on the day of the visit showed overcrowding of 32 per cent. The overcrowding in this prison had been attributed to the fact that prisoners of the North and West districts remanded to custody were being accommodated in the Central Jail because these districts had no separate jails. With the commissioning of the prison for the West district which was under construction at the time of the visit, the problem of overcrowding in this prison was expected to ease. The jail population comprised 115 UTPs and 67 convicts including 1 female. The UTPs constituted about 63 per cent of the prison population.

The Central Prison was located on the slopes of picturesque hills at an altitude of 6200 to 6500 feet in the outskirts of Gangtok. It had the land area of 26 acres comprising 13 acres within the perimeter walls and 13 acres outside. The jail had 9 wards including a separate ward for female prisoners. The total plinth area of these wards was 8819.56 sq.feet. Convicts and UTPs were kept in separate wards. The 8 female prisoners including 1 convict were staying together despite having separate accommodation for the female convict in the female ward because she opted to stay with the UTPs to ward off loneliness.

Suggestion

- The convicts and UTPs should be housed separately in the prison.

PRISONS IN TRIPURA

Central Jail, Agartala

Date of Visit: 11 and 12 June, 2004

The Central Jail Agartala was established in 1874. Central Jail was spread over an area of 21.0 acres and had 12 wards. It was reported that 5 wards were used for housing convicts; 5 wards for keeping under-trial prisoners; 1 ward was earmarked for keeping mentally ill persons; and 1 ward was demolished and was being rebuilt with a capacity to house 144 prisoners. The construction was expected to be completed by August end. The jail had a separate Hospital building and a kitchen complex. Although jail buildings were old, the standard of maintenance was fairly good. The jail campus was being kept clean and beautiful by developing and maintaining lawns and flowerbeds.

The prison had an authorized capacity to house 245 male prisoners. The actual population of 503 prisoners on the day of the visit showed an overcrowding of 105 per cent. The prison population comprised 197 undertrial prisoners and 306 convicts including 208 lifers. The undertrial prisoners constituted 39 per cent of the total prison population.

Female Jail, Agartala

Date of Visit: 11 and 12 June, 2004

Female jail, Agartala was functioning in a separate building situated adjacent to the Central Jail. This jail had the authorised capacity to house 30 prisoners. The actual population of 18 prisoners including 12 convicts, 6 undertrials and a 3 months old child staying with his mother on the day of the visit showed no problem of overcrowding.

District Jail, Udaipur, South Tripura

Date of Visit: 11 and 12 June, 2004

The District Jail, Udaipur was established on 23 July, 1954 and was upgraded to district level on 15 August, 1978. The jail had an authorized capacity to house 54 male and 2 female prisoners. The actual population of 136 prisoners including 91 convicts, 44 undertrial prisoners and 1 civil prisoner on the day of the visit showed overcrowding of 143 per cent. It was reported that one additional ward with capacity of 100 prisoners was under construction. The completion of this ward was expected to solve the problem of overcrowding. The 91 convicts included 53 lifers and 44 undertrial prisoners constituted 32 per cent of the total prison population. This jail was also required to house female undertrial prisoners. The number of female prisoners held in this jail, however, remained very small. There was no female prisoner in the jail on the day of the visit.

Sub Jail, Sonamura

Date of Visit: 13 June, 2004

This jail was established in 1961 with a capacity of 25 prisoners. The present building of the jail was constructed in 1974 with the authorized capacity to house 54 male and 2 female prisoners. The actual population of 71 male and no female prisoner on the day of the visit showed overcrowding of 25 per cent. The female prisoners were seldom kept in this jail. It was reported that 10 female prisoners were lodged in this jail in 2003 and one in 2004 for one day only. The 46 convicts including 28 lifers held in this jail were sentenced to rigorous imprisonment and 25 UTPs housed in this jail constituted 44.6 per cent of the total prison population.

LIVING CONDITIONS OF PRISONERS

A person does not become a non person merely on account of being in jail custody. Prisoners have certain human rights which flow from the fundamental right to life with dignity even while in jail custody. These human rights are irreducible barest minimum needs which include wholesome, sumptuous and nutritive food according to certain prescribed scales; food cooked in clean environment and served properly; adequate quantity of potable water for drinking and adequate quantity of water for cooking, bathing, cleaning, washing, and flushing the toilets; proper clothing and bedding; personal hygiene and sanitation; proper arrangements for their recreation and communication with their friends/relatives/family members and legal advisor etc.

i) Food

The status of meeting the minimum basic requirements of food in different prisons of 5 States of the North- Eastern Region of India is as under:

PRISONS IN ASSAM

Central Jail, Jorhat

The food was being served to the prison inmates as per the provisions of the Jail Manual. The prisoners were found to be satisfied with the quantity and quality of food served to them. However, some convicts while making a mild complaint about the same dal being supplied on every day of the week expressed their desire to have some variety in the menu.

The female prisoners seemed to be satisfied with the food served to them from the main kitchen. However, no separate scale of food was prescribed for the children staying with their mothers in the jail. It was observed that among the 4 children staying in the prison at the time of the visit, only one child was provided special diet and the remaining 3 children of a UTP admitted in a case of immoral trafficking in women were not provided any item of special diet. They were being provided adult meal of rice and dal. Female head warder was found to be totally unaware about the provision of special diet for the children and the Assistant Jailor was not taking any interest in such matters.

Kitchen compound having an open drainage very close to the place of cooking was found to be highly unhygienic. There was no provision of regular medical examination of prisoners engaged in cooking.

Suggestions

- A separate scale needs to be laid for the children as per their nutritional needs to be determined by the expert Committee.
- The I.G. Prison may seek the useful information from IG Prison, Jharkhand where this measure has already been introduced at the instance of NHRC.
- Prisoners working in the kitchen as cooks must be subjected to medical examination periodically.

Central Jail, Tezpur

The prescribed scale of rations appeared to be adequate. The quantity and quality of food appeared to be satisfactory. The average daily per capita expenditure on food was Rs. 29.25.

District Jail, Golaghat

Food was provided to prisoners as per the provisions of the Jail Manual. The average daily per capita expenditure on food was Rs. 24. Prisoners including female inmates were found to be satisfied with the quantity and quality of food served to them. The wood was used as fuel for cooking food in the kitchen.

Suggestion

- Environmentally unfriendly practice of use of fire wood as fuel needs to be stopped by introducing cooking gas in jails.

PRISONS IN MEGHALAYA

District Jail, Jowai

The daily average per capita expenditure on food was Rs. 28.50. The scale of diet fixed as per the provisions of the Assam Jail Manual was found to be adequate. The prisoners expressed their satisfaction with the quantity and quality of food. Prisoners were served morning tea with chapattis and molasses. The lunch was served at 10 AM and evening meal at 4 PM.

Suggestion

- The prisoners may be served a cup of tea with biscuits/bread to cover the long gap between lunch and dinner.

PRISONS IN NAGALAND

Central Jail, Dimapur

The daily scale of ration comprising 600 grams of rice and atta, 150 grams meat,

200 grams vegetables, 100 grams dal, and 20 grams sugar appeared to be sufficient. The daily per capita expenditure on food was Rs. 47. The Mutton was served twice a week and egg curry once a week. The fire wood was used in the kitchen for cooking food. Prisoners were served lunch at 9 AM and Dinner at 3 PM. The gap of 18 hours between the main meals indicated lack of care and concern for the prisoners housed in the jail.

Suggestions

- Use of fire wood as fuel for cooking food needs to be replaced with LPG.
- DG Prison should make surprise checks to ensure that the prisoners are supplied food as per the prescribed scale.
- D.G. Prison may examine the possibility of changing the meal timings to 11 AM and 4 PM. While UTPs going out for court production may be served lunch around 9 AM and others may be fed around 11 AM.

District Jail, Kohima

The food was provided to prisoners as per the scale and prisoners were found to be satisfied with the quantity and quality of food served to them. The daily average per capital expenditure on food was Rs. 35. The prisoners were served lunch at 9 AM and dinner at 3 PM.

Suggestion

- The food timings in the jail may be reviewed and changed appropriately.

Sub Jail, Dimapur

Prisoners were found to be happy with the quantity and quality of food supplied to them. The firewood was used for cooking food. The prisoners were served lunch at 9 AM and dinner at 3 PM. No separate scale of food was prescribed for children staying with their mothers in the prison and the children were served the same food as served to the adult prisoners.

Suggestions

- The firewood should be replaced with cooking gas.
- The meal timings may be reviewed in view of long gap of 18 hours between dinner and lunch.
- A separate scale should be fixed for the children staying in the prison with their mothers in consultation with nutrition experts.

PRISONS IN SIKKIM

Central Prison, Rongyek

The cereals and pulses were being provided at a much higher scale than recommended in the Model Prison Manual formulated by the BPR&D, and the

green vegetables, milk, meat and sugar were provided at a much lower scale than the recommended scale. The daily per capita expenditure on food was approximately Rs. 57. The higher rate of daily per capita expenditure on food was mainly due to the expenditure incurred on transport of groceries, vegetables etc. The prisoners were served morning tea followed by breakfast containing bread and jam or Mudi between 0600 hrs and 0630 hrs. The lunch containing rice, roti, dal and vegetables was served between 0830 hrs and 0930 hrs. The non-vegetarian dish including Beef/ mutton/ eggs and occasionally fish was served only twice a month. The prisoners were served tea, chana/patato as tiffin around 1300 hrs and dinner containing rice, roti, dal and vegetables was served between 1730 hrs to 1830 hrs. The inmates appeared to be happy with the quantity and quality of food as they made no complaints.

Suggestion

- The scale of supply of green vegetables, milk, meat and sugar may be considered for up - gradation, if necessary by rationalizing the prescribed scale of supply of cereals and pulses.

PRISONS IN TRIPURA

Central Jail, Agartala

The scale of food had been fixed on the basis of daily requirement of 3500 and 2500 calories for the 'Hard Labour' and 'Medium Labour' prisoners respectively. The prescribed daily scale included 700 grams of rice for convicts sentenced to rigorous imprisonment and 613 grams for undertrial prisoners. Meat, fish and eggs were supplied to all prisoners once a week. The prisoners were found to be satisfied with the quantity and quality of food supplied to them.

Female jail, Agartala

The prison inmates were found to be satisfied with the quantity and quality of food served to them. A child of 3 months old staying with his mother in the jail was provided special diet of milk as per his needs.

Suggestion

- A separate scale of diet for children needs to be fixed in accordance with their nutritional requirements in consultation with some experts.

District Jail, Udaipur, South Tripura

The inmates were found to be satisfied with the quantity and quality of the food supplied to them. It was reported that most of prison inmates had gained weight after admission to jail as a result of liberal scale of rice and meat, fish and egg supplied to them once a week.

Sub Jail, Sonamura

Inmates were found to be satisfied with the scale of food and quality of cooking.

ii) Water

The status of meeting the minimum basic requirements of water in different prisons of 5 States of North- Eastern Region of India is given below:

PRISONS IN ASSAM

Central Jail, Jorhat

The water supplied from a tank outside the Jail by means of a pump set with a reservoir capacity of 5000 litres was found to be inadequate. Installation of one deep tube-well was expected to be completed in March, 2008. The female prisoners were found to be satisfied with the quantity of water supplied to them.

Central Jail, Tezpur

The drinking water was provided to prison inmates from municipal supply, 3 ring wells and 3 hand pumps. The quality of the water obtained from the ring wells was doubtful as no efforts had ever been made to get the quality of water checked.

District Jail, Golaghat

The supply of drinking water arranged from deep tube-well with filtering system and 4 hand held tube-wells stored in an overhead tank of 8000 litre capacity was found to be satisfactory. However, in the absence of any arrangement for testing the water, there was no surety about the quality of drinking water being supplied to prison inmates. It was reported that following the outbreak of a diarrhoea in April 2006, the Medical Officer wrote to the EE, PHE Golaghat on April 21, 2006 for supplying HWO water testing kit mentioning that "all jail inmates have been suffering from acute danger since 17 April, 2006", but PHE had not responded to the well explained urgent medical need.

Suggestion

- The quality of water needs to be tested. The Superintendent may approach the Deputy Commissioner Golaghat to get the water tested.

Mohendra Nagar Open Air Jail

The water supply arrangements in the prison were found to be unsatisfactory as the single tube well supplying water had been lying out of order for more than a month. The water was being fetched from the jail tank of the Central Jail.

PRISONS IN MEGHALAYA

District Jail, Jowai

The supply of water arranged from two tube-wells located within the campus was found to be satisfactory for drinking, bathing and washing purposes. The water supply was ensured round the clock with two overhead tanks including one RCC tank of 5000 Ltr. and another Polygon tank of 2000 Ltr. Capacity. The water supply arrangements for the staff quarters were being strengthened with the construction of an additional tube-well, a pump, storage tank and pipeline. The drinking water supplied to prison inmates including patients in the hospital was not being tested.

Suggestion

- The necessary arrangements should be made for getting the drinking water tested periodically.

District Jail, Shillong

The main source of water supply to the jail was a spring located within the jail campus. In addition to this, 2 connections had been taken from the Shillong Municipality Board Water Supply/PHE Department. The inadequate water supply from the above mentioned sources was supplemented by 3 to 4 additional water tanks provided by the Shillong Municipal Board on payment. The PHE Department had agreed to provide 2 additional connections to the jail for augmenting the water supply. The completion of Deep Water Boring work carried out by PWD in consultation with the Directorate of Mineral Resources gave a daily yield of 600 litres against the assured supply of 20,000 litres. The PWD authorities were apprised of the actual position and requested to explore possibilities to up-grade the work of Deep Tube Well Boring.

The prisoners were supplied boiled water for drinking purposes and water filters had also been provided in all the wards. However, no systematic testing of water had ever been carried out.

Suggestion

- Senior Medical and Health Officer needs to ensure the testing of drinking water at least once in every six months.

PRISONS IN NAGALAND

Central Jail, Dimapur

The arrangement of water supply from a ring well was considered to be satisfactory. The shortage of water was experienced in summer months and the services of a tanker were requisitioned. The Jail had to depend on other Government Departments as it did not have its own tankers.

Suggestion

- Jail should be provided with its own tanker.

District Jail, Kohima

The supply of water arranged through PHE was satisfactory except in the period between March and May when shortage of water was experienced. In the absence of its own tanker the jail had to arrange water by hiring water tanker from Home Guard, Fire Brigade or Kohima Municipal Counsel.

Suggestion

- The Jail should have its own tankers.

Sub Jail, Dimapur

The water supplied from two ring wells in the jail campus was reliable and satisfactory.

PRISON IN SIKKIM

Central Prison, Rongyek

The drinking water was supplied to prisoners from perennial springs, running about 7 kms away from the prison. This water was brought through pipelines by the Rural Development Department of the State Government. Diarrhoea was wide spread in Sikkim and its cause was contamination of drinking water.

Suggestion

- The water supplied from these springs should be filtered and disinfected adequately.

PRISONS IN TRIPURA

Female Jail, Agartala

The supply of water for drinking, bathing and washing purposes was found to be satisfactory and no complaints were made on this count.

District Jail, Udaipur, South Tripura

The supply of water through PHED and one deep tube-well was adequate to meet the drinking, bathing and washing requirements of all prison inmates.

Sub Jail, Sonamura

The water supplied by PHED was reported to be sufficient and reliable and one submersible pump was also installed in 2001 to augment the supply of water. The jail, however, had only one water storage tank. The SDM informed that one more underground storage tank would be constructed.

iii) Clothing

The status of meeting the basic requirements of clothing and bedding in different jails of 5 States of North- Eastern Region of India is as under:

PRISONS IN ASSAM

Central Jail, Jorhat

Convicts were provided clothes as per the provisions of the Jail Manual. Prisoners were found sleeping on the ground on the day of the visit. Although there was no mention of bed being an entitled item in the Assam Jail Manual, the old Prison construction was used to provide cement planks to serve as beds.

The scale of bedding included bed sheets, blankets, pillows and mosquito nets. It was observed that 422 of the 485 prisoners housed in the prison were not provided bed sheets and 442 prisoners were not provided pillows because of shortage of these items. The shortage of authorized items like bed sheets and pillows in the Central Jail presented a very poor picture of the state of living conditions in Assam Jails which were otherwise being administered very efficiently.

Suggestions

- The elementary facility of sleeping on bed needs to be extended to prisoners.
- The procurement of different items of clothing and beddings which are basic minimum needs of the prisoners should be planned properly to avoid shortage of authorized items.

Central Jail, Tezpur

The 2 male wards had 'sleeping berths' made of cement and concrete and the other 12 male wards and the 2 female wards did not have even those. Almost all the prisoners had been sleeping on the floor and prisoners were not provided bedding as per the scale due to shortage of items of bedding. The prisoners were practically supplied no clothing.

District Jail, Golaghat

As per the provisions of the Jail Manual, prisoners were entitled to have bed sheet, mosquito net, pillow and blankets. The convicts had been provided all items of clothing and 26 of the 339 prisoners housed in jail were not provided bed sheets and pillows because of short supply of these items. Prisoners were found sleeping on the ground in all the jails in Assam, as Cots were not an authorized item of supply. This was clearly out of tune with a number of progressive measures introduced by Jail administration in Assam.

Mohendra Nagar Open Air Jail

The prison inmates had been provided cots.

PRISONS IN NAGALAND

Central Jail, Dimapur

Rule 390 of the Assam Jail Manual which governs the functioning of Nagaland Jail says that "convicts shall wear prison clothing in accordance with the scale laid down in Rule 393, 395". The Jail Manual also provides for supply of clothes to undertrial prisoners "who cannot or do not provide for themselves". However, all the convicts were found to be wearing their private clothes. The DG Prison informed that issuing of clothing was stopped 10 years back. He, however, could not furnish any additional information on this subject. The destitute and poor prisoners who could not arrange clothes for themselves were provided clothing by NGOs and charity organizations.

The most objectionable practice observed in Nagaland jail was that some prisoners had been provided cots and some were made to sleep on the ground, with no objective criterion being followed for allotting cots. The DG Prison informed that Jail Department had not received supply of cots since 1988 when a scandal relating to purchase of cots at a rate of Rs. 5000 or so per cot had shaken the Department.

Although the Jail Manual provides for the supply of bed sheets, blankets, pillows and mosquito nets, prisoners were provided only blankets and no other items of bedding. This showed lack of concern for human dignity for human beings housed in prisons.

District Jail, Kohima

Despite a clear provision in the Jail Manual, convicts were denied the free supply of clothes and full items of bedding. It was observed that 50 per cent of the prison inmates were not provided cots and each prisoner was supplied just 4 blankets and no other items of bedding.

Sub Jail, Dimapur

Prisoners were sleeping on ground as they were not provided any cots. The convicts were not supplied clothes and bedding as per the provisions of the jail Manual. Against their entitlement of blankets, bed sheets, pillows and mosquito nets, the prisoners were provided only blankets and no other items of bedding.

PRISONS IN SIKKIM

Central Prison, Rongyek

The convicts were provided 3 pairs of uniforms per annum and there was no provision of providing clothing to UTPs. The convicts and UTPs were supplied 2

blankets and 1 durree for summers and 3 blankets and 1 durree for winters and 1 foam sleeping mat. The convicts were supplied 1 pillow each. There was no prescribed time period for replacement of clothing and bedding items. The superintendent mentioned that these items were replaced on becoming unserviceable. Some of the prisoners were found to be using torn bed sheets.

Suggestions

- As most of the UTPs lodged in this prison are very poor, the jail authorities may consider issuing at least 2 pair of uniforms to such indigent UTPs in a year.
- In view of the severity of winter in Sikkim, the prisoners may be provided with pullovers/ jackets as part of their clothing for winter.
- A time period may be fixed for replacement of all items of clothing and bedding and these items should invariably be replaced at the end of such time period. This should, however, not forbid the superintendent from issuing such items if the same become unserviceable for one reason or the other, before the lapse of the prescribed life period.

PRISONS IN TRIPURA

Central Jail, Agartala

It was reported that all items of clothing and bedding were being supplied to the prisoners as per scale. The supply of these items was found to be reasonable to meet the basic needs of prisoners. However, a number of convicts were found to be wearing no chappals or wearing their personal chappals

Female Jail, Agartala

The clothing and bedding were supplied to prisoners as per the provisions of the Jail Manual and no one made any complaint on this count. The sanitary napkins had also been included in the scale by an administrative order.

District Jail, Udaipur, South Tripura

The shortage of certain items of clothing, such as half pants, shirts, gamchha, chadar and chappal experienced some time back had been removed with the receipt of fresh stocks. The prisoners made no complaints on this count.

