

आर.के. खंडेलवाल, भा.प्र.से.

संयुक्त सचिव

**R.K. KHANDELWAL, IAS**  
Joint Secretary (A&R)



राष्ट्रीय मानव अधिकार आयोग

मानव अधिकार भवन, सी-ब्लॉक, जीपीओ कम्प्लेक्स,  
आईएनए, नई दिल्ली-110 023 भारत

**NATIONAL HUMAN RIGHTS COMMISSION**

Manav Adhikar Bhawan, C-Block,  
GPO Complex, INA, New Delhi-110 023 India  
Ph. No. (O) 011-24663220 / 24663219

D.O. No. 18/1/2020-PRP&P

17<sup>th</sup> February, 2020

Dear Sir,

As you are aware, one of the functions of the Commission under Section 12(c) of the Protection of Human Rights Act, 1993 is to study the living conditions of inmates/detainees by visiting any jail or any other institutions under the control of State Government, where persons are detained or lodged for purpose of treatment, reformation or protection. As a part of these functions, Shri Umesh Kumar, Special Rapporteur, North East Zone, NHRC visited Central Jail, Jorhat, on 4<sup>th</sup> December, 2019 and submitted a report. The report has been considered by the Commission. The important recommendations of the Special Rapporteur along with visit report are enclosed.

The Commission has desired that the concerned authorities may be directed to examine these recommendations/observations and take necessary remedial action. An action taken report may kindly be obtained from the concerned authority and furnished to the Commission within four weeks. The complete report of Shri Umesh Kumar, Special Rapporteur, North East Zone, NHRC is available on the website of NHRC i.e. www.nhrc.in.

With regards

Yours sincerely,

(R. K. Khandelwal)

Encl: As above.

**Shri Dasarath Das, ACS**

Inspector General of Prisons, Assam

Email: prisons-assam@gov.in

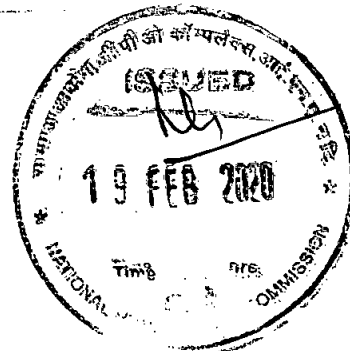
Phone: 0361-2360950

Assam Prison Headquarters

Khanapara, Guwahati-781022

**Copy to:**

**Shri. Umesh Kumar**, Special Rapporteur, North East Zone, NHRC, H. No 60, 2<sup>nd</sup> Floor, MG Road, River Front, Ujanbazar Guwahati - 781 081- with a request to include actionable points in jail visits on section 433 A CrPC (Sentence Review Board) 436A CrPC. prisoners who have spent half of sentence, and not released for want of surety.



**File No. 18/1/2020-PRP&P**  
**National Human Rights Commission**  
**Bonded Labour/ Research Section**

**Sub: Visit report of Shri Umesh Kumar, Special Rapporteur, North East Zone, NHRC to Central Jail, Jorhat on 4<sup>th</sup> December, 2019**

Shri Umesh Kumar, Special Rapporteur, North East Zone, NHRC visited Central Jail at Jorhat on 4<sup>th</sup> December, 2019 to understand the living conditions of the prisoners and under-trials and to see whether their rights are being respected by the local jail administration or not.

The observations and recommendations that emerged from the visit are mentioned below:

**Observations/ Key Information obtained:**

**1. Land and Building:**

- Proposal for renovation of existing buildings and construction of new ones such as staff quarters and jail kitchen have been submitted before competent authority but the work is yet to start formally.
- Limited agricultural activity is being carried out inside the premises by inmates, but there is no agricultural activity beyond the periphery walls due to shortage of guarding staff and security reasons.

**2. Overcrowding:**

- The jail has capacity to house 670 inmates (646 males and 24 females). However, at present there are 741 inmates lodged (667 males, 74 females and 5 children of prisoners). Also, there are 6 foreign nationals, all belonging to Bangladesh.
- The prison population has been overcrowding especially since the jail has been notified as Detention Centre. But of total prisoners, DFNs (140 males and 50 females) are likely to be moved from the jail by the end of January, 2020 to another place. This might reduce the problem of overcrowding.