Sub Jail, Sonamura

The prisoners were supplied all items of clothing and bedding except the cotton caps which could not be supplied to all prisoners due to short supply.

iv) Personal hygiene and sanitation

The maintenance of basic requirements of personal hygiene and sanitation in different prisons of 5 States of North- East region of India is given below:

PRISONS IN ASSAM

Central Jail, Jorhat

The sanitation facilities were found to be inadequate in the prison. The jail with 11 day and 18 night latrines in the male section gave a toilet to prisoner ratio of 1:16 for the actual number of 471 prisoners held in the jail on the day of the visit. The jail had 9 separate urinals for male inmates. The jail had only 9 bathrooms but the bathing facilities could be taken as satisfactory with the bathing facilities provided in the open. The prisoners complained about inadequacy of toilets but no one complained about the inadequacy of bathrooms.

The sanitation arrangements made in the female enclosure were found to be satisfactory. The 2 day and 2 night latrines provided in the female section for the registered capacity of 14 female inmates gave a toilet to prisoner ration of 1:3.5.

Central Jail, Tezpur

The general level of cleanliness and personal hygiene in the jail was poor. The facilities provided for washing of clothes in the jail were inadequate. The standard of sanitation was also not satisfactory. The 48 day toilets and one night toilet attached to each ward were found to be inadequate and unclean. The condition of night toilet in the women's ward was extremely bad. The jail had only one bathroom in the female ward and one in the jail hospital.

Suggestion

- The prisoners may be provided the basic amenities of personal hygiene and proper sanitation.

District Jail, Golaghat

The jail having 18 toilets including 9 inside the barracks and 9 outside the barracks gave a toilet to prisoner ratio of 1:18.8, which was far below the acceptable ratio of 1:10. The jail had 14 bathrooms and some bathing platforms. Prisoners were found generally satisfied with the bathing arrangements in the jail. The female prisoners were found to be satisfied with the sanitation conditions in the prison.

Suggestion

- Some more toilets need to be constructed to bring down the toilet to prisoner ratio to at least acceptable ratio of 1:10

Mohendra Nagar Open Air Jail

The jail with 2 latrines for 41 prison inmates gave a highly unsatisfactory toilet to prisoner ratio of 1:20. In the absence of proper bathing facilities in the jail, the prisoners were taking bath in the open. They, however, made no complaint about the non-availability of bathrooms in the jail.

PRISONS IN MEGHALAYA

District Jail, Jowai

The jail having 6 toilets attached to the male ward gave a highly unsatisfactory toilet to prisoner ratio of 1:20. The IG Prisons informed that the construction of four additional toilets under renovation plan was expected to be completed by March 2007. The Female Section had 2 attached toilets and 2 Bathrooms. Considering the average number of female prisoners not exceeding 5 since the female section had been put into use, the sanitation conditions seemed to be satisfactory.

The bathing arrangement appeared to be satisfactory with 5 bathrooms available in the male section and 4 additional bathrooms under construction.

Suggestion

- Keeping in view the authorized capacity of 120 prisoners and average population of 130 prisoners in the male section of the jail, some more toilets need to be constructed to bring the toilet to prisoner ratio to at least 1:10 against the desirable norm of 1:6.

District jail, Shillong

The male section of the jail with 13 toilets attached to the wards and 8 toilets located outside jail premises gave a far from satisfactory toilet to prisoner ratio of 1:15. The construction of 10 additional toilets in the new jail building in Phase-II was expected to reduce toilet to prisoners ratio to acceptable level. The bathing arrangement appeared to be satisfactory with the availability of 10 bathrooms inside the wards and a spacious bathing place outside the wards. The sanitation facilities in female section having 2 toilets and 2 bathrooms for female population not exceeding 20 appeared to be satisfactory.

PRISONS IN NAGALAND

Central Jail, Dimapur

The overall standard of sanitation in the prison was found to be poor. The 19 toilets available in the jail for 250 prisoners housed in jail on the day of the visit gave a toilet to prisoner ratio of 1:13. The 13 bathrooms available in the prison gave a very unsatisfactory bathroom to prisoner ratio of 1:19.

Suggestion

- Some more toilets need to be constructed to bring down the toilet to prisoner ratio to generally accepted ratio of 1:10.

District Jail, Kohima

The prison had good sanitation facilities. The 24 toilets including 18 inside the wards and 6 outside gave an ideal toilet to prisoner ratio of 1:5 for male

section and 1:2 for female section. The bathing facilities with 18 bathrooms in the jail were adequate.

Sub Jail, Dimapur

The 6 toilets available in the jail gave a toilet to prisoner ratio of 1:6.5 on the day of the visit. The 2 toilets available in the female section gave a toilet to prisoner ratio of 1:7.5. The bathing facilities were found to be adequate in the prison.

PRISONS IN SIKKIM

Central Prison, Rongyek

The availability of 36 toilets including 1 toilet attached to each of the 6 wards and 1 toilet attached to each of the 15 cells and 15 outside toilets and 11 outside urinals for 174 prison inmates on the day of the visit gave an ideal toilet to prisoner ratio of 1:5. The 4 toilets available in the female ward housing eight female prisoners gave a toilet to prisoner ratio of 1:2. The distribution of toilets was, however, uneven. The availability of only 1 toilet in each 20 to 21 bedded ward was quite inadequate as prisoners were not allowed to use the toilet blocks outside their wards during night hours.

The wards and cells were found to be clean and well maintained. Some prisoners were being accommodated in the space between raised platforms due to overcrowding in the prison. The commissioning of the prison for the west district in 2009 was expected to ease the problem of overcrowding to a considerable extent. The drainage and waste disposal was found to be satisfactory.

The prisoners were supplied one lifebuoy soap for bathing and two washing soaps for washing their clothes. They were not supplied any foot wear and most of the prisoners were found to be wearing slippers and shoes arranged privately. The prisoners were also not supplied any bath towels.

Suggestion

- Some more toilets need to be constructed to provide at least 2 toilets each inside wards housing 20 to 21 prisoners.
- Prisoners may be supplied at least one pair of foot wear every year in the interest of their overall hygiene.

PRISONS IN TRIPURA

Central Jail, Agartala

The jail had 95 toilets in the wards and 4 toilets in the open. The 99 toilets for 503 prisoners held in the jail on the day of the visit gave a fairly satisfactory toilet to prisoner ratio of 1:5. However, the location of 95 toilets within the wards could

not ensure satisfactory sanitary conditions because such toilets were normally meant for emergency use during night.

The 4 bathrooms in the jail gave an extremely unsatisfactory bathroom to prisoner ratio of 1:125. However, due to availability of adequate bathing facilities in the open, no prisoner made any complaint about inadequate bathing facilities.

Female Jail, Agartala

The availability of 9 toilets gave a toilet to prisoner ratio of 1:2 for the actual female population housed in the jail on the day of the visit. The provision of 2 bathrooms for bathing purposes was also considered satisfactory. The Jail building constructed about 20 years back was being maintained nicely. The campus maintenance was found to be very good with lots of flower beds developed and maintained by the inmates.

District Jail, Udaipur, South Tripura

The availability of 9 toilets gave a far from satisfactory toilet to prisoner ratio of 1:15. It was reported that with the completion of one additional ward with capacity to hold 100 prisoners by the end of August 2004 would not only solve the problem of overcrowding but also bring down the toilet to prisoner ratio to 1:10.

Sub Jail, Sonamura

The campus was well maintained and gave a good look. The availability of 12 toilets gave an ideal toilet to prisoner ratio of 1:6. Although, jail had no bathrooms, the prisoners were found to be satisfied with the bathing plate-forms provided in the open.

v.) Recreation and Cultural activities

The recreational and cultural activities organized in the different prisons of 5 States of North- East region of India are as below:

PRISONS IN ASSAM

Central Jail, Jorhat

The recreational facilities provided to prisoners were found to be satisfactory. It was reported that 6 colour and 5 black and white TV sets had been installed in all the barracks except one barrack. The jail had facilities for both Indoor games including Carrom, Ludo and Chess and outdoor sports like Volley Ball and Badminton. However, the number of 7 carom boards, 5 ludo sets and 5 chess boards for 11 barracks was found to be inadequate. The Art of Living and meditation camps were being organized by the visiting members of NGOs like Missionary of Charity Parjapati Braham Kumaries. A number of literate prisoners expressed their interest in reading newspapers.

Suggestions

- The Volleyball may be made a regular daily activity in the prison.
- Supply of newspapers for prisoners should be increased.

Central Jail, Tezpur

The recreational facilities were found to be highly inadequate in this jail. It was observed that some of the 14 TV sets installed in the jail were old and unserviceable. The cultural activities were organized on days of traditional festivities and yoga and meditation classes were being organized sometimes in the prison by organizations like the Art of Living Society.

Suggestion

- Adequate recreational facilities should be provided to the prison inmates.

District Jail, Golaghat

The carefully designed recreational facilities for the prisoners were working satisfactorily. Televisions sets had been installed in all barracks and the Jail Hospital. The jail had facilities for both indoor games including Carom, Ludo, Chess and outdoor sports like Volley Ball and Cricket. A yoga and meditation programme run by Vivekanand Kendra was a regular feature since 3 October, 2007. The female enclosure had been provided television and other facilities for indoor games.

Suggestion

- The small screen 14" Black and White TVs may be replaced by 19/21" colour TVs.

Mohendra Nagar Open Air Jail

The recreation facilities provided in this jail were found to be inadequate. The TV set was installed in the Verandah which could not accommodate all the prison inmates. The indoor games available in the jail included only Carom, Ludo, etc. There was no provision of outdoor games like Volley Ball which is the most common game facility in jails all over India. It may be added that the rules envisaged that efforts will be made to arrange game competitions of volley ball, kabaddi etc. between prison inmates and the villagers of nearby area. The prison authorities, however, had not taken any such initiative.

PRISONS IN MEGHALAYA

District Jail, Jowai

The colour TV sets installed in all the wards were found to be in serviceable condition. The prisoners had been provided the facilities of indoor games such as carom board, chess, ludo and spell craft. The prison inmates had also been playing cricket and football occasionally.

District jail, Shillong

The outdoor facilities could not be arranged for prisoners in District Jail, Shillong due to space constraints. The facilities for indoor games like carom, chess, ludo and spell-crat provided in the jail were widely used by the prisoners. The colour TV sets had been installed in all wards of the jail. The musical instruments like Tabla, Guitar provided to prison inmates had become unserviceable. The I.G. Prisons had directed the Superintendent to procure four Tablas and three Guitars for the prisoners.

PRISONS IN NAGALAND

Central Jail, Dimapur

The jail authorities were not paying much attention to the recreational needs of the prisoners. The recreation facilities were found to be inadequate in the jail. The small screen Black and White TV sets had been installed only in 3 of the 12 barracks of the jail. The prison, however, had adequate facilities of indoor games like Carrom, Chess and Ludo Carrom, Chess and Ludo and outdoor sports such as Volley Ball and badminton etc.

District Jail, Kohima

The recreational needs of the prison inmates were not being met satisfactorily. The prisoners were supplied no newspapers. The elementary facility of TV was available only in 3 of the 8 male barracks. The facilities for indoor games were also found to be inadequate.

Suggestion

- Volleyball game may be made a formal part of the prisoners' daily life to engage them happily.

Sub Jail, Dimapur

The entertainment facilities for the prison inmates were extremely limited. The television was the only source of entertainment for prisoners housed in this jail.

PRISONS IN SIKKIM

Central Prison, Rongyek

The jail had arrangements outdoor sports like volley ball and badminton and facilities for indoor games like ludo, chess and carom. Colour television sets had been installed in all the wards of the prison. The jail authorities had been showing movies through DVD on holidays and playing music and songs through loud speakers during working hours. A 'Sarva Dharma Mandir' had been constructed in the prison premises for prisoners of different religious faiths.

PRISONS IN TRIPURA

Central Jail, Agartala

The centrally controlled and properly regulated TV/music facilities had been provided to each ward. While facilities for indoor games like chess, carom had been provided, the facility of valley ball had temporarily been suspended because of the construction material dumped in the place meant for the valley-ball court.

Suggestion

- The IG (Prisons) should get the facility of valley ball restored at the earliest.

Female Jail, Agartala

The recreational facilities were found to be satisfactory. The TV/Music facilities had been provided to prison inmates.

District Jail, Udaipur, South Tripura

The centrally controlled TV/Music facilities had been provided in each ward of the jail. The regular meditation classes had been held in the jail for prison inmates. The jail had adequate facilities for indoor games. The IG (Prisons) assured that Volley ball would be resumed as a regular activity.

vi.) Communication

The functioning of interview system and other means of communication in different prisons of 5 States of North- East region of India is as under:

PRISONS IN MEGHALAYA

District Jail, Jowai

The new jail building did not have the proper facilities like interview gallery for holding interviews between the prisoners and their family members. The prisoners were allowed to meet their family members/lawyers at the gate in a small enclosure with a single window. It was reported that 8 to 10 interviews were held every day. The prisoners appeared to be satisfied with this arrangement.

PRISONS IN SIKKIM

Central Prison, Rongyek

The prisoners were allowed to meet their visitors once a week for 30 to 40 minutes. Besides, the inmates were allowed interviews with their lawyers and were also allowed to take meal brought by their relatives. Permission to inmates for taking food and beverages brought by visitors was fraught with hazards. There had been cases where poisoned/ adulterated food had been deliberately passed on to the prisoners to harm them, in some prisons in the country.

Suggestion

- Convicts should ordinarily be not permitted access to food brought by their family members or friends.
- Utter care should be taken while granting permission to prisoners to take food and beverages brought by visitors.

PRISONS IN TRIPURA

Central Jail, Agartala

The convicts were entitled to a monthly and UTPs a fortnightly interview with their family members and friends. The NHRC team visited the Interview gallery and found the interview arrangement to be satisfactory and no one made a complaint on this count.

Sub Jail, Sonamura

The interview arrangements were found to be satisfactory. It was reported that on an average 7 to 8 prisoners were availing the interview facility every day.

EDUCATION AND VOCATIONAL TRAINING/ WORKS PROGRAMMES

The education and vocational training and work programmes plays a very significant role in overall development of prisoners and changing their outlook, habits and total perspective of life by molding their character and behavior and removing depressing thoughts. Education helps prisoners in adjusting to social environment. The vocational training and works programmes promote unity, solidarity, discipline and creativity. The vocational training by imparting market relevant skills to prison inmates helps them in social and economic rehabilitation after their release from the prison.

I. EDUCATIONAL ACTIVITIES IN PRISONS

The educational activities pursued in different prisons of 5 States of the North- East region of India are as under:

PRISON IN ASSAM

Central Jail, Jorhat

The jail authorities had been paying proper attention to the educational needs of prisoners. A regular teacher was conducting education/literacy classes in the jail. It was reported that 406 prisoners including 283 literate and 123 illiterate had benefited from the education classes conducted in jail school in 2006 and 23 convicts and 11 UTPs including 17 literates and 17 illiterates were found to be attending the jail school in 2 batches from 10 AM to 3.30 PM on the day of the visit.

Central Jail, Tezpur

A permanent teacher posted in Central Jail Tezpur was running the jail school in a small room with sitting capacity of only 15 to 20 persons. The jail school, however, did not have a proper blackboard or other teaching material. It was doubtful whether the school was running on a regular basis. The prison library had less than hundred books and most of these books were very old. The jail was subscribing to only two newspapers for both prison staff and prison inmates.

Suggestion

- The educational facilities need to be strengthened in this jail.

District Jail, Golaghat

The educational needs of the prisoners were well recognized in this jail. The jail authorities had been running literacy classes regularly for its prison inmates. A convict, an ex-employee of the Adult Education Department had been taking literacy classes for the past 3 years. He expressed his intentions of continuing his mission of conducting literacy classes even after his release from the jail. He was, however, paid daily wage at the rate of Rs. 12 fixed for unskilled workers. The 3 female UTPs expressed their willingness to join literacy classes. The jail had a small library with 351 books for prison inmates. It was reported that a local MLA and Minister of Jail had given a special grant of Rs. 50,000 for up-gradation of the jail library.

Suggestions

- In view of the background and experience of the convict conducting literacy classes, he should be paid the wages of skilled workers for the services rendered by him.
- The Superintendent may recommend cases like the above mentioned convict conducting literacy classes in the jail for award of special remission within powers of the I.G Prison.

Mohendra Nagar Open Air Jail

The Rule 8 of the Assam Superintendence and Management of Jails says that Open Air Jail must have a library-cum-school room with sufficient books, slates, pencils, newspapers and information leaflets and posters of agriculture and industry. It further says that if no teacher is available, the prison school will function under the supervision of a literate prisoner. Despite these specific provisions, the jail authorities had not paid any attention to the educational needs of the prisoners. It was reported that all illiterate prisoners expressed their desire to attend literacy classes and one graduate prison inmate expressed his willingness to take literacy classes. There was no separate supply of newspapers for the prisoners. It was reported that only one Assamese daily newspaper was subscribed for both the staff and the prison inmates.

Suggestion

- The I.G. Prison should direct jail Superintendent for making proper arrangements for holding literacy classes by engaging the graduate prisoner on suitable wages.

PRISONS IN MEGHALAYA

District Jail, Jowai

The prison authorities were running a class of 90 minutes for 32 illiterate inmates every day under the Literacy Mission Programme of Jowai District since November 2005. It was reported that 2 Detenues detained under MPDA had been giving their voluntary services in this mission.

The 30 per cent literate prisoners held in this jail were found to be interested in reading Newspapers. However, no newspapers were being supplied to the prisoners.

Suggestion

- The services rendered by detenues should be treated as skilled jobs and they should be paid wages of skilled workers at the rate of Rs. 22 per day.
- The IG Prisons may direct the Superintendents of all the four Jails in Meghalaya to provide this elementary facility of newspapers to prisoners.

District jail, Shillong

The Indira Gandhi Open University, Shillong had set up a study centre at District Jail, Shillong in 2003 but a sufficient number of prisoners were not availing the facility for improving their educational qualifications. For example, only 2 prisoners got themselves registered for and Postgraduate diploma course in Mass Media and Journalism in July, 2003. The two of the three UTPs enrolled for B.P.P (Bachelor Preparatory Programme) in January 2005 had been released. It was observed that the jail authorities were not making adequate efforts to encourage and motivate the prisoners to improve their educational qualifications.

The jail authorities claimed that newspapers, magazines, and religious books were being provided to the prison inmates from the mini library of the prison. However, during the course of interactions with the prison inmates, it was learnt that a large number of educated and literate prisoners were interested in reading newspapers but the supply of newspapers was highly restricted.

PRISONS IN NAGALAND

Central Jail, Dimapur

The jail authorities were not paying much attention to the educational needs of the prisoners housed in the jail. It was reported that 71 prisoners including 5 detenues, 32 convicts and 34 UTPs held in this jail on the day of visit were literate. Majority of them expressed their desire to read newspapers, but they were not being supplied any newspapers. There was no library in the Central jail.

District Jail, Kohima

The prison authorities were not paying much attention to the educational needs of prison inmates. A number of illiterate inmates were deprived of the benefits of the literacy programme as this programme was not being run in this jail. The prisoners were not supplied any newspapers.

Suggestion

- The prison authorities should identify one educated prison inmate for undertaking the literacy programme and he should be paid the wages of skilled worker.

Sub Jail, Dimapur

The jail authorities were not running any literacy or education programme for the prison inmates. The prisoners housed in this jail were not supplied any newspapers or reading material.

PRISON IN SIKKIM

Central Prison Rongyek

The prison authorities had initiated measures for giving elementary informal education to the prison inmates with the help of the educated prisoners and prison staff. It was mentioned that two life convicts held in the jail had passed class X and class XII examination. It was reported that majority of prisoners housed in the jail were not interested in pursuing their education as they considered their engagement in vocational units to be more profitable as they could earn wages. The jail had a library and a reading room for the prisoners.

PRISONS IN TRIPURA

Central Jail, Agartala

The Social Welfare Department had provided a teacher to this jail for taking literacy classes. The jail has a reasonably good Library equipped with 3109 books in Bengali, English and Hindi.

Female Jail, Agartala

The Social Welfare Department had provided a teacher to this jail for taking literacy classes. The jail had a well-equipped library for prison inmates.

District Jail Udaipur, South Tripura

The Social Welfare Department had provided a teacher to this jail to take care of educational needs of prison inmates. The jail had a reasonably equipped library.

II. VOCATIONAL TRAINING AND WORKS PROGRAMMES IN PRISONS

The functioning of vocational training, work programmes and jail industry in different prisons of 5 States of the North- East region of India is given below:

PRISONS IN ASSAM

Central Prison, Jorhat

The jail authorities had not been paying much attention to the work programme in this prison. The District Rural Development Agency (DRDA) had established only one bamboo and cane unit under Swarn Jayanti Gram Swarajghar Yojna (SJGSY) with a grant of Rs. 50,000 released by the Rural Development Department. A life convict from the Open Air Jail, Jorhat had been posted as Instructor in October, 2007 to impart training to 10 convicts sentenced to life imprisonment. The convict was selected on the basis of his recognized skill in the bamboo trade for imparting training to prison inmates but he was being treated as a semi-skilled worker for the purpose of payment of wages. The instructor stated that 2 prisoners had acquired the sufficient skill and proficiency in the bamboo and cane trade to work independently and make an honest living after their releases from the jail.

It was reported that 71 convicts were engaged in agriculture; 40 in water supply, 10 in sanitation; 12 in kitchen work; 14 in gardening; 2 in ration godown; 1 in canteen; 4 in weaving unit; 3 in hospital and 4 in office duties. The 3 female life convicts employed in the newly established weaving section had not been paid any wages till the day of the visit.

The prison inmates had been paid wages of the unskilled category at the rate of Rs. 12 per day irrespective of their competence. The wages had been paid upto June, 2007 to all prisoners engaged in agricultural, maintenance, and office work etc. The rationale of treating every prisoner in every unit as an unskilled worker regardless of his date of induction and competence needs to be explained.

Suggestions

- The convicts engaged in different work programmes should be paid wages of skilled or semi-skilled workers according to their competence and proficiency.
- The services of a convict carpenter housed in the jail may be utilized for starting a carpentry unit in the jail.

Central Jail, Tezpur

The jail had the facilities for imparting vocational training in weaving, bamboo and cane manufacturing. However, the vocational training as well as

the production of cane furniture had been stopped long back due to non-procurement of cane by the jail department. The jail industry at the time of visit was limited only to weaving and bamboo items.

The cloth produced in the jail was used in the jails of Assam for providing clothing to inmates and the bamboo items were sold in a small shop located within the jail premises itself. It was reported that weaving and bamboo industrial units were employing on an average 12 prisoners every day and the majority of the 186 prison inmates housed in the prison were engaged in the gardening. The prevailing daily wage rates in the prison at the time of the visit were Rs.18.00 for skilled workers and Rs. 12 for semi- skilled workers.

Suggestion

- The economic activities including skill training need to be strengthened in this jail.

District Jail, Golaghat

The work programmes introduced in the jail for the prisoners were found to be running purely on ad hoc basis. A convict sentenced to life imprisonment was imparting vocational training to 8 prisoners in the bamboo cane unit established in the male section. The Instructor considered 3 inmates had acquired sufficient skill to work independently and make an honest living after their release from Jail. It was quite surprising that the Instructor selected on the basis of his acknowledged skill and expertise for imparting training in bamboo cane unit was being treated as an unskilled worker and paid daily wage at the lower rate of Rs. 12 fixed for semi-skilled workers.

A weaving unit had been started in the female section with the help of an NGO, namely, Women Self-Help Group Kumar Patti Golaghat and the same NGO was imparting training to 3 female prisoners.

It was reported that 27 prison inmates were being engaged in garden outside; 20 in garden inside; 10 in compound cleaning; 3 in office, 1 in hospital; 1 in school-cum-library; 1 as barber; 15 to guard the corner wall; and 5 in kitchen work.

The Wage Fixation Body constituted as per the directions of the Supreme Court given in State of Gujarat Vs. High Court of Gujarat in 1998 had fixed the daily wage rates of Rs. 12 for semi-skilled and Rs 18 for skilled worker engaged in various work programmes in different jails in Assam. The Superintendent informed that no prisoner in this jail was being paid wages of skilled workers at the rate of Rs. 18 per day. The wages had been paid only up to October 2006. The prisoners engaged in bamboo cane and weaving sections had not yet started receiving wages for the services rendered by them. As per a statement furnished by the Superintendent, an amount of Rs. 230124 had been disbursed as wages in

2007-08 and an additional amount of Rs. 433920 had been requested to clear prisoners' wages from October 2006 to November, 2007.

Suggestions

- A lifer imparting vocational training in the bamboo cane unit should be treated as skilled worker and paid wages of the skilled worker at the rate of Rs. 18 per day.
- The 3 prisoners judged by the Instructor as having acquired sufficient skill in their work should be examined objectively along with others trainees after completion of six months training and may be considered for up-gradation.
- The I.G. Prison should lay down some objective criteria for promoting prison inmates involved in different trades from unskilled/semi-skilled to skilled category after they have proved their competence.

Mohendra Nagar Open Air Jail

The Open Air Jail was established to provide vocational training and gainful employment to eligible prisoners and to help them in their rehabilitation. As per the Rules, the Govt. was required to provide agricultural and industrial work programmes for the prison inmates. However, no industrial unit was seen in the 'Colony'. It appeared that the prison inmates were involved only in agricultural activities. The agriculture activity developed in the prison also showed a declining trend over the years. It was reported that of the 160 bighas of land available for cultivation in the prison, only 83 bighas was being utilized for cultivating paddy, mustard and winter vegetables at the time of the visit and 77 bighas was lying idle.

The Rule 12 of the Assam Superintendence and Management of jails (Supplementary Provisions) Rules, 1968 says that one third of the sale proceeds would be given as wages to the prisoners. It was made one tenth in 1990 with the introduction of payment of daily wages @ Rs. 12 to inmates of open Jail engaged in agriculture work. However, the prisoners had not received their annual wages out of the sale proceeds since 2002-03 onwards.

Prisoners were engaged in agricultural activities for 22 to 25 days in a month and were paid wages at the rate of Rs.12 per day. The Superintendent informed that the wage arrears to be paid to the prisoners for the services rendered by them amounted to Rs. 240640. It was further stated that a number of prisoners were not paid the entire amount of wages earned by them at the time of their release from the prison due to irregular and delayed release of funds for clearing the wages. As a result an amount of Rs. 34141 was lying undisbursed.

The annual sale proceeds of Rs 65131 in 2003-04; 60127 in 2004-05, 56367 in

2005-06 and 63610 in 2006-07 of an area of 83 bighas under cultivation did not give a satisfactory picture of farming activity in this prison.

PRISONS IN MEGHALAYA

District Jail, Jowai

The District Jail Jowai had facilities for imparting vocational training and providing gainful employment to convicts undergoing rigorous imprisonment. The jail factory had carpentry unit; cane and bamboo unit; and craft and decorative items sections. The sanctioned posts of one carpentry instructor and one craft Instructor for the jail factory were duly filled. However, in the absence of any convict being housed in the jail, the under-trial prisoners had been engaged in the different sections of the jail factory. It was learnt that training had been imparted to 50 prisoners in 2005-06. One of the 6 UTPs working in the carpentry unit was a carpenter by profession and another had acquired fairly good proficiency in the work and quantity and quality of items made by the prisoners in the carpentry unit showed that the unit was functioning very well. The 2 of the 7 UTPs working in the craft section had been graded as skilled workers. The cane and bamboo section was engaging 4 UTPs on the day of the visit.

The Under-trial prisoners were also found to be engaged in the kitchen and maintenance jobs. It was reported that 7 UTPs were regularly working in kitchen; 11 were engaged in maintenance jobs; and 1 UTP was helping in the hospital.

A UTP, barber by profession had been employed for the job of a barber since his admission to jail. He had been carrying out 7 to 8 haircuts every day but he was not being paid any wages for the professional services rendered by him.

The Wage Fixation Committee had been constituted in accordance with the directions of the Supreme Court in 1999. The daily wage rates fixed by the above mentioned Committee for prisoners engaged in different works programmes were Rs. 22 for skilled, Rs. 20 for semi-skilled and Rs.17.50 for unskilled workers. Since the Government's order mentioned wages as admissible to convicts, the Prison Department had interpreted it to mean that the UTPs were not entitled to get any wages. Although the UTPs engaged in Jail factory were working willingly, the denial of wages to them constituted a grave violation of their rights. The Supreme Court held that while the convict prisoners sentenced to Rigorous Imprisonment can be forced to work against their will under proviso to Art. 23 (2) of the Constitution, the denial of wages to them would attract the provisions of the Bonded Labour Act. As such, the denial of wages to UTP was viewed more seriously because UTPs are presumed to be innocent until their guilt is established by conclusion of their trials.

Suggestion

- In view of the gravity of the matter, the IG Prisons should arrange for immediate payment of wages to all the UTPs w.e.f the date of their engagement in different factory units of the jail.
- The UTPs working in kitchen and maintenance jobs should be paid wages at the rates applicable to semi-skilled workers. The UTP working in hospital may be graded as semi-skilled or skilled by the SMHO depending upon the proficiency acquired by him and paid wages accordingly.
- The Department had been repeatedly requesting the Government to sanction the post of a Barber. A UTP who had been filling the gap in the staffing pattern should at least be paid wages at the rate applicable to the skilled category.

District jail, Shillong

The District Jail Shillong did not have any facilities for providing vocational training and gainful employment to convicts. A city-based NGO called Women Integrity Sustainable Empowerment (WISE) with HQs at St. Mary College, Shillong, was conducting vocational training programmes for the female inmates in Cane and Bamboo works; making fancy candles; preparation of fast food; knitting and embroidery; tailoring; food processing including Jam, pickles, squash, tomato catch-up, lemon and ginger syrup. However, the NGO was not paying wages to female inmates as per the wages fixed by the Government.

It was reported that a female convict was making 2 to 3 shawls every month. She was, however, paid an amount of only Rs 250 by the NGO for the services rendered by her since October, 2004. The amount of Rs. 250 was found to be highly inadequate to sustain interest of prisoners in these activities and help them in their economic rehabilitation.

It was reported that 3 convicts and 2 UTPs were engaged in kitchen work; 8 UTPs in sweeping and cleaning the jail campus; and 4 UTPs in looking after the jail garden. While UTPs had not been paid any wages, the convicts had been paid wages up to December, 2004 only. The Superintendent informed that 2 wage bills amounting to Rs. 30,519 and Rs. 19,618 were pending sanction with the Prison HQs since 19 January, 2004 and 9 March, 2006. While all the UTPs engaged in cooking, cleaning and gardening jobs were working willingly, the denial of wages to them was a serious violation of their rights.

The jail authorities despite having space limitation made a room available for imparting vocational training to male prisoners and vocational training was being imparted to 6 to 8 prisoners every day.

PRISONS IN NAGALAND

Central Jail, Dimapur

The Central Jail, Dimapur had not set up any jail industry till the day of the visit. Bamboo craft and mura making units were started in October, 2006. It was reported that 6 prisoners were engaged in these units. They were, however, not paid any wages for the work done by them. The DG Prison informed that the issue of wage payment to prisoners for such work was being considered. The attention of the DG Prisons was drawn to the Supreme Court directions relating to the constitution of a wage fixation body to fix suitable wage rates for skilled workers, semi-skilled workers and trainees.

Suggestion

- The DG Prisons should contact the industry department for seeking its assistance to start vocational training for prisoners in different trades like carpentry, electric works, pump/motor repair, etc.
- The DG Prison may obtain the relevant information relating to constitution of wage fixation body from the I.G. Prison, Assam.

District Jail, Kohima

The District jail had started different work programmes recently. The Women Development Department, Kohima had provided 10 sewing machines and a lady instructor to the female section of the Jail for imparting training to female inmates held in the jail. A male UTP, being tailor by profession was imparting training to male inmates. He was, however, not paid any remuneration for the services rendered by him. It was reported that 5 male and 2 female undertrial prisoners were being provided training in tailoring. The prisoners engaged in the tailoring section were not paid any wages. The DG Prison informed that the matter was being taken up with the Government for fixing the wage rates.

Sub Jail, Dimapur

There were no regular work programmes for prisoners housed in this jail. The Prison authorities with the assistance of Women Development Department had set up a tailoring unit in the jail. The Women Development Department had provided 10 sewing machines to this prison. It was reported that 2 male and 2 female convicts were engaged in the tailoring unit. They were, however, not paid any wages.

PRISON IN SIKKIM

Central Prison, Rongyek

The jail had set up a number of vocational/industrial units like carpentry, tailoring, dairy, goatery, piggery, handicrafts, knitting, envelope making, orchids

and horticulture, mushrooms and vegetable cultivation by utilizing the funds allocated under the modernization scheme.

The total number of prisoners engaged in these units was 56 and the revenue raised from the sale of items manufactured in these units upto 9 September, 2008 was Rs. 421490. A sale counter had been opened inside the prison for selling the products manufactured in the industrial units of this prison. It was reported that the state Government had fixed the daily wages of Rs. 15 for the skilled and Rs. 12 for the unskilled labour. Considering the cost of living in Sikkim, the wage rates fixed by the State Government appeared to be inadequate. The UTPs willing to work in these units were permitted to work and were paid wages for the services rendered by them. Some of the prisoners had been earning an amount of Rs. 400 to Rs 450 per month.

PRISONS IN TRIPURA

Central Jail, Agartala

The jail had well developed facilities for vocational Training and gainful employment of prisoners in bamboo making, tailoring, book-binding, printing-press and weaving. It was reported that 88 prisoners were engaged in these five units; 16 convicts were being imparted computer training by a convict; 78 convicts were working in the agriculture and gardening; 2 in the fishery unit; 36 in the kitchen; 3 in the duckery unit; and 5 convicts were working as barbers in the jail.

It was observed that almost all the able-bodied prisoners undergoing rigorous imprisonment had been provided some work. However, wages had been fixed on the basis of the nature of job i.e. hard labour or medium/light labour. The daily wage rate of Rs 7 had been fixed for hard labor and Rs. 6 for medium/light labor. While almost all the other States were categorizing workers as skilled, semi-skilled or unskilled workers on the basis of their proficiency, Tripura was following the old classification of 'hard' and 'medium/light' labour. This gave an indication of orientation towards the penal rather than the rehabilitatory aspect of the matter. It was learnt that most of the convicts working in factory units were being paid wages at the rate of Rs. 6 per day. This was quite objectionable in view of the fact that 10 prisoners working in the cane and bamboo unit had been pronounced as proficient enough to work independently in cane and bamboo unit. They were also seen producing excellent products as their products were often displayed in exhibitions and trade fairs. Similarly, 5 convicts in the tailoring unit, all the 14 inmates engaged in book-binding unit, 8 in the Press unit and 17 in the weaving unit despite being pronounced by their supervisors as good enough to undertake such jobs independently had been paid wages at the rate of Rs. 6 per day. The convicts engaged in the kitchen work were also being paid wages at the rate of Rs. 6 per day.

The prisoners had been paid wages regularly. Most of the prisoners were found to be aware of the wage rate and confirmed regular payment of wages made to them. They also confirmed that they were associated with preparation of job cards and computation of wages. However, many of them had little idea about their accumulated earnings. It was also observed that due to unavoidable delay in receipt of funds and drawl of money from the treasury, a number of prisoners did not receive their outstanding dues at the time of their release. The Superintendent stated that such prisoners were informed on receipt of cash for disbursement and sometimes their outstanding amounts were sent by Money Orders. However, this could not be accepted in view of the fact that an amount of Rs. 4,42,284.56 was lying undisbursed under this head on 11 June, 2004.

Suggestion

- The wage rates at which convicts had been paid for the services rendered by them should be reviewed.
- The kitchen job with use of wood as fuel being hard and hazardous compared to the general maintenance work should fetch higher wage rates.
- The Home Department should get the whole issue of classifying workers examined by a Committee of Officers and classify the workers as skilled, semi-skilled and unskilled on the basis of their proficiency. An unskilled worker may be considered for promotion to semi-skilled level after three months depending upon his progress.
- The State of Tripura had fixed the current wage rates in October 1999 following the directions given by Supreme Court in the State of Gujarat vs. High Court of Gujarat on 24 September, 1998 (Criminal Appeal No.308 of 1986) "it is imperative that the prisoners should be paid equitable wages for the work done by them. In order to determine the quantum of equitable wages payable to prisoners, the State concerned shall constitute the Wage Fixation Body for making recommendations. We direct each State to do so as early as possible". The daily wage rates of Rs. 7 and Rs. 6 being too low cannot satisfy the test of equitable wages. The team, therefore, felt that the Government should review and revise the rates suitably by constituting a Wage Fixation Committee.
- The system of payment of wages to the prisoners needs to be rationalized to ensure that all prisoners receive their full payment for the work done by them before their release from the prison.

Female jail, Agartala

The vocational training was being imparted to convicts in tailoring by a tailoring instructor who had been working as a contingency paid worker since

1987. The two of the four convicts working in the tailoring unit had become proficient to work independently after their release from the prison.

Suggestion

- In view of the fact that Female Jail Agartala is the only jail to house women prisoners in Tripura and it will always hold a sizeable number of long term prisoners, the arrangements for vocational training aiming at rehabilitation of prisoners needs to be strengthened in this jail.

District Jail, Udaipur, South Tripura

The convict prisoners were being imparted vocational training in agriculture, tailoring and laundry activities. A detailed examination revealed that only one convict was engaged in the tailoring unit; 2 in the laundry unit and 34 in the jail garden. Although 88 of the total of 89 convicts sentenced to rigorous imprisonment had been employed in different jobs including kitchen work, canteen duties, night watch, drain wash, and saloon work etc. on the day of the visit. The prison authorities had not made any worthwhile arrangements for imparting training to the convicts in some useful trades to enable them to earn an honest living after their release. The wages had been paid regularly to the prisoners.

Suggestion

- The well-equipped industrial units should be established in the jail to impart vocational training to prison inmates.

Sub Jail, Sonamura

It was not possible to develop facilities for vocational training at Sub Jail level. However, all the prisoners sentenced to Rigorous Imprisonment were provided work and paid wages at the prescribed rates of Rs. 7 for hard and Rs. 6 for mild work. It was reported that 10 prisoners were deployed in the kitchen; 8 on night watch; 5 each in drain-cleaning, lockup cleaning; 4 in kitchen garden; 3 each in flower-gardening, canteen, outside garden; 2 each in sweeping and saloon; and 1 in office work. The kitchen work was being rightly treated as hard labour and prisoners engaged in kitchen work were paid wages at the rate of Rs. 7 per day.

Suggestion

- The IG (Prisons) should ensure streamlining the wage structure and uniformity of wage scales.
- The various jobs like drain-cleaning, saloon work, sweeping should carry higher rates of wages.

MEDICAL HEALTH CARE AND DEATHS IN PRISONS

The prisoners housed in jail have a right to health, which includes accessibility and availability of quality medical care. The State Governments and the prison authorities should play a vital role to ensure medical examination of prisoners at the time of their admission to the jails and periodical examination thereafter. It is their obligation to provide timely treatment to the prisoners suffering from various ailments and check the number of deaths in the jails.

I. MEDICAL HEALTH CARE

The facilities and quality of medical care and treatment provided in different prisons of 5 States of North- East region of India are given below:

PRISON IN ASSAM

Central Jail, Jorhat

The 12 bedded hospital of Central Jail Jorhat had the capacity to manage 15 patients in case of emergency. The jail hospital, however, had the normal occupancy of 5 to 6 patients. The daily average outturn of patients at the OPD of the jail hospital was 25 in summers and 20 in winters.

The jail hospital had the sanctioned staff strength of one Medical Officer, one Pharmacist, one Lab. Technician and one Staff Nurse. Beside the sanctioned staff, 4 convicts including 3 male and 1 female were engaged as medical attendants in the jail hospital. A convict undergoing life imprisonment was found to be providing useful service on account of his experience of running a licenced pharmacy and another convict looking after the isolation ward for one year had acquired good expertise.

The jail hospital despite having a qualified Lab. Technician for the last seven years had not yet developed the Lab. facilities for routine pathological examination. It reflected lack of initiative on the part of the Medical Officer and lack of interest on the part of the Lab Technician who was idling without doing any work.

The Civil Hospital Jorhat was providing the referral services and the jail hospital was referring on an average 10 to 15 cases every month. The cases

requiring specialised treatment were further referred from Civil Hospital to Medical College, Dibrugarh. The doctor of prison hospital faced no problems in arranging police escort for referral purposes. The Civil Hospital was also providing services of visiting specialists to the jail and 19 such visits had been made to the jail hospital during the year 2007.

The prisoners were found to be suffering from common ailments like viral fever, RTI, skin and soft tissue infection (SSTI), injuries, pain abdomen, (acute gastritis, pus etc.), acute diarrhoea, ABD, amibiosis, LBA, fever, malaria, dyspepsia, etc. The epidemics of diarrhoea and conjunctivitis eye flue in 2006 were effectively tackled by the jail hospital.

It was reported that 1 convict and 3 UTPs were being treated for TB under DOTS. The 3 convicts and 1 UTP were receiving treatment for epilepsy and one of them a lifer was suffering from fits at an alarmingly high frequency.

The 10 prison inmates including 9 sentenced to life imprisonment and 1 to 10 years rigorous imprisonment had been suffering from mental illness. It was reported that 2 of them had been admitted in the LGB Mental Hospital Tezpur and 8 were receiving OPD treatment. The case of a mentally ill prisoner undergoing life imprisonment had been forwarded for pre-mature release on medical grounds.

The inoculation of children staying with their mothers in the prison did not receive any attention of the Medical Officer. Even the highly publicized on going Polio Programme was not seen to have covered babies languishing in this jail with their mothers.