**3. Staff:**

- The post of Jailor, Chief Hd. Warder, School teacher, staff nurse and Male Warders (11 out of 35 sanctioned posts are not filled i.e. nearly 30% vacancy) are vacant, which should be filled up on priority basis.

**4. Female wards:**

- The accommodating capacity of female wards is expected to increase with the coming up of new additional barrack. The female enclosure is equipped with running water, Day/Night Bathrooms, electricity, TV etc.

**5. Wards:**

- Convicts and under trial Prisoners are not segregated owing to space constraints; however, young offenders are segregated and accommodated in a single barrack with caretaker convicts. In addition, there is an isolation ward and TB enclosure as well.

**6. Convicted prisoners:**

- The convict population is 210, which is close to 30% of the prison population (741).
- The jail offers prisoners the choices of pursuing higher studies, vocational training and working for the jail, along with help in acquiring skills like computers, carpentry etc.

- The pay is as per the BPR&D norms for their work.

**7. Sanitation and Hygiene:**

- Sanitation inside and outside the jail and drainage system were found satisfactory. But all latrines were Indian style and Jail Superintendent has been asked to convert at least 50% of them into western style for ease of use.
- In case of non-availability of LPG for cooking, firewood is used as a substitute.
- The floor of the kitchen is unhygienic and is in need of urgent repair. The proposal for construction of a new kitchen is still pending.
- The jail has allowed inmates to have their own clothing due to insufficient and non-production of prisoners' clothing at Central Jail, Tezpur/Nagaon.

**8. Healthcare:**

- There is a permanent doctor and support staff such as Lady Nurse, Technician and others.
- Periodical health camps and de-addiction camps are organized.
- Despite sanction for a lab technician and available space, there is no facility for blood test, urine test, x-ray etc.
- Also, there is no sanctioned post for lady doctor for which action should be initiated.

**9. Under trials:**

- 10 UTPs are kept detained even after grant of bail for want of surety. But no datasheet is provided to them, which should be provided at the time of admission into prison.
10. For visitors and advocates of the prisoners, it has been suggested that a separate enclosure for interview with CCTV may be constructed.
11. Regarding prisoners' leaves, the procedure is duly followed. Only one case was mentioned of a prisoner never returning from leave (Bharat Chandra Borah @ Himangshu, hailing from Rowria (Jorhat))
12. No case of death inside the jail was reported in 2019. A few instances of prisoners' deaths in Hospitals have been duly reported to concerned authorities.
13. Legal aid is not proving highly effective due to lack of trained volunteers. The superintendent has been suggested to replace them with more suitable candidates.
14. Video Conferencing has received limited success due to technical reasons and has been put into disuse. Similarly, CCTV project is also not yet functional. Necessary steps are being taken to make E-prison fully functional.

**Recommendations:**

- Shortage of Personnel:** The posts of Chief Head Warder and Head Warder should be filled up immediately, along with other vacancies of the watch and ward staff in order to reduce the workload on the existing staff/ personnel and preservation and protection of their human rights.
- Medical Aid:**
  - Post of lady doctor for this jail is not sanctioned and considering the significant female population in the prison, necessary action should be taken.
  - Psychiatrist as well as Counselor should be posted for treatment of prisoners suffering from mental illness.
  - An ambulance should be made available as soon as possible, since sanction has already been accorded.

- Construction of western toilets in the medical ward should be taken up in all wards, including medical ward.
  
- iii. **Under-Trial Prisoners:** Under-trial prisoners must be provided with the datasheet at the time of admission stating the duration, date of admission, nature of offence, maximum punishment etc.
- iv. **CCTV, Video Conferencing:** CCTV project along with the control room should be completed as early as possible. Video conferencing must also be made functional.
- v. **Charter for Prisoners:** Charter of Rights and Duties of prisoners should be displayed and preferably in multiple languages, including local language.
- vi. **Condition of Inmates:**
  - Running water should be made available in all toilets and bathrooms.
  - Convicts are not issued proper uniform. Uniforms should be provided to all the convicts as per the provisions of the jail manual.
  - A separate enclosure for interview of the prisoners with their visitors should be constructed where CCTV camera should also be installed.