Suggestions

- A convict having experience of running licensed pharmacy and another convict looking after the isolation ward and rendering useful services should be treated as skilled workers and paid wages of the skilled category.
- The IG Prison needs to look into the reasons for delay in developing the Lab facilities and should direct the Medical Officer to get Lab facilities developed at the earliest.
- The Medical Officer emphasized the need for water testing for making arsenic estimation. The IG Prisons may pursue the matter relating to water testing.
- The advice of a Specialist may be sought for release of a convict suffering from fits at an alarmingly high frequency on probation.
- The Medical Officer should ensure that the Government instructions regarding continued treatment of TB patients under DOTS are followed in

case of release of convict and UTPs on bail or acquittal before completion of the treatment.

- Considering the normal holding of 10 to 15 female prisoners in this Jail, a monthly visit of a Gynaecologist from the Civil Hospital may be arranged.

Central Jail, Tezpur

The jail had a 19 bedded hospital but half of these beds were not fit for use. The jail hospital had a full time male doctor, a pharmacist, a laboratory technician and a nurse. The hospital building was falling apart and the furnishings were extremely poor. There were no indoor patients at the time of the visit. The Isolation Ward with total capacity to keep 8 patients in this jail was housing 15 mentally ill convicts and undertrial prisoners. These mentally ill prisoners housed in the isolation ward had just come back to the jail after getting their treatment in the Tezpur Institute of Mental Health and were on medication. The 15 mentally ill patients were found to be sleeping on the floor with inadequate bedding in a space designed for 8 persons. The building housing the mentally ill patients was fit to be condemned. There were no separate medical facilities available for the female inmates.

Suggestion

- Medical facilities need to be managed in a better way.

District Jail, Golaghat

The 11 bedded jail hospital was established in a fairly good building. The jail hospital had a sanctioned strength of one medical officer; one pharmacist and a nurse had been provided on attachment basis. She was residing in Jorhat and commuting daily by incurring a daily expenditure of Rs. 40. It was learnt that her services were available only for an hour. This arrangement made on some compassionate considerations was not functioning well from the view point of the hospital and patients.

A convict sentenced to life imprisonment had been working in the Hospital since June, 2005. He had been providing useful assistance to the medical officer by managing the patients very effectively and keeping a watch over sick prisoners.

The medical officer was thoroughly familiar with the requirements of the DOTS and prison inmates suffering from TB had been provided treatment under DOTS. The initial medical examination of prisoners on admission was being carried out with due seriousness. The referral system for specialised treatment in the Civil Hospital, Golaghat was found to be working satisfactorily.

The jail hospital had 13 patients on the day of the visit but none of them was seriously ill. The daily average outturn at OPD was 15 patients and they were

found to be suffering from common ailments like viral fever, body ache, backache, vertigo, skin disease and gastritis (PUS). It was reported that on an average 8 to 10 patients had been referred to Civil Hospital in a month. The police escort was provided but with a gap of 2 to 3 days.

There was no TB patient in the jail at the time of the visit. Medical Officer had been treating 1 diabetic, 1 chronic asthmatic and 1 hepatitis and 7 epileptic patients in the jail hospital.

The 5 mentally ill prisoners housed in jail were receiving OPD treatment from the Civil Hospital and 1 UTP was under treatment in Mental Hospital, Tezpur since 2 November, 2007.

The crisis of diarrhoea epidemic which broke out in April, 2006 and affected 881 prisoners was tackled effectively without allowing any casualty. Similarly, the epidemic of conjunctivitis in September, 2006 was also controlled effectively by requisitioning the services of an eye specialist.

Suggestion

- The Superintendent and the Medical Officer need to monitor the condition of the mentally ill prisoner on regular basis by maintaining a constant liaison with the Mental Hospital authorities.
- A lifer working in the jail hospital for about 13 months to the satisfaction of the Medical officer should be paid wages of skilled category at the rate of Rs. 18 per day.
- In view of the presence of female prisoners in this jail, a monthly visit of a Gynaecologist from the Civil Hospital may be arranged.

Mohendra Nagar Open Air Jail

The Open Air Jail had a sanctioned post of a Medical and Health Officer. The doctor posted on deputation from the Health and Family Welfare Department informed that the daily average outturn at OPD was just one patient. Since only physically fit persons were selected for admission to this jail, there were no TB patients. The Medical Officer in the absence of sufficient work to keep her fully occupied did not appear to be happy. She mentioned that she had been visiting a Children Observation Home situated at a distance of 2 to 3 kilometres from the jail for 2 to 3 times in a week.

Suggestion

- The services of a qualified doctor should be used in some other jails in Assam which need the services of a regular Doctor.

PRISONS IN MEGHALAYA

District Jail, Jowai

A 5 bedded hospital of District Jail Jowai had almost nil occupancy. The SMHO informed that any prisoner requiring hospitalization was promptly referred to the Civil Hospital. The jail hospital had the sanctioned staff strength of one senior Medical & Health Officer (SMHO), one Pharmacist and two Medical Attendants. The Medical Officer and Pharmacist had been posted to this jail on deputation from the Department of Health & Family Welfare. The average daily outturn at OPD was 14 patients. The prisoners were suffering from the common ailments of gastro-intestinal infection, skin infection (scabies), cough & colds and gastric problems.

The jail was not holding any TB patient at the time of the visit. The SMHO informed that one of the 2 patients treated for TB since his posting to the jail in 1992 had been provided treatment for 12 months as well as special diet and the other had been released before completion of his treatment. The Doctor appeared to be unaware of the provisions of DOTS to ensure uninterrupted treatment of released prisoners.

It was reported that a mentally ill prisoner held in the prison had been referred to Meghalaya Institute of Mental Health Neuro Sciences (MIMHANS) Mavlai; and two prisoners were undergoing treatment in MIMHANS since May 6 and 13, 2006. The Special Rapporteur explained to the Superintendent and SMHO about the mandatory requirement of sending progress of treatment of mentally ill prisoners to the courts concerned.

The medicines were supplied to the jail hospital through centralized supply and supplemented by emergency purchase by the Jail Superintendent. The availability of medicines was stated to be adequate. However, the detailed examination showed that medicine bills amounting to Rs.59,632 for 2005-06 were pending for payment. The IG Prisons assured that sufficient funds would be provided to clear the said liability.

District Jail, Shillong

The 10 bedded jail hospital had an average occupancy of 8 patients. The sanctioned staff strength of jail hospital included one Senior Medical and Health Officer, one Pharmacist and two Medical Attendants. The daily average outturn at the jail OPD was 95 patients.

The patients requiring detailed examination, specialised treatment and attention had been referred to Civil Hospital, Shillong or other Government Hospitals. The jail had no arrangements for visiting specialists.

It was reported that 4 prisoners had been treated for T.B since January, 2002

and 2 of them had been cured, 1 was still taking treatment and 1 female UTP was transferred to R.P. Chest Hospital, Shillong and released after her treatment. The TB patients had been provided treatment under DOTS System. The Senior Medical and Health Officer appeared to be fully aware of the DOTS under the revised National T.B. Control Programme. A serious deficiency observed in jail health set up was non-availability of isolation/segregation facilities for patients suffering from TB and other infectious diseases.

The 2 mentally ill prisoners housed in the jail had come back after their treated at MIMHANS. They were kept under observation and treated in the jail.

The Senior Medical and Health Officer confirmed that the medicines were available in sufficient quantity. The jail hospital also had an adequate arrangement for local purchase of medicines in emergency cases. The jail hospital faced the difficulties in meeting expenditure incurred on tests and investigations such as X-Ray, blood, urine examination carried out at outside places.

An NGO called Women integrated Sustainable and Empowerment (WISE) was engaged in providing drug counselling to prisoners. An ambitious programme having multiple activities such as awareness generation about HIV/AIDS and rights of prisoners, counselling, skill training, value-based education and prayer and meditation had been drawn for the male and female patients.

Suggestions

- The jail hospital of District Jail Shillong should have at least the the facility of a pathology Lab. A post of Lab. Technician may be sanctioned for this purpose.
- Considering the health needs of female prisoners housed in the jail and the logistic difficulties in their transportation to outside hospitals, necessary arrangements should be made for the visit of a Gynecologist to the jail hospital once a fortnight.

PRISONS IN NAGALAND

Central Jail, Dimapur

The Central Jail, Dimapur with an authorized capacity to house 600 prisoners had no medical facilities. The Jail had no doctor of its own. The practice of providing a part time doctor to this jail had been discontinued since 2004 and the system of visiting doctors designed for District Jail Kohima, Sub Jail Wokha and Sub Jail Zunheboto had not been extended to the Central Jail Dimapur. The jail had been provided only one Pharmacist to attend to the medical needs of prisoners. It was reported that 15 to 20 inmates had been reporting to the Pharmacist every day. It was only presumed that the jail was not holding any TB patient as no testing had ever been done. The NEDHIV Organisation Dimapur,

an NGO involved in prisoner health care during the year 2005-06 had stopped looking after the prisoners thereafter.

District Jail, Kohima

The jail had been provided two visiting lady doctors from Nagaland Hospital Kohima and both the doctors were visiting the jail together once a week on every Monday. The visiting doctors deputed to this jail were not being paid any honorarium. The average outturn at OPD was 15 patients and their common ailments were respiratory tract infections, acute gastro enteritis, gastritis and general body ache. The doctors stated that the available stock of medicines was not adequate to meet the medical needs of the patients.

Suggestion

- District Jails should have their own Doctors. Pending creation of additional posts, the system of visiting Doctors may continue.
- The visiting doctors should provide OPD services twice a week by making 2 separate visits in a week rather than coming together on the same day to attend to 15 patients only in the OPD.
- Since this jail was holding both male and female prisoners, the jail should be provided the services of one male and one lady doctor.
- The visiting Doctors should be paid honorarium at a suitable rate and the DG Prison may move a case accordingly.
- The centralized supply of medicines should be arranged in consultation with doctors as sometimes "unnecessary medicines are supplied in huge quantity and some basic medicines are not provided".

Sub Jail, Dimapur

The medical examination of every prisoner on admission was not possible in accordance with the guidelines issued by the National Human Rights Commission as the jail had just one senior pharmacist for providing medical facilities to prison inmates of this jail. He was providing treatment to around 15 patients every day for common ailments like fever, headache and waterborne diseases etc.

Immunization of children staying with their mothers was absolutely neglected in this prison. The sole child staying in the jail was not covered even by the Universal Polio Programme in progress in Dimapur with great fanfare.

PRISON IN SIKKIM

Central Prison, Rongyek

The prison did not have a hospital of its own. Every prisoner was sent to the

Government hospital for medical examination before his/her admission in the prison. A medical officer had been visiting the prison once in a fortnight to examine the sick prisoners. The sick prisoners had been sent to Government hospitals under proper escort for treatment on the recommendations of the medical officer. A proposal had been submitted to the Government for appointment of a permanent Medical Officer for the prison. The 3 TB patients including one undertrial prisoner and two convicts held in the jail had been undergoing treatment from S.T.N.M hospital Gangtok.

The jail was holding 5 mentally ill prisoners including four undertrials and one convict sentenced to life imprisonment. The mentally ill prisoners were being examined periodically by the visiting psychiatrists from Government hospital. The four mentally ill Undertrial prisoners were reportedly undergoing psychiatric treatment before commission of the crimes for which they had been arrested. The prison authorities had sent proposal to the State Government for withdrawal of the cases pending against them, on the ground that they being of unsound mind at the time of commission of the crime were not in a position to understand the nature and implications of their actions. As the state did not have a sanctioned post of IG Prisons, the mandatory visits by the IG prison to mentally ill prisoners under provisions of the Mental Health Act 1987, was not feasible. The senior superintendent police and prisons was visiting mentally ill prisoners regularly.

Suggestion

- In view of the distance of the prison from Gangtok town and the fact that every prisoner before admission has to undergo medical examination, it is desirable to appoint one M.O. exclusively for this prison. The appointment of a Medical Officer to this jail may not cost much to the exchequer in view of the fact that the expenditure incurred on transport and escort of the prisoners from the prison to the hospitals in Gangtok for medical check-up will be saved.

Central Jail, Agartala

The 10- bedded Hospital of Central Jail, Agartala had an average occupancy of 5 patients. The average length of stay of patients in the jail hospital was 4 days. The jail hospital had the sanctioned staff strength of 1 Medical Officer, 4 male and 5 female Pharmacists; and 5 male and 3 female General Duty Assistants. The daily average outturn at OPD was 30 patients. The referral cover to this hospital was being provided by G.B. Hospital, Agartala.

The TB patients were being treated under the revised National T.B. Control Programme. It was reported that 5 TB cases were detected and cured in 2001; 3 in 2002 and 7 in 2003. The Medical Officer confirmed that all TB patients had completed their treatment and got cured. The jail was not holding any HIV positive patients.

The supply of medicines was reported to be satisfactory. The Medical Officer confirmed that the jail hospital had essential drugs in sufficient quantity. While no one complained about the non-availability of medicines, a number of patients complained about the rude behaviour and unsympathetic attitude of the Medical Officer. Some prisoners told the Special Rapporteur in camera that the Medical Officer used to avoid touching the patients and patients were dismissed after ascertaining their name, age and complaint without any physical examination.

It was reported that the jail was holding 14 mentally ill prisoners including 8 convicts and 6 Under-trial prisoners. These mentally ill prisoners were getting their treatment as outpatients in the psychiatry unit of the G.B. Hospital, Agartala. It was observed that 18 perfectly healthy quiet and shy prisoners had been kept in the ward where mentally ill prisoners were lodged. Some of these persons were seen showing signs of depression due to their proximity with the mentally ill prisoners.

Suggestion

- The IG (Prisons) and the Commissioner (Jail) should take the necessary action to ensure proper examination and treatment of sick prisoners.
- The IG (Prisons) needs to monitor cases of mentally ill prisoners to ensure that their trials are resumed immediately after they are declared fit enough to defend themselves.

Female jail, Agartala

There was no separate hospital for the female prisoners. A male doctor from the Central Jail was visiting the female jail to examine and treat female prisoners. It was reported that he was attending to an average 5 patients in the OPD every day. The patients requiring hospitalization had been sent straightway to the G.B. Hospital. There was no case of HIV or TB in this jail. Similarly, the prison was not holding any mentally ill prisoner at the time of the visit.

District Jail, Udaipur, South Tripura

The Jail did not have its own hospital and there was no sanctioned post of a doctor. It was authorized to have a Pharmacist and a General duty Assistant. The District Hospital was providing the medical facilities to the prisoners housed in this jail. A doctor from the District hospital had been visiting this jail twice a week. He was also available on call in case of emergency. The system of a visiting doctor was found to be working efficiently and no one complained about the extent and quality of the health care. There was no case of HIV or TB in this jail. Similarly, the prison was not holding any mentally ill prisoners at the time of the visit.

Sub Jail, Sonamura

The Local Government Hospital had been providing medical facilities to this sub jail. The sub jail was authorized to have one Pharmacist and one General Duty Assistant (GDA). The post of Pharmacist had been lying vacant since long and the GDA was managing the health matters. A Medical Officer was supposed to visit the jail once a week. Perusal of the well maintained records of doctor's visits showed that the Doctor made 37 visits from January to 13 June, 2004 and examined 177 patients.

Prisoners were found to be suffering from common ailments of viral fever and skin disease. There had been no incidence of mental illness in this jail for the last 7 years. Similarly no case of TB had been detected amongst the prisoners held in the jail.

Suggestion

- Considering that the extent and quality of services provided by the local Government Hospital to be satisfactory, the Sub Jail may not be provided an independent Medical office, but the vacancy of the Pharmacist should be filled up at the earliest.

II. DEATHS IN THE PRISONS

The custodial deaths need proper investigation to ascertain the causes of death of the prison inmate, i.e, whether the deaths had occurred due to normal ailments or negligence in giving proper care and treatment or any sort of mental or physical torture.

The occurrence of custodial deaths and the procedure followed by different prisons of 5 States of North- East region of India in case of custodial deaths to rule out any negligence in providing proper treatment and foul play is given below:

PRISON IN ASSAM

Central Jail, Jorhat

It was reported that there occurred no death in 2004; one death each in 2005 and 2006; and 2 deaths in 2007. The CD Cell of the NHRC had not received any intimation about the deaths of two convicts in Medical College Hospital, Dibrugarh in 2005 and 2007. In one of these cases Post-mortem examination and video filming was done whereas in the other case, Post-mortem was done without video filming.

Suggestion

- The vital discrepancies in custodial deaths need to be resolved.

District Jail, Golaghat

There occurred 1 death of a convict in 2004; no death in 2005 and 2006; 2 deaths till December, 2007. As per the statement furnished by jail Superintendent the intimation of custodial deaths had been sent to the NHRC through IG Prison and Assam Human Rights Commission. The intimation sent to NHRC through Assam State Human Rights Commission was contrary to NHRC's directions. The inquest, post mortem examination and video filming of the PME was done. The C.D. Cell of the Commission, however, had not received intimation about 2 deaths of convicts who died of renal failure and heart ailment on 17 January, 2004 and 6 August, 2007 in Civil Hospital, Golaghat. The CD Cell of the NHRC had received intimation of the death of a UTP who died on 5 June, 2007 due to pathological asphyxia but detailed report was still awaited.

Suggestion

- The vital discrepancies in custodial deaths need to be resolved.

PRISONS IN MEGHALAYA

District Jail, Jowai

There occurred only one custodial death since 2001- 02. The timely intimation of the death was sent to the NHRC. The case was considered by the Commission after receipt of the detailed report and closed.

District Jail, Shillong

There occurred 3 deaths in the District Jail Shillong since 1 April, 2001. However, as per the records of CD Cell of the Commission, 11 deaths had been reported from this district. The 1.G. Prisons clarified that the Police Post provided at the Hospital sent intimation of death of 7 mental persons undergoing treatment at Meghalaya Institute of Mental Health and Neuro Sciences, Mawlai to the Commission on the presumption that these were cases of custodial death. As a result, the C.D. Cell of the Commission had wrongly listed them under code 301 without detailed examination.

Suggestion

- Care should be taken to avoid discrepancy of this kind as it affects the authentication of Commission's data on custodial deaths.

PRISONS IN NAGALAND

Central Jail, Dimapur

The statement furnished by the AIG, Prison showed no occurrence of custodial deaths during the last three years. However, the examination of relevant records revealed three cases of death since 1 January, 2004. The Custodial Death Cell (CD Cell) of the Commission confirmed that none of these

cases had been reported to the Commission. As such the instructions issued by the NHRC that every case of death of a prisoner should be reported to the Commission within 24 hours had not been followed.

District Jail, Kohima

The information obtained from the C.D. Cell of NHRC showed that there occurred no custodial deaths in Nagaland since 1997- 98. The Superintendent District Jail, Kohima reported that there occurred one death of a UTP on 21 April, 2006. The above mentioned death had, however, been not reported to the NHRC. The directions issued by NHRC including sending intimation of custodial death within 24 hours, conducting post-mortem in each and every case of death of a prisoner, mandatory inquest report, and holding Magisterial inquiry to find out whether death was caused due to negligence on the part of the jail staff had totally been disregarded. The post-mortem being not done in all cases showed the casual approach followed by prison authorities in cases of custodial deaths.

Sub Jail, Dimapur

As per the statement furnished by the Superintendent there occurred no death in this jail since 1 January, 2004. However, this information could not be accepted at face value because of the discrepancies noticed at Central Jail, Dimapur and District Jail, Kohima in the matter of death of prisoners. The Jail Department was found to be under the wrong impression that the death of a prisoner in a hospital outside the jail was not a custodial death. The jail staff was found to be not aware of their obligation to report each and every case of death of prisoners to the NHRC.

PRISON IN SIKKIM

Central Prison, Rongyek

There occurred one death in 2007. As per the Post-mortem report, the cause of death was severe Erosive Gastritis with GI bleeding. The SDM, HQ held that the death was due to disease and there was no foul play. He also did not find any negligence on the part of the jail authorities and held that the patient was sent to the Government hospital for treatment immediately. It was reported that all the requisite reports had been sent to the NHRC. This case was being examined by the Commission.

PRISONS IN TRIPURA

Central Jail, Agartala

As per the Commission's records, there occurred no death in this jail during the period between 1994-95 to 2001-02, and one death was reported to the Commission in 2002-03; and no death was reported in 2003-04. A detailed scrutiny of the records of deaths showed 4 deaths of prisoners during the last three

years. The jail authorities, however, were reporting only those deaths which were taking place in the prison and were not reporting the death of prisoners that occurred in the hospital on the presumption that the deaths taking place in the hospitals were not custodial deaths.

Suggestion

- The Commission should be informed about the death of a prisoner irrespective of the fact whether he dies in jail or in the hospital within the stipulated time of 24 hours.
- The D.M. Tripura, West should examine all records relating to deaths that occurred in the jail as well as in the hospital and send a detailed report to the Commission.

Female Jail, Agartala

There occurred no death in this Jail during the last three years.

District Jail, Udaipur, South Tripura

As per the information furnished by the Superintendent there occurred no death in this jail during the last 3 years. A detailed scrutiny showed one custodial death on 10 March, 2000. This death, however, was intimated to the NHRC. The Superintendent informed that since the death occurred in the District Hospital, he did not intimate the death to the NHRC on the presumption that it was not a custodial death. The I.G. (Prisons) regretted the mistake committed by every Jail Superintendent in Tripura and assured full compliance of the Commission's directions in future.

Sub Jail, Sonamura

There occurred no death in this jail since 1993.

PRISON ADMINISTRATION

The prison custody implies certain restrictions on the basic rights of prisoners as human beings under the process of incarceration that prisoners are required to undergo. The prison administration needs to pursue the overall objective of reform and rehabilitation of prison inmates within the framework of custody. The primary responsibilities of the prison administration include the secure custody of prisoners and their overall reform and rehabilitation. The prison administration has the following dimensions:

- The necessary manpower for guarding and maintaining security of prison premises; supervision of prisoners; discipline; and to ensure that the human rights of the prisoners are not impinged upon or restricted beyond the limit inherent in the process of incarceration itself and to ensure that prison programmes are geared towards the overall objective of imprisonment in terms of reform and rehabilitation of the prisoners.
- Constitution of the institution of Board of Visitors and organising regular visits of the Judicial authorities for monitoring the living conditions of the prison inmates and progress of correctional works; protecting their legal rights; and redressal of their grievances.
- Hold Jail Adalats in prisons for trial of petty offences and disposal of cases on admission of guilt by offenders.
- Involvement of NGOs in various matters such as education, health care, recreation and cultural activities, vocational training, legal aid to needy inmates, and other welfare programmes for the prison inmates.

I. HUMAN RESOURCES

The human resource position and facilities available for staff personnel in different jails of 5 States of North - Eastern region of India are as under:

PRISONS IN ASSAM

Central Jail, Jorhat

The sanctioned staff strength of 63 personnel of the Central Jail, Jorhat included 1 Superintendent, 1 Jailor, 2 Assistant Jailors, 1 Medical Officer, 1 Chief

Head Warder, 3 Male Head Warders, and 41 Male warders. The 12 posts lying vacant at the time of the visit included 2 Assistant Jailors; 1 Chief Head Warder; 1 Male Head Warder; and 8 male Warders. The entire jail staff except the medical officer and school teacher was untrained. The untrained staff had serious implications for human rights situation of prisoners although prison inmates made no complaints of ill treatment or deliberate denial of basic needs. The female prisoners were being guarded by female warders and head warder under the supervision of a male Assistant Jailor.

Central Jail, Tezpur

The sanctioned staff strength of the jail included 1 Superintendent, 1 Jailer, 7 male Assistant Jailers and 58 other posts. The number of posts lying vacant at the time of the visit was 6.

The main problems observed in the Central Jail Tezpur were inadequate resources; mismanagement of prison affairs; incompetent staff; lack of leadership; absence of proper training and poor motivation. The jail Staff including officers was ill-informed, untrained and attitudinally poor. The Superintendent was ineffective and the Jailer seemed to be running the entire show in his own peculiar way. Some of the newly appointed Assistant Jailers and Warders had been posted without providing any training. The medical staff was negligent and poorly motivated.

Suggestions

- The Deputy Commissioner of Tezpur/Superintendent of Jail may be delegated some financial and other powers.
- The arrangements should be made for providing proper training to jail staff about the rights of the prison inmates and their duties towards them.
- The top leadership at the Central Jail Tezpur needs to be changed. The Jail Superintendent and the Jailer need to be replaced and the Jailer should be sent for training of skill development and attitudinal change.

District Jail, Golaghat

The sanctioned staff strength of 28 personnel of the District Jail, Golaghat included one Superintendent, one Jailer, two Assistant Jailers, one Medical Officer and one nurse provided on attachment from outside. The jail had also been provided one constable of the Assam Armed Police and 17 Home Guard for external security. Among 17 Home Guards posted in this jail only 7 were found to be armed. The entire sanctioned staff was in position and there was no vacancy at the time of the visit. While supervisory staff was adequate, the provision of only one head warder and just 20 warders at the functional level was much below the actual needs of this jail which was overcrowded to the

extent of 136 per cent. The female prisoners were being guarded by female warders under the supervision of a male Assistant Jailer.

The entire jail staff including officers had not been provided any training relating to rules and regulations governing the functioning of the jail. The State of Assam had no facilities for imparting training to the jail staff. Unlike some other States of the North-East, Assam was not sending its officers posted in different prisons for training to other States like Lucknow (UP), and Vellore (Tamil Nadu)

Suggestion

- The security aspect needs a thorough examination in view of the disturbed conditions in Assam and increasing incidence of attacks on jails as reported by a number of States.

Mohendra Nagar Open Air Jail

The sanctioned staff strength of 23 personnel of Mohendra Nagar Open Air Jail included one Superintendent, one Jailer, one Assistant Jailer and one Medical Officer. The sole sanctioned post of Head Warder was lying vacant at the time of the visit and the post of pump operator had been lying vacant since 13 September, 2003 following the retirement of the last incumbent. The post of a bamboo and cane Instructor sanctioned for the Open Air Jail had been attached to the Central Jail.

PRISONS IN MEGHALAYA

District Jail, Jowai

The sanctioned staff strength of District Jail, Jowai was 1 Jail Superintendent, 1 Jailer, 1 Assistant Jailer, 3 Head Warders and 20 Warders including 4 female warders. There was no sanctioned post of a female Head Warder. In addition to an armed component of one Havaldar and 4 Nayaks one section of Home Guard had also been provided to the jail. While posts of cooks, sweepers, plumber, drivers, craft instructor had been sanctioned as per requirement, the staffing pattern did not include the essential post of a barber.

It was reported that all the sanctioned posts of head warders and warders were fully occupied. The post of a Jailer was lying vacant as the lady jailer occupying the post of a jailer was on maternity leave at the time of the visit. The vacant post of an Assistant Jailer was being officiated by one LDA. Since no female prisoners were kept in the jail, the two female warders had been attached to District Jail Shillong where female UTPs of District Jail Jowai were being lodged.

While the sanctioned strength in various ranks was considered to be satisfactory, the entire jail staff except the jail Superintendent was untrained. It

was reported that the Jailer, Assistant Jailer and Warders were untrained except one of the three Head warders who had attended a 4 months training at Jail Training School Lucknow.

The position of staff quarters was found to be satisfactory as the availability of 1 Type IV; 3 type V; 6 type VI; and 20 type VII quarters was sufficient to meet the requirement of the jail staff. The Medical officer despite being allotted a staff quarter in the jail was staying at Shillong and was travelling the distance of 65 km every day.

District jail, Shillong

The sanctioned staff strength of the District Jail, Shillong included 1 Superintendent, 1 Jailer, 2 Assistant Jailers, 3 Head Warders and 41 warders including 3 female warders. The jail had also been provided an armed component of 1 Havaladar (AB) and 7 Constables (AB). The Women section of the jail was being guarded by the 3 female warders. It was reported that the two sanctioned posts of cooks including one male and one female were expected to be filled shortly.

The housing facilities appeared to be satisfactory. The jail had 3 type II quarters for Superintendent, Jailer and SMHO; 6 type IV quarters for Assistant Jailer/Head Hawaldar Armed Branch; and 53 type VI quarters for warders and other grade IV staff. Besides these staff quarters, the jail also had 5 old building. A proposal for construction of another 6 RCC type VI quarters was being processed by the PWD authorities.

Suggestion

- A post of the female head warder should be sanctioned for exercising supervisory control over female warders.

PRISONS IN NAGALAND

Central Jail, Dimapur

The sanctioned staff strength of 119 personnel of Central Jail, Dimapur included 1 AIG Prison, 1 Deputy Superintendent Prison, 1 Jailer, 4 Assistant Jailers, 1 Chief Head Warder, 9 Head Warders and 75 Warders including 8 female Warders. There was just one vacancy of Assistant Jailor at the time of the visit. The staff provided to this jail was not well trained to perform their duties efficiently. While jail officers including Deputy Superintendent, Jailer and Assistant Jailers had received training in the Jail Training Institutes at Lucknow (UP), RICA, Vellore (Tamil Nadu), the warders had been provided only police training, particularly police training at the Police Training Centre, Chumukedina, Dimapur along with police constables without imparting any training of rules and regulation related to their jail duties. It was reported that 2 of the 3 Assistant

Jailers posted at Central Jail Dimapur and 4 male warders had not received any training till the date of the visit. As a result most of them were found to be totally unaware of the elementary provisions of the Jail Manual. The senior officers also did not have the requisite knowledge of rules and regulations governing the working of prisons.

District Jail, Kohima

The sanctioned staff strength of 83 personnel of District Jail Kohima included 1 Superintendent, 1 Deputy Superintendent, 1 Jailer, 4 Assistant Jailors, 1 Chief Head Warder, 7 Head warders and 58 warders. While Jail officers had been trained at the Jail Training Institutes at Lucknow and Vellore, the training of Head Warders and Warders was confined to the basic police training imparted at Police Training Centre Chumukedina. The functional staff being totally untrained had some adverse impact on the status of human rights observance in the Jail. The female warders had been supervised by male staff.

Sub Jail, Dimapur

The sanctioned staff strength of 75 personnel including one Jailer and 2 Assistant Jailers was found to be more than adequate to meet the current commitments of the jail. The functional staff was virtually untrained. The female section of the jail had 17 posts of female Warders but no post of female Head warder. As a result the functional staff of the Women Section of the Jail was being supervised by male staff.

PRISONS IN SIKKIM

Central Prison, Rongyek

The sanctioned staff strength of this prison was 1 jailer; 3 Sub Jailers; 5 Assistant Sub Jailers; 9 Head Warders; 55 Warders; 3 Warder drivers; 1 Follower; 2 LDC. The vacancies recorded at the time of the visit included 1 Sub Jailer, 1 Assistant Sub Jailer, and 31 Warders. It was reported that 12 Head Warders had been posted in this jail were in excess of its sanctioned strength. These Head Warders had been working in the police department and were summarily dismissed for indiscipline. On reinstatement, they had been posted to this jail as Head Warders against the vacant posts of Warders. Even after taking this excess strength of 12 Head Warders into account, there existed 19 vacancies in the Warders category.

It was reported that 2 jailers and 2 sub jailers had attended vertical interaction courses on prison administration held at Poona, Kolkata and Guwahati during the period between 2005 and 2007. The senior superintendent attended the Asia Pacific Conference of Correctional Administrators, held in Vietnam in 2007. The State had no regular institute for imparting training to prison staff. The routine police training provided to jail personnel inducted from the police

department in the beginning of their career did not equip them adequately for discharging their duties in correctional institutions and those recruited by the prison department from the open market were also being trained along with the police personnel. The jail authorities had decided to send new recruits and promotes to jail training institutes outside the state for their induction training.

The jail had 16 staff quarters for the subordinate staff and one quarter for the jailer was under construction at the time of the visit. There was no living accommodation for the rest of the staff members, who were commuting to the prison from different places in the township. A double storied building with garage had been constructed in the prison complex for temporary resting of the duty personnel.

Suggestions

- Posting of officers and men with adverse service records to the prisons should be avoided.
- The vacant posts should be filled at the earliest.
- Efforts should be made to organize periodical refresher courses for the existing staff to sensitize them about the rights of prisoners, their psychological and emotional needs etc.
- As the NHRC has been supporting and sponsoring refresher courses, the senior superintendent, who is in overall charge of the two jails functioning in the state, may send a proposal for organizing such a course for the prison personnel of the state, to the chief coordinator training, NHRC.
- The state Government should construct residential accommodation for the jail staff, particularly the supervising officers to enable them to stay in the prison campus.

PRISONS IN TRIPURA

Central Jail, Agartala

The staff position appeared to be satisfactory in this jail. The Central Jail Agartala had the sanctioned staff strength of 1 Superintendent, 1 Deputy Superintendent, 2 Jailers, 2 Deputy Jailers, 3 sub-Jailers, 25 Head warders and 123 warders, 1 Chief Welfare Officer and 2 Welfare Officers. The Jail Superintendent had been attached to the Office of I.G.(Prisons) for inquiry into complaints against him. The Deputy Superintendent was holding the charge of Superintendent. The vacant posts of one Jailer, one Deputy Jailer and one sub-Jailer because of suspension of the incumbent at the time of the visit showed serious deficiencies at the supervisory level. The vacant post of the Chief Welfare Officer and suspension of both the Welfare Officers showed a poor

state of welfare aspect of the Jail Administration. As regards the guarding staff, there was one vacancy of Head Warder, 11 vacancies of warders and 5 warders were under suspension. While the availability of 24 Head Warders appeared to be adequate, the actual strength of 105 warders was found to be inadequate in view of the overcrowding at an alarming rate of 105 per cent.

The availability of staff quarters was not sufficient to meet the requirements of the entire jail staff. Against the requirement of 112 quarters including 8 Type IV; 12 Type III; 92 Type II quarters, the total availability of 87 quarters including 4 Type IV; 6 Type III; and 68 Type II showed an overall shortage of 30 per cent.

Suggestion

- In view of overcrowding of more than 105 per cent in this jail, the staff position should be strengthened.

Female Jail, Agartala

A lady Assistant Jailer was looking after the Female Jail Agartala under the overall supervision of the Superintendent, Central Jail who was also the Superintendent of the female jail. The sanctioned staff strength of this jail included 1 Female Jailer; 1 Sub-Jailer; 5 Head warders; 9 Warders; 4 Contingency female warders; 1 Tailoring instructor; 1 SEW attached from Social Welfare department and 1 Sweeper. There was one vacant post of the Female Jailer at the time of the visit. Considering the average number of 20 female prisoners housed in this jail, the available staff was found to be sufficient.

District Jail Udaipur, South Tripura

The total requirement of staff quarters of the District Jail, Udaipur was 5 Type III and 18 Type II quarters. The availability of 1 Type III and 3 Type II quarters could hardly meet 17 per cent of the jail requirement of staff quarters. With the construction of 4 Type III and 6 Type II quarters included in the Action Plan 2004-05 of the Modernization Scheme the availability of staff quarters was expected to meet 61 per cent of jail requirement of staff quarters.

Sub Jail, Sonamura

The sub-jail was authorized to have only male staff including 1 Sub Jailer, 5 Head warders and 25 Warders. Whenever a woman was lodged in this prison, a female warder was arranged on contract basis.

Against the requirement of 2 Type III and 14 Type II staff quarters, the Sub-jail Sonamura had only 7 Type II quarters. As such the availability of staff quarters was found to be just 44 per cent of actual requirement of the prison. Barrack accommodation was found to be sufficient for the existing staff.

II. BOARD OF VISITORS AND VISITS MADE BY JUDICIAL AND NON JUDICIAL AUTHORITIES

The details of functioning of the Board of Visitors in different prisons of 5 States of North- Eastern region of India and the visits made by Judicial and Non-judicial Authorities to these jails are given below:

PRISONS IN ASSAM

Central Jail, Jorhat

A Board of Visitors comprising DM Jorhat as the head and CJM as official member and 4 non official members had been constituted for the Central Jail Jorhat on 6 March, 2007. The Board members, however, had not visited the jail even once. The Judicial authorities had been visiting the jail regularly. The CJM, Jorhat had made 13 visits in 2006 and 9 visits in 2007. The District and Session Judge, Jorhat had visited the jail once in 2006 and thrice in 2007. A judge from High Court, Guwahati had visited this jail on 22 June, 2006. The Minister of Jail and a Member of National Commission for Women had visited this jail in 2006. The District Magistrate Jorhat had visited the jail only once on 2 December, 2006 and the I.G. Prison had not visited the jail after 24 June, 2006.

Central Jail, Tezpur

The Board of Visitors comprising non-official members had become defunct. The judicial and other authorities had made 20 inspection/visits to the jail in 2007.

District Jail, Golaghat

A Board of Visitors comprising DM Golaghat as the head, CJM, Golaghat as the official member and four non-official members had been constituted vide Government's. notification dated 6 March, 2007. The Board held a formal meeting on 9 April, 2007 and the individual members of the Board had made 3 visits since its formulation. The Board was yet to become effective in discharging its obligations under the provisions of the Jail Manual. The Judicial Officers had been visiting the Jail almost every month. The District and Session Judge had visited the Jail twice and CJM made 11 visits to the jail in the year 2007.

Mohendra Nagar Open Air Jail

The Board of Visitors constituted for the Central Jail, Jorhat was also meant for Open Air Jail. However, the members of the Board of Visitors had not visited this jail even once till the date of the visit. It was reported that no judicial member had visited this Open Air Jail in recent years.

PRISONS IN MEGHALAYA

District Jail, Jowai

The Assam Jail Manual being followed in Meghalaya provides for a Board of Visitors including non-official Members. The members of the Board are required to make periodical visits to jails and review the living conditions and hear grievances of prisoners. The system seemed to have gone defunct over the past several years and no such Board was in place in Meghalaya. As regards visits by Judicial authorities, DM Jowai also acting as District and Sessions Judge had visited the jail on 4 August, 2005 and in March 2006 along with SP and ADM but had not recorded any observation. The IG Prisons had been visiting the jail regularly and recording his observations.

District jail, Shillong

The system of Board of Visitors seemed to have gone defunct. As regards visits by judicial/non-judicial authorities, the District and Session Judge visited the jail only on 11 June, 2005 and 8 April, 2006 and no other judicial authority had visited jail. The officials of Meghalaya State Human Rights Commission had visited the jail on 18 July, 2005. The D.M. Shillong had not visited the jail in the last 3 years. The IG Prisons had been visiting the jail regularly. He carried out an annual inspection of the jail on 22 May, 2006 and covered mostly the administrative matters, such as staffing pattern, departmental proceedings, law and building etc.

Suggestion

- The institution of Board of Visitors needs to be revived by reconstituting the Board of Visitors.

PRISONS IN NAGALAND

Central Jail, Dimapur

Rule 20 of the Assam Jail Manual provides for a Board of Visitors comprising District Magistrate as the head and Chief Judicial Magistrate and 4 non-official members. The system of Board of Visitors had gone defunct.

It was reported that the judicial authorities including DC (Judicial), ADC (Judicial) and JMFC, Dimapur had visited the jail thrice during last year. Besides DG Prison and DIG Prison, Additional Secretary (Home), Government of Nagaland and D.C. Dimapur had also visited the jail.

District Jail, Kohima

The Rule 20 of the Assam Jail Manual provides for constitution of the Board of Visitors headed by the District Magistrate. The Board of Visitors had not been constituted till the time of the visit to this jail. The judicial authorities had been

visiting the jail regularly since January, 2007. ADC (J) Kohima had visited the jail 3 times; and JMC Kohima visited the jail twice. The Advocate General, Nagaland had also visited the jail on 7 August, 2007.

PRISONS IN SIKKIM

Central Prison, Rongyek

The state Government had constituted a board of visitors on 13 March, 2007 with District Magistrate as the Chairman; Chief Medical Officer of the District, Joint Director Agriculture Department, Divisional Engineer Buildings Department as Official members; Superintendent of Prisons as Member Secretary; and MLA, Assam Lingzey and Resident of Rangyek as Non official members. As per the Government notification the board of visitors was required to meet at least twice in a year and it was left to the discretions of the Chairman of the board of visitors to make monthly roster of visits to be made by each member of the board to the prison in consultation with the superintendent of the prison. The board had met twice since its inception on 9 May, 2007 and 2 August, 2008. However, no individual member or group of members had visited the prison in addition to the above mentioned meetings.

The Board of Visitors in its meeting held on 9 May, 2007 had recommended that a doctor and an attendant should be posted to the prison immediately and the CMO, who was also a member of the board promised to initiate the proposal in that regard. The minutes of the board meeting held on 2 August, 2008 however, revealed that the proposal was yet to receive approval of the Government.

Suggestions

- It is desirable to make a monthly roster of visits to be made by each member of the board to the prison mandatory.
- In view of the need of a regular Medical Officer to be posted to this jail, the State Government may sanction the post of a Medical Officer at the earliest.

PRISONS IN TRIPURA

Central Jail, Agartala

The institution of Board of Visitors provided under the Bengal Jail Code which governs the functioning of jails in Tripura had gone defunct. The jail was being visited regularly by the judicial authorities. The Judicial authorities made 4 visits to this jail and Non- judicial authorities made 2 visits during the last one year. The DM and Collector, West Tripura visited the jail on 12 February, 2004 and his visit note looked like a comprehensive inspection report giving a fairly good idea of the strengths and weaknesses of the jail. The Tripura State Human Rights Committee headed by the District and Sessions Judge West Tripura had visited

the Jail on 2 July, 2002; 9 January, 2003; and 12 February, 2004. Their visit notes gave a fairly good idea about the grievances heard and action initiated by them.

Suggestion

- The Board of Visitors needs to be revived by appointing new non-official members.

District Jail Udaipur, South Tripura

The institution of Board of Visitors had gone defunct. The I.G.(Prisons) Tripura had been visiting the Jail regularly. The District and Sessions Judge, South Tripura paid one visit on 25 August, 2002; two visits on 18 April and 22 October, 2003. The D.M. Udaipur also visited the Jail on 24 August 2002.

Suggestion

- The Board of Visitors should be reconstituted.