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File No. 18/1/2020-PRP&P  
National Human Rights Commission  
Bonded Labour/ Research Section

Sub: Visit report of Shri. Umesh Kumar, Special Rapporteur, North East Zone, NHRC to Central Jail, Jorhat, on 4<sup>th</sup> December, 2019

Shri. Umesh Kumar, Special Rapporteur, North East Zone, NHRC visited Central Jail, Jorhat, on 4<sup>th</sup> December, 2019 to assess the situation to understand the living conditions of the prisoners and under-trials to see whether their rights are being respected by the local jail administration or not. Report submitted by Shri. Umesh Kumar is placed at **F/X**.

2. The report was analyzed and a brief has been drafted containing major observations/ recommendations ~~made~~ and placed at **F/Y**.

3. In view of the above, we may place the visit report of Special Rapporteur before the Full Commission through circulation for approval please.

A

Krishna  
Krishna Priya, JRC  
7/2/2020

RO (BL)

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SRP

Recommended 'A' for approval please.

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7/2/2020

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10/2/2020

JS(A&R)

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SG

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11/2

M(A&M)

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M(TU)

The jail visits may include: ① 436A Crpc → who have spent half of sentence ② Not released for want of surety ③ 433A Crpc Sentence Review Board  
Jyanti  
12/2/20

M(PCP)

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2953/12  
06/01/2020  
Date : 31.12.2019

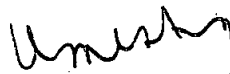
To  
Sri Jaideep Govind, IAS  
Secretary General  
National Human Rights Commission  
Manav Adhikar Bhawan  
Block 'C', GPO Complex  
Behind INA Market  
New Delhi - 110023

**Sub : Report on my visit to Central Jail, Guwahati**

Sir,


Please find enclosed report on my visit to Central Jail, Jorhat, on 4<sup>th</sup> December, 2019 for your kind perusal and necessary action.

Yours faithfully,



(Umesh Kumar)  
Special Rapporteur  
Northeast Zone, Guwahati  
Mob: 9435041100

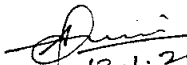
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M.S. C.S.

# **Report on the visit of Shri Umesh Kumar, Special Rapporteur, North East Zone, NHRC to Central Jail at Jorhat**

## **1. Introduction:**

Central Jail, Jorhat (*formerly known as District Jail and later rechristened as Central Jail w.e.f. 19<sup>th</sup> day of September, 2002*) was constructed during the British rule in the year 1909 AD and was opened in the year of 1911 AD. With Central Jail, Jorhat having been in existence since the freedom struggle, it bears the testimony of historical significance and events that shaped the modern day India. Many prominent Freedom Fighters like the great Vaisnavite Social Reformer Pitambar Dev Goswami, former President of India Fakaruddin Ali Ahmed, former Chief Minister of Assam Bimala Prasad Chaliha, etc were detained in this jail by the British for their role in freedom movement. There is a Pitambar Dev Goswami Memorial Prison inside this jail inaugurated in the year 2012 when this jail completed its Centenary year. Further, Martyr Kushal Konwar was hanged in this jail on 15<sup>th</sup> June, 1943. Central Jail Jorhat is the only Jail in the entire North-East of India where Capital Punishment/Execution of Condemned prisoner is carried out.

Central Jail, Jorhat is meant for Centralized Detention & correctional treatment of offenders sentenced to various length of imprisonment as well as offenders sent to Judicial Custody. Additionally, it has been notified as Detention Centre for detention of Declared Foreign Nationals (DFNs) vide Govt. Notification Order No.PLB.121/2015/44 dtd. 24.09.2015. Accordingly all Declared Foreign Nationals (DFNs-Female) apprehended in Sadiya/Dibrugarh/Tinsukia and DFNs (both Male/Female) apprehended in the districts of Sivasagar/Jorhat/ Majuli/Karbi-Anglong/Golaghat/Charaideo and West Karbi-Anglong are being sent to this detention camp for detention and subsequent deportation, if any to their respective countries.