Sub Jail, Sonamura

The Sub Divisional Judicial Magistrate visited the jail on 15 January, 2002 and the District and Sessions Judge (West Tripura) visited the jail on 15 February, 2002. There had taken place no visit of the judicial authority thereafter. The IG Prisons, Tripura had been visiting the jail regularly.

III. JAIL ADALATS

The actual position of holding Jail Adalats in different prisons of 5 States of North - Eastern region of India is given below:

PRISONS IN ASSAM

Central Jail, Jorhat

It was reported 23 cases had been disposed of in 8 Jail Adalats held during the period between 30 January, 2006 and 17 January, 2007 and 23 accused were released.

Central Jail, Tezpur

A court sitting had never been held in the jail premises in the recent past.

PRISONS IN MEGHALAYA

District jail, Shillong

The various courts serving the District Jail Shillong had been holding Jail Adalats in this jail every month. It was reported that 170 UTPs had been produced in 9 courts held during the period between 23 January and 3 June, 2006 and 14 UTPs were released. The CJM Shillong, considered 23 cases in 3 sittings of the Judicial court held in the jail and released 7 UTPs. The Sohara court considered 4 cases in its 2 meetings held in the jail but released no prisoners. The court of

Executive Magistrate, Nongpoh considered 64 cases in its 2 sittings and released 4 UTPs. The Nongstoin Executive Magistrate Court considered 79 cases in 2 sittings and released 3 UTPs. The small number of released UTPs gave an indication that the cases of petty offenders willing to confess their crime had not been identified correctly.

PRISONS IN NAGALAND

Central Jail, Dimapur

The directions issued by the Supreme Court of India in 1999 followed by guidelines issued by NHRC in 2003 for holding the camp courts in prisons to dispose of petty cases had not been implemented in the Central Jail, Dimapur.

District Jail, Kohima

Jail Adalats were not being held in this jail to dispose of petty cases.

PRISONS IN TRIPURA

Central Jail, Agartala

The Jail Adalats were not being held in this jail to dispose of the cases of those UTPs who were involved in petty offences and were willing to confess their guilt.

District Jail, Udaipur, South Tripura

Jail Adalats were not being held in this jail.

Sub Jail, Sonamura

The Jail Adalats were not being held in this jail.

IV. NGO INVOLVEMENT

The involvement of NGOs in different prisons of 5 States of the North - Eastern region of India is as follows:

PRISONS IN ASSAM

Central Jail, Jorhat

Except for a small interest shown by the Lions Club, Jorhat and the Missionaries of Charity in Prisoners' Welfare, there were no signs of involvement of NGOs in prison activities.

Central Jail, Tezpur

There was no involvement of NGOs in any welfare activities of the prisoners in this jail.

Suggestions

- The NGOs and other organizations should be encouraged to get themselves associated with the Central Jail Tezpur.

District Jail, Golaghat

The Lion Club Golaghat had helped the Jail in organizing the prison library by donating 82 books. The Women Self-Help Group, Kumarpatty, Golaghat was found to be providing training in weaving to women convicts.

Suggestion

- The involvement of NGOs needs to be expanded in Prison activities related to education, recreation, vocational training, counselling and rehabilitation of Prisoners.

Mohendra Nagar Open Air Jail

The NGO involvement was found to be nil in this jail.

PRISONS IN MEGHALAYA

District Jail, Jowai

The NGOs were not involved in providing legal counseling/aid, education and vocational training to prisoners. Manbha Foundation, an NGO was engaged in providing counselling to drug addicts and 3 NGOs, namely Church of God Jowai, Catholic Church Organisation and River of Life Church were found to be providing only spiritual counseling.

District jail, Shillong

The three religious organisations including Catholic Church Organisation, Presbyterian Church Organisation and River of Life Church as well as the Lion Club, Shillong had been visiting the jail regularly. There was no worthwhile involvement of NGOs in matters relating to education, vocational training, legal counselling and welfare of prisoners. The WISE, an NGO had taken a commendable initiative of getting involved in the above mentioned welfare activities. With the participation of WISE, an ambitious programme of imparting vocational training and several other activities such as training in handcraft, HIV/AIDS awareness, health and sanitation camp, counseling, prayer, meditation and literacy classes was scheduled to be carried out from May to December, 2006.

Suggestions

- The steps taken by the NGO needs to be encouraged and institutionalized.

PRISONS IN NAGALAND

Central Jail, Dimapur

It was reported that some Dimapur based social activists such as Spirit of Faith, CRI and TAFTE Organisations were involved in counseling and personality development of prison inmates.

Suggestion

- There is need for greater involvement of the NGOs in welfare activities of prisoners like literacy programme, education, vocational training and rehabilitation of prisoners.

District Jail, Kohima

All India Prison Ministry Kohima branch, Keze Society, Shalom Bible Seminary and St. Joseph College, Kohima had been visiting the Jail, mainly for providing counseling to prison inmates. There was no involvement of NGOs in the welfare activities such as literacy, education, vocational training, rehabilitation and welfare programmes for the prisoners.

Sub Jail, Dimapur

The Prodigals Home, an NGO had provided a tailoring instructor for imparting training to prison inmates. The members of Mother's Hope, an NGO and Spirit of Faith Church had been making weekly visits to this jail. The NGOs involvement was confined to religious matters only as no NGO was involved in activities such as literacy, education and rehabilitation of prisoners.

PRISONS IN TRIPURA

District Jail, Udaipur, South Tripura

The involvement of NGOs in the welfare activities of the prisoners was found to be nil.

Sub Jail, Sonamura

The involvement of NGOs was found to be almost nil in this jail.

RIGHTS OF UNDERTRIAL PRISONERS (UTPs) AND CONVICTS AND CONCESSIONS GRANTED TO THEM

The Prisoners both Undertrial and Convicts housed in different prisons have certain rights and are also eligible for certain concession. Prison authorities should ensure that UTPs and Convicts are not deprived of the rights and concessions available to them under normal circumstances.

I. UNDERTRIAL PRISONERS (UTPs)

The availability of rights and concessions granted to Undertrial Prisoners in different prisons of 5 States of the North-Eastern region are as under:

PRISON IN ASSAM

Central Jail, Jorhat

The 194 Undertrial prisoners housed in the jail on the day of the visit constituted 40 per cent of the jail population. The number of UTPs staying in the prison for more than one year was 14 and 10 UTPs were found to be languishing in the jail even after being granted bail by the courts due to their inability to furnish sureties. It was heartening to note that Superintendent, Central Jail had on his own initiative written to the Chairman, Legal Aid Authority Jorhat in this connection.

The Honorary Representative of NHRC interacted with the UTPs who had completed more than 1 year in prison to know their grievances. The complaints made by UTPs included the following:

- Delay in framing of charges;
- Delay in filing the charge sheets;
- Delay in commencement of the trial due to extension of remand;
- Slow progress of the case due to slow examination of witnesses;
- Non-appearance of the medical officer on the date of hearing to record his evidence;
- Legal aid being not provided to defend their cases in the courts;

- Lack of interest on the part of lawyers, if appointed by court to defend cases of UTPs.

Central Jail, Tezpur

The Guwahati High Court had passed an order to review the cases of all Undertrial Prisoners detained in jails for more than three months. The Jail Superintendent informed that this order had reduced the number of UTPs housed in the jail. The 287 UTPs including 278 male and 9 female UTPs housed in the jail on the day of the visit constituted 59 per cent of male population and 64 per cent of female population in the jail. It was reported that 48 UTPs had been languishing in the jail for more than 1 year.

It was observed that the Undertrial prisoners were kept along the convicts. The jail authorities stated that they were not aware of any cases where an undertrial prisoner had been granted bail but could not be released because of failure to arranging sureties. However, Special Rapporteur came across a young man who was languishing in the prison after grant of bail due to his inability to furnish the surety.

Suggestion

- The UTPs and convicts should be kept separately in the prison.
- The cases of the UTPs staying in jail for more than 1 year may be pursued with the help of an NGO.

District Jail, Golaghat

The 226 UTPs including 7 female prisoners housed in the prison on the day of the visit constituted 66.7 per cent of the jail population. The number of UTPs staying in the prison for more than one year was 17 and the stay of 7 female UTPs in the jail was less than 3 months. It was reported that 32 UTPs had been languishing in the jail even after being granted bail by the courts due to their inability to furnish sureties.

The Honorary Representative of NHRC interacted with 17 UTPs staying in the prison for more than one year to hear their grievances. The complaints made by UTPs included the following:

- Delay in commencement of trial due to delay in filing the challan;
- Slow progress of cases due to non-appearance of the investigating Officer (IO).

PRISONS IN MEGHALAYA

District Jail, Jowai

The 117 UTPs held in the jail on the day of the visit constituted 97 per cent of the

jail population and 47 of them had been staying in the jail for more than one year.

There was no separation between judiciary and executive in this District and the judicial powers were being exercised by Executive Magistrates. The District HQ had 5 courts of Magistrate First Class and 3 of ADM. Sub Division Amleram was without any Court and all criminal cases of this Sub Division were dealt with at the District HQ. One court of SDM and one court of Magistrate First Class had been set up on 30 March, 2006 at Sub Divisional HQ Khliehriat.

It was reported that a large number of trials were pending in the courts since long and the progress of cases was very slow. A few cases had been decided in Camp Courts held once a year when the prisoners concerned were let off after adjusting their duration of stay in jail against the sentence passed.

The IG Prison informed that the system of legal aid to poor had not yet been introduced seriously in the Jowai jail. It was reported that 6 UTPs had been provided free legal aid and 89 UTPs had neither engaged any private lawyer and nor any legal help had been provided to them by the Government. As a result a large number of UTPs were facing criminal trial without being defended by a lawyer in the courts.

The Special Rapporteur interacted with the UTPs to hear their grievances. The complaints made by UTPs included the following:

- Slow progress of trial;
- Delay in examining the witnesses;
- Non production before the Magistrate despite being taken to the courts regularly on Peshi Day;
- Lack of interest taken by the Government lawyers, if appointed;
- Inability to furnish sureties to get released on bail granted by the courts;
- Wages being not paid to a craft man for running the Cane/Bamboo Section in the prison for 10 months.

Suggestion

- The provision of free legal aid to poor and indigent accused persons has been declared as a part of the Fundamental Right to Life under Article 21 of the Constitution and the Supreme Court has held that this Right cannot be denied on the grounds of the financial constraint or administrative inability or that the accused did not ask for it. The DC should bring the matter to the notice of the District Magistrate who has the ultimate responsibility to ensure that judicial proceedings are carried on in accordance with the provisions of the law and the Constitution.

- The Craft man running the Bamboo/Cane section in the prison should be paid admissible wages.

District Jail, Shillong

The 265 Undertrial prisoners housed in the jail on the day of the visit constituted 84 per cent of the jail population. The system of providing free legal aid to poor and indigent prisoners introduced towards the end of 2001 had not been operationalized fully. More than 80 per cent of undertrial prisoners had not been provided the services of the Government pleader to defend their cases. It was reported that free legal aid had been provided to 7 UTPs in 2004, 15 in 2005 and 2 in 2006.

The Special Rapporteur interacted with 28 UTPs languishing in the jail for more than 2 years to hear their grievances. The complaints made by them included the following:

- Delay in framing of the charges;
- Delay in commencement of trial;
- Slow progress of their cases;
- Delay in examining the witnesses;
- Legal aid if provided, the Government pleaders were not attending the courts regularly;
- Non production before the court despite being taken regularly to the courts;
- Inability to furnish sureties to get released on bail granted by the courts;

PRISONS IN NAGALAND

Central Jail, Dimapur

The 152 undertrial prisoners housed in this jail on the day of the visit constituted 61 per cent of the total jail population. It was reported that 8 UTPs had been staying in the jail for 1 to 3 years; 3 UTPs for 3 to 5 years and 2 UTPs had spent more than 8 years in the jail. The Legal Aid Society had been holding some programmes occasionally in jail premises and was also arranging legal aid for the poor and indigent UTPs.

Special Rapporteur interacted with UTPs held in the jail for more than 1 year to know their grievances. Their complaints included the following:

- Slow progress of their cases;
- Some UTPs were produced before the camp court held in Central jail Dimapur in 2004 and were not taken to courts thereafter;

- Non production before the Magistrate despite being taken to the court;
- Legal aid was provided but the advocates appointed by the Government were not taking the necessary interest.

Suggestion

- The quality of legal aid provided to the poor and indigent UTPs needs to be evaluated.

District Jail, Kohima

The 104 UTPs housed in the jail on the day of the visit constituted 97 per cent of the jail population. It was reported that 11 UTPs had been staying in the jail for 2 to 3 years; 5 for 3 to 5 years and 1 UTP was languishing in the jail for more than 5 years.

Special Rapporteur spoke to 17 UTPs who had been languishing in the jail for more than 2 years to know their grievances. The complaints made by UTPs included the following:

- Slow progress of their cases in the fast track courts;
- Non production before the court despite being taken to the court;
- Prisoners were produced before the Magistrate only when court sittings were held in the jail premises and not thereafter;
- Legal help was not provided;

Special Rapporteur also spoke to all the 7 female UTPs held in the jail. It was reported that 1 of them had the longest stay of one year and eight months in the jail. She had been produced in court for 9 times and was satisfied with the progress of her case. Government lawyers had been provided to two female UTPs and one was not aware of any legal aid provided to her.

Sub Jail, Dimapur

The 22 UTPs housed in the prison at the time of the visit constituted 56 per cent of the jail population. The stay of all the 22 UTPs in this jail was less than 6 months. The jail authorities were found to be following a very undesirable practice of keeping the UTPs and convicts together despite having the facilities of keeping them separate.

PRISON IN SIKKIM

Central Prison, Rongyek

The 115 UTPs housed in this jail on the day of the visit constituted 63 per cent of the jail population. It was reported that 7 UTPs had been languishing in the jail despite being granted bail because of their inability to furnish sureties. The Superintendent informed that some courts in the state were reluctant to accept

bail bonds unless the sureties were either Government servants or owning more than 5 acres of land. The main reason for taking such a view was that the local laws did not permit confiscation of land of any person whose holding was less than 5 acres and the other reason for fixing such harsh norms was that many of the accused being from Nepal and other parts of India it was difficult to re-arrest them in the event of jumping the bail. However, it is difficult to support such a view from the angle of human rights of the prisoners. It was reported that about 90 per cent of the Undertrial Prisoners held in the jail requested for free legal aid as they were not in a position to engage lawyers to defend their cases due to poverty.

The Special Rapporteur interacted with the UTPs to hear their grievances and the complaints made by the UTPs included the following:

- Delay in filing the charge sheet by police;
- Slow progress of trial due to a absence of advocate provided for defending their cases in the court on the dates of hearing; and non-appearance of the witnesses.
- Delay in pronouncement of judgement.
- Inability to furnish sureties to avail bail granted by the courts;
- Majority of the UTPs complained about the indifference of the lawyers provided to them under the legal aid scheme. Some of the UTPS complained about lawyers demanding illegal gratification from them and their family members.
- Family members were not aware of their arrest.

Suggestions

- The superintendent may consider bringing the matter of non-appearance of witnesses on the date of the hearing to the notice of his controlling officer.
- In case of bail-able offences, prisoners may be released on their personal bond as per the provisions of section 436 (A) of the Cr.P.C.
- The superintendent may take immediate steps to inform the relatives of UTPs about their detention in the prison.
- The superintendent should bring the cases of UTPs languishing in the jail despite being granted bail by the courts to the notice of the respective courts with the request for early disposal of the cases.
- The superintendent should bring the matter relating to indifference of Government lawyers provided to UTPs for defending their cases and the issue of illegal gratification asked by the lawyers provided under free legal aid scheme to the notice of the Legal Aid Authority.

PRISONS IN TRIPURA

Central Jail, Agartala

The 197 undertrial prisoners housed in this jail on the day of the visit constituted 39 per cent of the jail population and 26 UTPs had been languishing in this jail for more than one year. It was reported that 27 UTPs had been languishing in the jail despite being granted bail by the courts due to their inability to furnish sureties.

Justice Y. Bhaskar Rao, Member NHRC interacted with 26 UTPs languishing in jail for more than one year to hear their grievances. The complaints made by UTPs included the following:

- Delay in commencement of trial;
- Delay in pronouncement of judgement after completion of all evidence;
- Legal aid being not provided

Female Jail, Agartala

The team reviewed the cases of 6 undertrial prisoners housed in this jail and all these cases were found to be of less than 3 months duration.

District Jail Udaipur, South Tripura

The 44 UTPs housed in this prison constituted 34 per cent of the jail population on the day of the visit and 4 UTPs had been languishing in this jail for 1 to 3 years. The NHRC Team met all the 44 undertrial prisoners to hear their grievances. The complaints made by some of the UTPs included the following:

- There was undue delay in commencement of trials;
- Legal aid was not provided to UTPs to defend their cases in the courts;
- The inability of UTPs to furnish sureties deprived them of availing the facility of bail granted to them by the courts;
- A UTP was wrongly shown as the UTP since 7 January, 2004 the date on which he was admitted in this jail on transfer from Amarpur jail as he had already spent 26 months in Amarpur jail. Similarly another UTPs was wrongly shown as an undertrial in this jail since 3 February, 2004 the date on which he came on transfer to this from Kamalpur after spending 11 months there.

Sub Jail, Sonamura

The 25 Undertrial prisoners housed in this jail on the day of the visit constituted 44.6 per cent of the jail population. Three UTPs had been staying in the prison for one to three years. The Special Rapporteur spoke to all the 25 UTPs held in the jail and observed the following:

- A UTP could not give any coherent reply to the questions related to progress of his trial. He needed examination by a Psychiatrist;
- A Bangladeshi UTP housed in this jail confirmed that he had engaged a private lawyer and his case was progressing satisfactorily;
- Another UTP confirmed that his case was progressing satisfactorily. However, he was languishing in the jail despite being granted bail by the court due to his inability to furnish surety;
- Most of the UTPs were unaware about their entitlement of interviews with their family members;
- A UTP along with another 9 UTPs from Gumla (Jharkhand) was arrested in a case of a murder. He requested for the supply of a postcard to write to his family.

Suggestions

- The SDM should ensure that all prisoners on admission are informed about their basic rights.
- Relevant extract from the Jail Manual should be displayed on a notice board kept at a prominent place inside and also outside the main gate.
- The visiting family members should be told about the admissible frequency of interview and also the type of food and other items which they cannot bring for the prisoners.

II. CONVICTS

The rights and concessions available to convicts in different prisons of 5 States of North- Eastern region of India are given below:

PRISONS IN ASSAM

Central Jail, Jorhat

The convicts were found to be availing leave as per the provisions of Jail Manual and the disposal of leave application was fast and prompt. It was reported that 97 convicts had availed leave in 2005, 77 in 2006, 97 in 2007 and 16 cases of leave were pending with the I.G. Prison. However, a life convict under detention since 23 April 1999 and received in this prison on transfer from Dibrugarh on 5 October, 2002 and another convict also received from Dibrugarh on transfer had not availed any leave due to inability of their families to obtain clearance from Gaon Burhas.

The cases of pre-mature release of life convicts by and large were considered and ordered in accordance with the guidelines issued by the NHRC. Every life convict was considered for pre-mature release after completion of 14 years of

actual imprisonment and 20 years with remission. It was reported that 4 lifers were released in 2006; 9 in 2007 and 5 cases of pre-mature release were under consideration. The two lifers were not considered for pre-mature release even after completion of more than 14 years imprisonment due to shortage of remission earned by them.

It was reported that 33 of the 36 appeals filed by the life convicts were pending in High Court and 3 with the Supreme Court; and 5 of these appeals were pending in the High Court for more than 2 years. The appeal of a convict awarded death sentenced submitted from outside had been dismissed by the Supreme Court on 8 August, 2005. His Mercy petition addressed to the Governor of Assam had been forwarded to the Chief Secretary from Jail on 2 September, 2007.

It was reported that 59 convicts had been provided free legal aid and Government lawyers were found to be defending their cases in the courts. The work programme besides being a rehabilitation measure is also a part of punishment for prisoners sentenced to rigorous imprisonment. It was reported that 10 life convicts had not been engaged in any work in the jail. While 8 of them were not physically fit to do any hard work, the remaining 2 convicts despite being absolutely fit for doing hard work were not engaged in any prison work because one of them belonged to a well to do family and the other convict was higher secondary passed.

Suggestions

- The leave applications of two convicts should be processed and pursued by the jail authorities to obtain clearance from 'Gaon Burhas'.
- A physically fit convict belonging to a well to do family must be made to work and another higher secondary passed convict may be engaged in running literacy classes for illiterate prisoners.
- As the period of more than 2 years has elapsed since the disposal of appeal by the Supreme Court, the case of the convict awarded death sentence may be brought to the notice of District Legal Cell.

Central Jail, Tezpur

The jail authorities appeared to be not aware of the system of parole and no convict had been granted leave on the occasion of a death in the family or other contingencies in the last three years.

District Jail, Golaghat

The 64 convicts housed in the jail on the day of the visit included 53 lifers. The parole was granted as per the provisions of the Assam Jail Manual. Under the system, the duly recommended parole application by the village head man

was forwarded by the Superintendent to the IG Prison and a decision on the parole application was supposed to be taken by the IG Prison within a period of 4 weeks. It was the responsibility of the family of the prisoner to get the parole application recommended by the village head man. A statement furnished by the Superintendent showed that 44 convicts were granted parole in 2007; 8 cases were pending with IG Prison and none of the parole application was pending for more than 2 months. The 3 female convicts held in the jail belonged to the same family. The mother and her two daughters were convicted for the murder of her husband. They were found to be satisfied with grant of parole. However, a Life convict transferred to this jail from Central Jail Jorhat on 10 March, 2006 applied for parole while being in Central Jail Jorhat but was not granted parole for the reason that his house was located between the two villages and none of the two 'Gaon Burhas' was willing to clear his case; and another prisoner sentenced to life imprisonment transferred to this jail from Central Jail Tezpur on 30 November, 2007 had not visited his family even once. His parole application was dropped due to his transfer.

It was reported that 26 appeals of life convicts were pending for more than 3 years in the Guwahati High Court and 3 appeals of convicts had been pending since 1999.

The 2 convicts belonging to Nagaland were undergoing 10 years sentence in an NDPS case. They made a request for their transfer to Central Jail, Dimapur. The Superintendent informed that their applications had been forwarded to IG Prison, Assam on 3 November, 2007 for consideration.

The two convicts complained about non-payment of wages for the work done by them from August, 2003 to August, 2004 in Central Jail Jorhat and from January 2003 to December 2003 in Central Jail Tezpur while they were housed there. Another convict was paid just Rs. 2500 for the work done by him for 5 years in the Central Jail Tezpur.

Suggestions

- The two convicts may be asked to submit fresh applications for parole and the Superintendent should help them in getting their due by taking personal interest.
- The cases of appeals of 3 convicts pending since 1999 may be brought to the notice of the Legal Service Authority.
- The non-payment of wages indicates a strong possibility of some mal practices in the matter of payment of wages to prisoners in Central Jail, Tezpur. The IG Prison may get the records of Central Jail Tezpur, thoroughly checked in order to ascertain the actual position of utilization of funds allotted for the purpose of payment of wages to prisoners. The specific

complaints made by convicts mentioning the period of non-payment should be got looked into by an officer deputed from the HQ of IG Prison.

- As Jails in Nagaland have lot of idle capacity, it should not be difficult for the IG Prison, Nagaland to concede the request made by two convicts for transfer to Nagaland as their request is very much in order with the provisions of the Jail Manual. The IG Prison should forward their request of transfer to IG Prison, Nagaland.

Mohendra Nagar Open Air Jail

The convicts housed in this prison had been availing the facility of leave as per the provisions of the Jail Manual.

The convicts, however, complained about delay in disposal of their appeals by the High Court.

PRISONS IN MEGHALAYA

District Jail, Jowai

The Superintendent informed that the provision of parole incorporated in the Assam Jail Manual had not been put to practice till the date of the visit. As the jail was not holding any convict on the day of the visit, issues relating to convicts could not be examined.

District Jail, Shillong

The provision of parole provided in the Assam Prisons (Leave and Emergency Release) Rules, 1968 and governing the functioning of jails in Meghalaya had not been used till the day of the visit. No one had been granted parole since the State was carved out of Assam in 1972.

The 3 lifers held in the District Jail, Shillong on the day of the visit had been convicted by the BSF Court and sent to this jail. An Ex-BSF admitted in jail on 6 September, 2005 was not sure whether the period of one and half years spent by him in court custody had been counted to give him the benefit the "set-off" period admissible u/s 428 Cr.P.C. Another lifer admitted on 5 April, 2000 stated that he had spent 40 days in jail before he was released on bail on acceptance of his appeal.

Suggestions

- The statements made by lifers should be verified and period of their imprisonment should be computed correctly.
- The IG Prisons should get the important provision of parole provided in Jail Manual of Assam introduced in Meghalaya.

PRISONS IN NAGALAND

Central Jail, Dimapur

The Central Jail Dimapur was housing 93 convicts including 6 lifers. Special Rapporteur interacted with the 6 lifers including one awarded life imprisonment by Army Court Martial and his observations are mentioned below.

Assam Jail Manual contains a specific provision for the temporary release of prisoners under the Assam Prisons (Leave and Emergency Release) Rules 1968. The Rule provides for emergency release for 14 days in case of death or serious illness of father/mother, father-in-law/mother-in-law, uncle, aunt, brother, sister, spouse or children or the marriage of son, daughter, brother or sister. Lifers are entitled to benefit under this rule after completion of three years imprisonment. The DG Prison was, however, found to be unaware of this provision and the above mentioned facility of parole had never been put to use in Nagaland till the date of the visit.

The lifers housed in this jail were found to be totally unaware of their right to make an appeal to the High Court and the Government advocate defending their cases in the trial courts did not inform them about this provision.

A 52 years old convict held in the jail had completed 14 years and 4 months of actual imprisonment. This did not include remission of 1718 days (4 years 8 months and 18 days) earned by him. The DG Prison was aware of the fact that the convict had become eligible for consideration of premature release. He informed that the Government of Nagaland had constituted the State Sentence Review Board under the Chairmanship of C.M., Nagaland. In view of the conduct of the convict and other relevant facts, the Review Board had already recommended his case for premature release. The DG Prisons, however, was under the wrong impression that the release order in this case was required to be issued by the Governor, Nagaland in exercise of his Constitutional power under Article 161.

The perusal of records showed that the date of conviction to life imprisonment in some cases was wrongly mentioned as the period spent by convicts in custody during investigation; trial; as well as UTP had not been taken into consideration.

Suggestions

- The premature release of a lifer after completion of 14 years of actual imprisonment is to be ordered by the State Government in exercise of its powers u/s 432/433 Cr.PC. The matter has to be dealt with by the Home Department in consultation with the Law Department.

- The cases of premature release should be initiated 6 months before the completion of 14 years of imprisonment.
- Superintendent Central Jail Dimapur should make the necessary corrections relating to dates of conviction. He should collect the details of the period spent by convicts in custody during investigation/trial to enable them to get the admissible benefit of the 'set off' period u/s 428 Cr.P.C. While counting the period of 14 years from the date of sentence, the set off period should be added to the actual incarceration.

PRISON IN SIKKIM

Central Prison, Rongyek

The convicts were allowed to avail leave up to 30 days to attend marriages/ funerals etc. in the family subject to prior verification by the police. The remission upto five months in a year was being granted to the deserving prisoners. There was some confusion relating to the entitlement to remission of prisoners undergoing life sentence. It was reported that the lifers were granted such remission till the year 2005 but due to an erroneous interpretation of the guidelines issued by the NHRC on premature release in case no 233/10/97-98, this practice had been discontinued. The Special Rapporteur explained to the Superintendent that the NHRC guidelines did not suggest even remotely that life convicts should not be granted remission. In fact the entire exercise carried out by the NHRC was to facilitate the release of life convicts undergoing imprisonment for indefinite periods.

The state Government had constituted a State Sentence Review Board on 25 April, 2007 to consider cases of premature release of convicts. The Board comprised Principal Secretary, Home Department as the Chairman; Additional Secretary/Joint Secretary, Law Department, Deputy Inspector of Police (range) as Members; and Senior Superintendent of Police/Prisons as Member Secretary. The eligibility criteria spelt out by the State Government for premature release was more or less in line with the recommendations of the National Human Rights Commission. The 3 of the 30 life convicts held in this prison had served more than 10 years in the prisons. They being convicted for murder had not become eligible for consideration of premature release under the provisions of section 433A of the Cr. P.C.

The Special Rapporteur interacted with the convicts to hear their grievances and the complaints/requests made by them included the following:

An Assistant Sub Inspector in the state police charged with murder was acquitted by the Sessions Court. As the state Government went in appeal and he was convicted by High Court to life imprisonment. He requested for early disposal of an SLP filed by him in the Supreme Court.

A Bangladeshi National held in the jail stated that he joined the freedom struggle of Bangladesh in 1971 and joined the Bangladesh Army in 1975 and retired in 1995. He started a grocery at Dhaka after his retirement. He further stated that he came to Siliguri in 2003 with valid passport and visa to meet some of his relatives and friends who live in India. He stayed at Siliguri on 25 and 26 July, 2003 and on 27 July, 2003 Shri Suresh Sarkar of Siliguri, with whom he had casual acquaintance persuaded him to visit Sikkim for site seeing. After reaching Siliguri Suresh asked him to wait at a tea shop as he was to go to his sister's place but Suresh never returned. The local people produced him before Tadung police and the police informed the local military authorities and in collusion with them planted incriminating documents on him and branded him as an ISI agent. He was convicted to 10 years RI merely on suspicious without any evidence. He had appealed against the order on 21 January, 2007. He had been provided the free services of a lawyer. His appeal was yet to be heard. He stated that he had left behind his 94 years old mother, wife and two school going children in Bangladesh and had no information about their welfare. He pleaded for early and judicious disposal of his appeal petition.

Suggestions

- The UTPs held in the jail for long time may also be granted leave to attend marriages and funerals in the family with the permission of the court.
- The Superintendent should immediately restore the system of grant of remissions to deserving life convicts. He may also examine the feasibility of granting them remission retrospectively which they had earned between 2005 and 2007.
- The Superintendent may consider bringing the matter of convicted ASI to the notice of the Registrar through appropriate channel.
- The Superintendent may verify the present position of the appeal petition of the Bangladeshi convict held in this prison.

PRISONS IN TRIPURA

Central Jail, Agartala

The prisoners were found to be satisfied with the quantity and quality of food, drinking water, sanitation and medical facilities. However, some convicts complained about the behaviour of the Medical Officer.

Parole in this prison was governed by the Tripura Prisoners (Tripura Amendment) Act, 1979. The liberally drafted enactment entitles every prisoner sentenced to imprisonment for two years or more to avail the facility of temporary release on parole for a period not exceeding one month at a time. The act clearly mentions that the period spent on parole will be counted towards

the period of the sentence. There is no limit imposed on the number of times a prisoner can be granted parole. The Act also provides for long-term parole for a period not exceeding two years for prisoners sentenced to RI for ten years or more. The long-term parole can be availed by prisoners after serving at least five years of their sentence excluding remission but including the period of short-term parole. Some convicts, however, complained that applications for grant of parole were not being considered fairly. While some resourceful and well-connected prisoners were getting parole for long periods running into years and a majority of convicts remained totally deprived of this facility.

The scrutiny of records revealed that of the 52 applications received for parole during the period from May 2003 to May 2004 only 14 convicts were granted parole. Three of them were granted parole of two years and another three were granted parole for one year. The 25 lifers were denied this facility of parole even after completion of 5 years of detention presumably because of adverse recommendations from the police.

The provisions of 433-A Cr. PC laying down the criteria of completion of actual incarceration of 14 years for lifers for considering their cases for premature release was inserted on 18 December 1978. Prior to this date, the premature release of lifers in Tripura was governed by the "14 years rule" which provided that a lifer could be released if he had completed 14 years imprisonment including remission. The Government of Tripura seemed to be continuing to use the earlier provisions and releasing lifers under the "14 years rule". It was learnt that the State Review Board constituted for considering the cases of premature release did not meet in the year 2003 and the last premature release order was issued on 22 December, 1999 when 4 convicts were released.

It was reported that the jail was not holding any lifer awarded sentence before 22 April, 1988. Six out of 208 lifers held in the jail had completed 14 years of imprisonment since their admission to jail and all of them had remained on parole for 1 year and 1 month to 4 years and 3 months since their admission in the jail. The Special Rapporteur was given to understand that the period of parole was not being counted towards the sentence while computing actual incarceration of 14 years. This practice was found to be against the very purpose of introducing parole as a reformatory measure to ensure prisoners contact with society. The I.G. Prisons confirmed receipt of the Guidelines issued by NHRC on pre-mature release of lifers and the State Government was expected to streamline the procedure relating to premature release of life-convicts by following these guidelines.

A number of convicts complained about delay in disposal of their appeals filed against life imprisonment in the High Court. It was reported that 67 such

appeals were pending with the High court and 17 of these appeals had been pending for more than 5 years.

The 15 convicts including 9 lifers complained that they had not received the copy of the judgement order from the Court. Some of them stated that that Government pleader had collected the copy of the judgement order but he had not delivered the same to them. It was observed that 5 of these cases were more than 4 years old.

Justice Y. Bhaskar Rao, Member NHRC interacted with convicts to hear their grievances. The specific complaints made by convicts included the following:

- A convict undergoing life imprisonment since 4 July, 2002 had applied for transfer to Karoli District Jail, Rajasthan. His request could not be accepted by the Government of Rajasthan on the ground that lifers were not kept at District Jail Karoli.
- A convict complained that there was no mention of the "set of period" in his judgement order as the judgement order had not mentioned period he spent in custody during the investigation of the trial of two different cases. He also sought clarification whether punishment awarded to him in two cases would run concurrently as both the judgements delivered on different dates had not mentioned whether they will run concurrently or consecutively.
- A convict was admitted to this jail on 18 September, 1999 after being sentenced to life imprisonment u/s 302 IPC. He stated that he had filed an appeal through jail after three months of his admission. He was informed after a period of about one year that his petition was misplaced and could not be forwarded. He submitted a second petition in the year 2000 but the jailer again informed him after few months that his second petition was also misplaced. As a result he could not file an appeal petition even after completion of nearly 5 years of his sentence.
- A prisoner convicted in two cases stated that he had paid Rs. 3000 to a private Lawyer for filing his appeal petition and defending his case but the lawyer had not filed his appeal petition.
- A number of convicts complained about their set off periods being not included in their judgment orders.
- A convict complained about delay of more than one year in giving him intimation of the outcome his appeal. He filed his appeal in the High Court from outside the jail by engaging a private lawyer. His punishment was reduced by 5 years but he received no intimation of the outcome of his appeal because he remained out of touch with his lawyer.

Suggestions

- The State Government may be asked to furnish the full particulars of lifers released since 1 January, 2000.
- The Jail Superintendent should move their petitions to the Court concerned with the help of District Legal Service Authority.
- The convict may be asked to make a fresh application for his transfer to Central Jail where lifers are kept and the same may be forwarded to the Government of Rajasthan for consideration.
- The Jail Superintendent should bring issue of set off period to the notice of the District Legal Service Authority and move a petition to the High Court u/s482 Cr. P.C.
- The Home Commissioner (Jail) should take personal interest and ensure that the appeal of the convict is filed immediately stating the reasons for delay and IG (Prisons) should inquire into the matter to find out the mischief or lapse, if any on the part of the Jailer.
- The convict may be provided legal help to file his fresh appeal petition through the jail.
- The jail Superintendent should bring the case of undue delay in intimating the outcome of the case to the notice of the District Legal Service Authority (DLSA).

Female jail, Agartala

The NHRC team met all the 12 female inmates housed in this jail to hear their grievances. The complaints made by two convicts included the following:

A convict sentenced to R.I for life with a fine of Rs. 3000 or six months additional RI in default stated that the copy of the judgment delivered about 2 months after her admission to jail had been misplaced in jail office. As a result, she could not file the appeal petition.

A convict had been sentenced to life imprisonment along with her husband. Her husband had been transferred to Udaipur Jail on administrative grounds. She requested for his transfer back to Central Jail Agartala.

Suggestions

- The case of convict should be brought to the notice of the Legal Service Authority for obtaining a certified copy of the judgment and filing of appeal with explanation for delay that has occurred.

- The IG (Prisons) may consider the request for transfer of convict's husband to Central Jail Agartala on merit balancing the requirements of discipline and welfare.

District Jail, Udaipur, South Tripura

It was reported that no convict housed in this jail had been granted any parole till the time of the visit. A number of them had completed more than five years of their imprisonment without availing the facility of parole. The records showed that 17 parole applications forwarded to I.G. (Prisons), Tripura on 23 October, 2003; one on 4 February, 2004; and 9 on 1 May, 2004 were pending consideration. The 7 convicts had not received the copies of their judgment. The judgment orders of 22 convicts did not mention their UTP period to give them the benefit of set-off u/s 428 Cr. P.C.

Suggestion

- The I.G. (Prisons) should look into the matter and expedite the disposal of parole applications.

Sub Jail, Sonamura

It was reported that 7 applications submitted by convicts for grant of parole were being processed. Some of these applications were submitted more than 8 months back. The IG (Prisons) explained that because of the staff being not familiar with the subject, the proposals were not prepared correctly and the applications had to be referred back. The 21 life convicts stated that their 'set of period' was not mentioned in their judgement order.

Some of the convicts requested for their transfer to the jails nearer to their home towns on the ground that their family members could not come frequently to meet them due to long distances. A convict made a request for his transfer to Agartala Central Jail where his mother was lodged as a lifer.

Suggestion

- The IG Prisons should ensure that the final decision on the request for parole is taken within a period of 4 to 6 weeks.
- The IG Prisons may consider these requests for transfer sympathetically keeping in view the extent of overcrowding and security position at the concerned places.

CONCLUSIONS AND RECOMMENDATIONS

In consonance with the functions elucidated under the Protection of Human Rights Act 1993, Member of the National Human Rights Commission, Special Rapporteurs and Honorary Representative of the Commission visited 14 prisons of 5 States of North - Eastern region of India where prisoners had been housed for purpose of treatment, reformation or protection during the period between 11 June, 2004 and 27 October, 2008. They visited the jail premises including barracks; convicts and undertrial prisoners wards, Juvenile ward, cells, women section, kitchen complex, jail hospital, isolation wards, jail industry and site of vocation training, to evaluate the functioning of these prisons; review the living conditions including sanitation, general hygiene, cleanliness of the barracks, toilets, bathing places, kitchens, etc. and assess the protection of human rights of the prison inmates. They interacted with the prisoners especially long staying undertrials to know their grievances; and held discussions with Prison officials including DG Prisons, DIG Prisons, Superintendent of Prison, Jailor, Medical officer, and other officials to assess the strengths and weaknesses of prison administration and management.

The state-wise assessment of strengths and weaknesses of the prisons of North-East region of India visited by the Member of National Human Rights Commission and the above mentioned officials of the Commission; and some recommendation made by them are given below:

PRISONS IN ASSAM

Strengths

- The Assam Jail Manual is one of the most comprehensive and excellently drafted Jail Manuals. A number of progressive changes has been made in the Assam Jail Manual to bring it in tune with the requirement of Prisoners, rights and ensure humane and decent treatment of prisoners which is a notable feature of Jails in Assam. The enactment of the Prisoners Probational Release Act 1998 made a useful provision for the conditional release of prisoners including life convicts on probation under supervision of an individual guarantor or an institution has been proved quite helpful

in reforming and rehabilitating the law abiding prisoners. The scales of diet, clothing and bedding of prisoners were amended and improved after abolishing the earlier distinction/discrimination based on the mode of living in 1985. Remission System was streamlined in 1986. Wage structure of Open Air Prison was amended in 1990 by providing for both daily and annual wages.

- Food was provided to prisoners as per the provisions of the Jail Manual. Prisoners including female inmates were found to be satisfied with the quantity and quality of food served to them.
- The carefully designed recreational facilities for the prisoners had been working satisfactorily in the Open Air Jail. Televisions sets had been installed in all barracks and the Jail Hospital. The jail had facilities for both indoor games including Carom, Ludo, Chess and outdoor sports included Volley Ball and Cricket.
- Yoga and meditation programme were being run by NGOs.
- Jail authorities had been paying proper attention to the educational needs of prisoners.
- Based on the recommendations of 1979 Assam Jail Reform Commission, medical facilities had been provided in all jails of Assam. The 26 of the 27 Assam jails had their own medical officers and pharmacists and 18 jails had facilities of bedded hospitals and the remaining jails were served with dispensaries. The initial medical examination of prisoners on admission was being carried out with due seriousness. The referral system for specialized treatment was working satisfactorily. The medical officers were thoroughly familiar with the requirements of the DOTS and prison inmates suffering from TB were provided treatment under DOTS.
- Instructions of the NHRC were being followed in processing the incidence of death in Jails. Post-mortem examination was being conducted in every case of death of a prisoner whether in jail or in the hospital; video filming of post-mortem examination was also carried out in accordance with the Commission's instructions.

Weaknesses

- The uneven distribution of population in different jails resulted in overcrowding of 129 per cent in District Jail Golaghat; idle capacity of 27.6 per cent in Central Jail Jorhat; and idle capacity of 59 per cent in Mohendra Nagar Open Air Jail.
- Assam State had no women jails, which is considered essential as per the recommendations of Krishna Iyer Committee Report on Women Prisoners

and Margaret Alva Committee Report on Empowerment of Women. The women prisoners were lodged in separate enclosure within the main jail compound.