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**2. Land & Building:**

As per available records, the total area of jail land is 287 Bighas 2 Katha and 12 Lessa, including an approximate area of 23 bigha of land within the peripheral boundary wall of the jail. But presently no agricultural activity is being carried out beyond the peripheral boundary wall due to Security reasons and shortage of Guarding staff. However limited agricultural activities by prisoners are being done inside the jail.

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Regarding Building, Central Jail, Jorhat boasts of an Administrative Block, 11 wards for Male inmates, an Isolation Ward, 7 cells, a separate Female enclosure with 3 barracks and a Hospital for female inmates, a common Hospital, TB enclosure with 4 wards, a Library cum Legal Aid Clinic room, an Open Stage, Manufacturing Unit etc. Regarding others, staff quarters, Warder Barracks and also the jail kitchen are lying in dilapidated conditions. Although proposal for Construction of new staff quarters, Warder Barracks and Jail Kitchen along with renovation of the existing ones have all already been submitted before the competent authority and the work is yet to start formally. The maintenance of all Jail building as well as that of the Jail Wall is taken care of by the PWD (Building) Division, Jorhat with periodical inspections duly done.

**3. Sanctioned Strength & Prisoner Population with Details:**

This jail has a sanctioned capacity of 670 jail inmates (break up being Male=646 nos. & Female=24 nos.). But as on date i.e. 04-12-2019, 741 inmates (Male-667 & Female-74. Total=741, including children of Prisoners living with their mothers numbering 02 (two) boys and 03 (three) girls, total=05 (five) are lodged in the prison. Thus it is seen that the



population of this jail has exceeded its registered sanctioned strength and is overcrowded. The details as on 04-12-2019 (morning unlocking) is furnished below :-

Sl. No.	Details	Male	Female	Total
1	UA (P) Act	02	00	02
2	NDPS UTP	10	00	10
3	Remands UTP	158	09	167
4	Sessions UTP	150	07	157
5	Simple Imprisonment (SI) Convicts	01	00	01
6	Rigorous Imprisonment (RI) Convicts	203	05	208
7	Foreign National Convict (SI)	01	00	01
8	Declared Foreign Nationals (DFNs)	135	50	185
9	Children with DFN Mother	02	02	04
10	Children with UTP Mother	00	01	01
11	Foreign National Awaiting Deportation	05	00	05
<b>Total</b>		<b>667</b>	<b>74</b>	<b>741</b>

*N.B. The Ward wise prison population/accommodation as on date is enclosed as Annexure-A*

**4. Staff:**

The details of staff position as on 04.12.2019 is as follows:-

Sl. No.	Name of Post	Sanctioned Strength	Present Strength	Shortfall
1	Superintendent	01	01	-
2	Medical & Health Officer	01	01	-
3	Jailor	01	00	01
4	Assistant Jailor	07	07 (including 01 on deputation to Dist. Jail, Goalpara)	-
5	Chief Hd. Warder	01	00	01
6	Head Warder	03	02	01
7	Female Head Warder	01	01	-
8	Male Warder	35	24 (including 01 on deputation to Dist. Jail, Hamren)	11
9	Female Warder	03	03	-
10	Pharmacist	01	01	-
11	School Teacher	01	00	01
12	Staff Nurse	01	01 (on Child Care Leave)	-
13	Laboratory Tech.	01	01	-
14	Vehicle Driver	01	01	-
<b>Total</b>		<b>58</b>	<b>43</b>	<b>15</b>

Considering the importance of this jail and the large no of prisons/DFNs lodged here, the post of jailers & warders should be filled up on priority basis.

### 5. Overcrowding:

As reflected in Sl. No. 3, (dealing with prisoners population) the sanctioned strength of this jail is 670 jail inmates (*break up being Male=646 nos. & Female=24 nos.*). But presently this jail is accommodating 741 inmates {Male-667, Female-74. Total=741, including children of Prisoners living with their mothers numbering 02 (two) boys and 03 (three) girls}. Hence, there is an overcrowding of Prison Population. But out of 667 male prisoners, 140 are declared as foreign nationals and out of 74 female prisoners 50, are declared foreign nationals. Such DFNs are likely to be shifted from the jail by end January 2020 to another place and then the problem of overcrowding won't be there. After this jail has been notified as Detention Centre with sanction strength of Prison Population remaining the same, the Prison Population has increased abnormally and hence the overcrowding.