- The children staying with their mothers in the prisons were not provided special diet. Female head warder was found to be totally unaware about the provision of Special diet to the children and the Assistant Jailor was not taking any interest in such matters.
- Wood was used as fuel for cooking food in the kitchen.
- There was no provision of regular medical examination of prisoners engaged in cooking.
- The supply of drinking water was inadequate in Central Jail Jorhat and Mohendra Nagar Open Air Jail. There was no surety of quality of drinking water supplied to prison inmates in the absence of proper arrangement for testing water.
- As per the provisions of the Jail Manual, prisoners were entitled to have bed sheet, mosquito net, pillow and blankets. Against their entitlement, convicts had been provided all items of clothing but some of the prison inmates were not provided bed sheets and pillows because of short supply of these items. Except the Open Air Jail, prisoners housed in other jails were not provided cots as cots were not an authorized item. This was clearly out of tune with a number of progressive measures introduced in Jail administrations in Assam.
- The standard of sanitation in Assam Jails was not satisfactory due to toilet to prisoner ratio being far below the acceptable ratio of 1:10.
- The health care facilities for children staying with their mothers in the prisons particularly the immunization requirements had not received the proper attention of jail authorities. The Medical Officer did not pay any attention to the inoculation of children. Even the highly publicized on going Polio Programme was not seen to have covered babies languishing in Jail with their mothers.
- Work programme for the prisoners, an essential component of modern jail administration aiming reformation and rehabilitation of prisoners, had not received much attention. The work programme had been running purely on ad hoc basis.
- There were some lapses in reporting custodial deaths to National Human Rights Commission.
- The Assam State had not developed any facilities for providing training to jail staff. Unlike other states of North-East, Assam was not sending its jail

officers for training to the Training Centres of other States like Lucknow in UP and Vellore in Tamil Nadu. The untrained staff had serious implications for human rights situation of prisoners.

- Board of Visitors had been constituted but had not yet started functioning as per the provisions of the Jail Manual.
- Some of the UTPs had neither engaged their private lawyer nor had been provided Government lawyer and the trials cannot be fair in the circumstances of accused being not defended by the lawyer. This constituted a violation of the prisoners' right to fair trial which is an integral part of the Fundamental Right to life governed by Article 21 of the Constitution.

PRISONS IN MEGHALAYA

Strengths

- The positive feature of jails in Meghalaya was the relaxed atmosphere. The prisoners were living and moving within the jail compound without any undue restrictions or harassment.
- Prisoners were satisfied with the quantity and quality of food provided to them.
- The supply of drinking water and electricity was satisfactory.
- Recreational facilities provided in the jails were adequate and functioning efficiently.
- The jails had well developed facilities for imparting vocational training to the prison inmates in carpentry, cane and bamboo and crafts in all jails except District Jail Shillong. The posts of Craft Instructor and Carpentry Instructor had been included in the staffing pattern of District Jails.
- Health-care facilities provided in Jails were fairly good and were working efficiently. The sanctioned posts of one Medical and Health Officer, one Pharmacist and two Medical Attendants for every district jail were adequate.
- The sanctioned strength of functional and supervisory staff for all the four district jails was reasonably good.
- The courteous and kind jail staff was treating prison inmates nicely.
- Housing facilities for the jail staff were fairly adequate and were expected to improve further with the additional construction of type II, III and Type VI quarters under the modernisation grant.

- The Jail Adalats were being held in all the District Jails. However, the disposal of cases by Jail Adalats showed lack of clarity about the jurisdiction of jail Courts.

Weaknesses

- The prison infrastructure of Meghalaya was weak and inadequate. The state did not have any Central jail and had District jails only in 4 out of its 7 districts at the time of the visit. The concept of Sub-jail and Open Air Jail was yet to be introduced.
- The overcrowding of 13.6 per cent as of 30 May, 2006 in Meghalaya jails was manageable. However, District Jail Shillong being catering to West Khasi Hills District and Ri-Bhoi District was overcrowded to the extent of 123 per cent.
- Sanitation facilities were poor in the jails.
- The District Jail Shillong did not have the facilities for providing vocational training and gainful employment to convicts because of the shortage of accommodation.
- As the convicts undergoing R.I. were not held at any jail except Shillong, a large number of Undertrial prisoners were being engaged in industrial units and maintenance jobs without being paid any wages. This constituted a serious violation of their rights.
- The prisoners suffering from TB and other infectious diseases were not segregated and kept separately.
- The system of Board of Visitors provided in the Assam Jail Manual had gone defunct.
- The involvement of voluntary agencies and NGOs was confined largely to religious bodies/organisations, which concentrate their activities on religious preaching and spiritual counselling.
- The separation of judiciary and executive had been effected only to a very limited extent in Meghalaya. Except Shillong Municipal area having a Judicial Court, the criminal justice in all the Districts/places in the State was being administered by the Executive Magistrates.
- The pendency of cases at Jowai was alarmingly high. There was no institutional arrangement to monitor the progress of cases. The concept of accountability of the Executive Magistrate was almost non-existent.
- Plight of undertrial prisoners was worst in Meghalay due to following factors:

- The UTPs constituted 91.03 per cent of the total prison population in Meghalaya. This was much higher than the national average of around 70 per cent on 30 May, 2006.
- The number of UTPs languishing for more than 2 years was proportionately very high in this State.
- A number of the UTPs held at District jails Shillong and Jowai despite being taken regularly to the court on the day of hearing were not produced in Courts.
- The mandatory measure of providing Legal Aid to poor and indigent UTPs was yet to be operationalized in all the jails of the state. A number of prisoners at Jowai were either unaware of the facility of free legal aid which is their fundamental right or had been waiting for appointment of Government lawyers since long. As a result a large number of undertrial prisoners were facing trial undefended by private or Government pleader.
- A good number of undertrial prisoners were languishing in the jails despite being granted bail by courts because of their inability to furnish sureties.
- The system of parole provided under the Assam Jail Manual and followed in Meghalaya was not operating for the past several years. Total stoppage of this welfare measure meant for ensuring prisoner's contact with his family and community did not speak well of the quality of jail administration.

PRISONS IN NAGALAND

Strength

- Jails in Nagaland were totally free of the problem of overcrowding. The authorized capacity remained underutilized to the extent of 58 per cent in Central Jail Dimapur; and 63 per cent in Sub jail Dimapur.
- The prison staffs was sanctioned liberally and there was hardly any vacancy at the time of the visit.
- The prison staff was very gentle in treating prisoners.
- Separation of Executive and Judiciary has been effected in Nagaland.
- Free legal aid had been provided to almost all the indigent UTPs.
- A State Sentence Review Board had been constituted under the chairmanship of the Chief Minister, Nagaland to consider cases of premature release of prisoners.

Weakness

- Nagaland did not have a women jail and women prisoners were kept in a separate barrack in the same campus in every jail without being provided even a separate enclosure to restrict the entry of men. However, female inmates did not feel unsafe and insecure due to cultural peculiarity of the Naga Society.
- The convicts were denied their entitlement to basic needs of clothing and bedding.
- Sanitary facilities were poor in the jails of Nagaland.
- Recreational facilities were limited.
- Educational facilities were almost non-existent.
- The absence of work programme was a glaring deficiency as it showed lack of concern of prison management towards reformation and rehabilitation of prisoners after their release from prisons.
- The most glaring deficiency in all the jails of Nagaland was the lack of medical facilities.
- The Central Jail, Dimapur, District Jail Kohima and Sub -Jail Dimapur had no sanctioned post of a regular doctor. A Pharmacist posted in each of these jails was taking care of health needs of the inmates.
- The system of visiting doctor designed for the District Jail Kohima had not been extended to Central Jail Dimapur and Sub Jail Dimapur.
- While incidence of death in jails was fairly common, the NHRC directions regarding intimation of death followed by magisterial inquiry report were not being followed.
- The actual performance of jail personnel was poor due to inadequate training at officer level and no training at the functional level. The jail officers as well as jail staffs had very little knowledge of prisoners' rights and their obligations to protect prisoners' rights.
- The Board of Visitors was either not constituted or had gone defunct.
- The progress of trial of cases of UTPs was slow in the courts.
- The Government lawyers provided to UTPs for defending their cases showed lack of interest in their cases.
- The system of parole provided in the Jail Manual had never been put to use.

PRISON IN SIKKIM

Strengths

The living conditions in the prison were quite satisfactory as per the following details:

- The prison had an ideal toilet to prisoner ratio of 1:5 in male wards and 1:2 in female ward. The wards and cells were found to be clean and well maintained; and the drainage and waste disposal was found to be satisfactory.
- The Central Prison Rongyek had been following the best practice of supplying a bathing soap and two washing soaps to prisoners for washing their clothes.
- Jail had adequate arrangement for outdoor sports and indoor games and recreational facilities like TV sets installed in each ward.
- Jail had satisfactory arrangements for holding interviews between the prisoners and their lawyers/friends and family members.
- Jail had a number of industrial/vocational units for fruitful engagement of prisoners and a source of earning for prisoners in the form of wages.
- The prison had constitutes a Board of Visitors and the Board had held 2 meetings since its inception.

Weaknesses

- The two cells of this prison did not have the raised platforms.
- The poor UTPs languishing in prison for long had not been provided any uniforms.
- There was no prescribed time period for replacement of uniforms and different items of bedding.
- The uneven distribution of toilets resulted in inadequate night toilets in the wards for prisoners.
- Medical facilities were quite inadequate in the prison.
- There was no proper arrangement for imparting training to prison staff. The routine police training imparted to jail personnel did not equip them adequately for discharging their duties in correctional institutions.
- There existed some vacancies at the time of the visit.
- The availability of staff quarters was less than the actual requirement of the jail staff.

- The slow progress of investigation, trial and hearing of appeals.
- A large number of prisoners had been languishing in the prisons despite being granted bail due to their inability to furnish sureties.
- Majority of the prisoners (90 per cent) lodged in this prison being extremely poor were not in a position to engage private lawyers to defend their cases. The lawyers provided to them by the Government for defending their cases were indifferent and a UTP complained against his lawyer for demanding and receiving illegal gratifications from him.

PRISONS IN TRIPURA

Strengths

- The system of classification of prisoners on the basis of the socio economic status and mode of life provided in the Manual was not being followed in Tripura jails. The prison authorities were making no distinction between prisoners in terms of food and other entitlements.
- The basic needs of the prisoners including food, water, clothing, bedding and recreation were being met satisfactorily in the prisons of this State.
- The Jail Department had been providing work to almost all convicts undergoing Rigorous Imprisonment and paying wages for the services rendered by prisoners.
- The medical facilities provided in various jails were satisfactory.
- Most of the prisoners were well aware of their rights and were fearless in articulating their grievances even in the presence of the jail staff. However, the level of consciousness was relatively lower in tribals among the prisoners.

Weaknesses

- Jail Administration in Tripura was being governed by the Archaic Bengal Jail Code of the 19th century. Tripura had been continuing to follow the relic of the British period.
- The actual population of 1303 prisoners in Tripura jails on 31 May, 2004 against the authorised capacity to house 788 prisoners showed overcrowding of 65.35 per cent. The uneven distribution of prison population in different jails resulted in 133 per cent overcrowding in Central Jail Agartala; 141 per cent in Udaipur District Jail; and 34 per cent in Sonamura Sub Jail.
- The availability of 90 staff quarters was much less than the actual requirement of 285 staff quarters.

- The proportion of tribals in the UTPs held in the jails was much higher than their proportion in general population. While tribals constituted around 28 per cent of the state population, they accounted for 48 per cent of undertrial prisoners held in the Central Jail, Agartala and 55.6 per cent in Udaipur District Jail. Majority of the prisoners not being provided any legal aid were also tribals.
- The jail authorities were reporting only those deaths to the NHRC which were taking place in the jails and were not reporting those cases of deaths which occurred in the hospital or outside the jails.
- There was no involvement of NGOs in the welfare activities for prisoners and other prison matters.
- A large number of UTPs were languishing in the jail despite being granted bails due to their inability to arrange sureties.
- Majority of the UTPs were not provided any free legal aid.
- Some prisoners complained that while resourceful and well-connected prisoners were granted parole for long periods running into years, a vast majority of convicts remained totally deprived of this facility.
- The premature release of lifers continued to be governed by the 14 years rule which provides that a lifer could be released if he had completed 14 years of imprisonment including remission. The period of parole was not being counted towards the sentence while computing actual incarceration of 14 years. This was against the very purpose for which parole was introduced as a reformatory measure.

Recommendations

Infrastructure

- The District Jail Shillong may be considered for upgradation to Central Jail at an appropriate time. The sub jails may be set up in Meghalaya only after providing districts jails in all the 7 districts. The establishment of an open air jail should wait.
- The progress of various steps taken by the State Government of Tripura for opening new jails and creating additional capacity in the existing jails to solve the problem overcrowding and also for improving the housing facilities for the jail staff should be monitored regularly.
- The elementary and essential facility of a children park and creche should be arranged in all jails where women prisoners have been housed along with their children up to the age of 6 years.

Living conditions

i) Food

- As the food served to prisoners relates to the most fundamental right of the prisoners 'the right to a well cooked and wholesome food', a proper diet chart should be formulated for prison inmates in terms of their calorie requirements with the help of a nutrition expert.
- The scale of special diet for pregnant and nursing women should be worked out in a scientific manner in consultation with nutrition experts.
- A separate scale needs to be laid for the children as per their nutritional needs to be determined by the expert Committee. The IG Prison should initiate action. He may seek the useful information from IG Prison, Jharkhand where this measure has already been introduced at the instance of NHRC.
- Prisoners working as cooks must be subjected to medical examination periodically.
- Environmentally unfriendly practice of use of fire wood as fuel needs to be stopped by introducing cooking gas in jails.

ii) Water

- The water should be tested for making arsenic estimation. The IG prisons may pursue the matter relating to water testing.
- Aqua guard filters may be installed in all the barracks to ensure supply of potable drinking water to prison inmates.

iii) Clothing and Bedding

- Procurement of various authorized items of clothing and beddings which constitute the basic minimum needs of the prisoners should be properly planned to avoid shortage of these items.
- The elementary facility of sleeping on bed needs to be extended to all prisoners.
- The maximum life for different items of uniform, bedding etc. should be prescribed and these items may be replaced after the expiry of that period.
- The supply of uniforms to the poor and indigent UTPs may be considered.
- Prisoners may be supplied foot wears.

iv) Sanitation and Personal Hygiene

- Jail authorities may consider of constructing more toilets by utilizing some amount of modernization grant released by the Government of India to bring toilet to prisoner ratio at par with the ratios recommended by the All India Prison Reform Committee to ensure proper sanitation.
- Dormitories with 20 to 22 beds should be provided with at least two latrines inside the wards.
- The Best practice of supplying bathing soap, washing soap followed in Central Prison Rongyek may be adopted by other states. These items being basic needs of prisoners for their personal hygiene may be included in the authorized scale.

v) Communication

- The Superintendent needs to display a list of articles including food items which can be delivered to the prisoners by their friends/family members during the interview.

Education

- Prison authorities may involve educated prisoners to provide elementary education to illiterate prison inmates;
- Proper education arrangements should be made for children staying with their mothers in the prisons;

Vocational training and Works programmes

- The range and content of work programmes for prisoners need to be expanded.
- Arrangements need to be made for providing vocational training and gainful employment to convicts both male and female housed in all jails. This is a mandatory requirement in respect of convicts undergoing R.I. This is also a rehabilitatory measure for preparing the prisoners for a life of law-abiding citizens after their release.
- UTPs should only be engaged in prison work if they are willing to work; and if engaged in prison work they should be paid wages at the prescribed rates.
- The prisoners should be paid the entire amount of their wages for services rendered by them before or at the time of their release from the jails.
- The daily wage rates for the prisoners engaged in industrial/vocational units and other maintenance jobs should be reviewed and revised appropriately.

Medical Health Care

- The DG Prisons should send a formal proposal to the Government for the provision of medical officers in all jails. It would be reasonable to follow a scale of 2 medical officers for the Central jails one doctor for each of the District Jails; and the Sub jails may be covered by one visiting doctor. The visiting doctors should make at least one weekly visit and be available on call.
- The visiting doctors should be provided financial incentive by way of honorarium and the rate of honorarium for the visiting doctors should be between Rs. 1000 and 3000 per month.
- The jails which are not authorized to have a medical officer must have at least a Pharmacist.
- The jail Hospital needs to be strengthened by setting up a Pathology Unit for routine testing of blood, urine and stool etc. and sanctioning a post of Laboratory Technician.
- A monthly visit of Gynaecologists from the Government Hospital may be arranged for examining and treating the female prisoners housed in the jails.
- Detection and treatment of TB cases needs more attention. Arrangements should be made for segregation of prisoners suffering from TB and other infectious diseases and keeping them separately.
- The Superintendent and the Medical Officer need to monitor the condition of the mentally ill prisoner undergoing treatment in the Mental Hospitals on regular basis by maintaining a constant touch with the Mental Hospital authorities.
- The prison inmates working in the jail hospital to the satisfaction of the Medical officer should be paid wages of skilled category.

Custodial deaths

- The intimation about the custodial death should be sent to the NHRC within 24 hours. The DG (Prison) needs to send a detailed report containing (i) Inquest report (ii) Post Mortem examination report (iii) Viscera examination report where required (iv) Video cassette of Post Mortem Examination, where required and (v) Magisterial inquiry report to the Commission thereafter.
- Postmortem should be conducted in each and every case of custodial death and postmortem records should be maintained in the prisons.

- The discrepancies in the number of deaths mentioned in the death statement of the jail and the CD Cell of NHRC needs to be reconciled.

Prison Administration

- The Assam Jail Manual should incorporate the human rights orientation in accordance with the guidelines circulated by the NHRC to ensure good governance of Jails.
- The IG Prisons, Meghalaya should examine the draft Manual circulated by the Bureau of Police Research and Development, MHA Government of India to all states and UTs by associating all the four Superintendents and AIG Prisons and place the matter before the competent authority for adoption of the new Jail Manual.
- The Ministry of Home Affairs have taken a lead by sending a Model Jail Manual to all states and it is hoped that the Government of Tripura will adopt the same to balance the requirements of custody and rehabilitation and give a modern look to its jail administration.
- Directions of the Supreme Court regarding provision of facilities for special care, education and recreation for young children staying with their mothers in the jail in R.D Upadhyay v/s the State of Andhra Pradesh and others need to be implemented fully by the jail administration.
- The prison authorities should create awareness among prisoners about their human rights; right to bail; the provisions of Section 436A of the Code of Criminal Procedures; right to appeal; right to legal aid; and plea bargaining etc. by displaying a message on the above mentioned rights in all the barracks of the jail in simple local language;
- DG Prison should arrange short duration orientation courses for the Jail personnel on prisoners' rights and the obligations of the Jail staff to protect their lights.
- The IG Prisons should make sure that all essential posts of cooks and barber are included in the staffing pattern.

Board of Visitors and Judicial authorities visit to Jails

- The provisions of the Jail Manual should be strictly followed and institution of Board of Visitors should be constituted/revived at the earliest.

Jail, Adalats

- The concept of trial of petty offences and disposal of cases on admission of guilt by offenders is sound and helps in reducing congestion in jails. The Jail Adalats should be held in prisons as per the directions of Supreme Court.

Involvement of NGOs in welfare activities

- The NGOs should be involved in matters relating to the welfare of prisoners such as literacy, education, vocational training, legal counseling; schooling of prisoners' children; and rehabilitation of prisoners after release.

Convicts and Undertrial Prisoners (UTPs)

- Every newly admitted prisoner on admission to prison should be subjected to a programme of orientation so as to inform him about the rules and regulations.
- This mandatory segregation of convicts from undertrial prisoners needs to be effected.
- The rights and duties of prisoners should be displayed clearly at each part of the prison and explained to him in simple local language.
- States should provide free legal aid to all the needy prisoners and advocates appointed by Government should take necessary interest in the cases of their clients.

Undertrial Prisoners (UTPs)

- The Commission may like to bring the issue of non-provision of legal aid to the notice of the Registrar, High Court Guwahati or the Chairperson of Legal Aid Authority, Guwahati.
- The system of free legal aid to the poor needs a thorough evaluation in Tripura as a number of prisoners were found to be deprived of this basic right.
- The IG Prisons needs to bring the matter of non-production of UTPs before the court to the notice of the Law Department.
- DG Prison should bring the cases of UTPs languishing in jails for long periods to the notice of the State Legal Authority.

Convicts

- The DG Prisons, Nagaland may visit the office of I.G. Prison, Assam to get himself familiarize with working of parole rules.
- The issue of Parole in Tripura needs a detailed examination and fresh thought to ensure that the well-intended reformative provision is not used only to help the well off and well connected prisoners.
- Pre-mature release of life convicts requires a thoughtful consideration of the Home Department to ensure that the provisions of law and directions of the Supreme Court are followed. The guidelines issued by the NHRC will be very useful in this regard.
- Life convicts should also be given remission based on their good conduct.



NATIONAL HUMAN RIGHTS COMMISSION

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