### 6. Female Ward:

Regarding accommodation of female inmates, this jail has a separate Female Enclosure with 2 old barracks and 1 new barrack (*construction is almost completed*); totaling 3 wards (barracks) and also a Hospital for their medical needs. The Wards could originally accommodate 24 nos. of female inmates but with the new additional barrack coming up; which can further house around 20 nos. of female inmates thereby increasing its accommodation capacity to 44 nos. At present; however, there are 76 nos. of inmates inside the female enclosure, including children of Prisoners numbering 02 (two) boys and 03 (three) girls against the registered capacity of 24 nos. The female enclosure is equipped with all basic amenities like Day/Night Bathroom

and Latrines, Running Water facility, Electricity, TVs etc. The enclosure has also been provided with a temporary shed fitted with required materials exclusively for weaving and other related purpose.

**7. Segregated Ward:**

This jail has two Segregated Wards, one named as Isolation Ward, located right next to the jail Hospital and another one located at the far north of this jail named as TB Enclosure with 4 wards. Generally male inmates who are differently abled and aged old inmates with physical problems are accommodated in isolation ward while inmates with TB or any other contagious disease, are kept in TB Enclosure. Other inmates, are also temporarily housed in the isolation ward but exclusively on specific order of the Hon'ble Court. Segregation of UTPs from Convicts is though not done owing to space constraints yet Young offenders (*aged between 18 yrs to 21 yrs*) are segregated from the rest of the prisoners and are accommodated in a single barrack with a couple or two nos. of caretaker convicts for security purpose. Presently, there are 5 nos. of aged old inmates (convicts) in the isolation ward, and 03 nos. of inmates in TB enclosure, including caretaker convicts, while young offenders are segregated and accommodated in Ward No. 8.

**8. Convicted Prisoners:**

As on 04.12.19(morning unlocking) the Convict Population stands at 210 nos. This comes to about 30 % of the total prison population-whose break up is shown below .....

Sl. No.	Details	Male	Female	Total
1	Simple Imprisonment (SI) Convicts	01	00	01
2	Rigorous Imprisonment (RI) Convicts	203	05	208
3	Foreign National Convict (SI)	01	00	01
Total		205	05	210

Like other Jails, the Central Jail, Jorhat too serves as a reformatory Centre and the convicts are given all possible help to acquire skills in the field of carpentry, cane and bamboo trade, computer education etc. This is done to empower them with the required knowledge so that they can look after themselves and lead a normal life once they are released from jail. There is a Study Centre of Krishna Kanta Handique State Open University (KKHSOU) inside this jail which offers the prisoners a choice of pursuing higher studies. 2 (two) nos. of Life Convicts namely Shri Chandra Chetia (*now released*) and Shri Buddha Bonia have successfully acquired BA degree from this Study Centre. All convicted prisoners are given a choice to work in Jail for which they are paid Rs. 55.00 (unskilled) per day for Male and Rs. 90.00(unskilled) per day for female and the task includes Night Watchman/Watchwoman, Gardening, Wall Guard, Cookery, Cleaning etc. The amount so earned by the Convicts is credited directly into their Bank Accounts when due. Convicted Prisoners also avail Leaves/Emergency release, subject to fulfilling all eligible criteria as laid down in the Assam Jail Manual and appropriate

BPR &amp; D

order of the competent authority. The Leave ranges from 30 days a year (*in case of Leave*) and generally 14/20 days (*in case of Emergency release*).

#### 9. Sanitation:

Sanitation both inside and outside the jail is satisfactory with a proper drainage system. During my visit to different barracks I saw night latrines in all the barracks which were all Indian type. There is a water reservoir near the latrines also for use by the prisoners in the night time.

There is sufficient no of latrines inside the jail premises but all are Indian style and the superintendent of the jail was asked to convert at least 50% of them into western style keeping in mind the old age and other health issues of some of the prisoners. While 14 no. of latrines are used as day latrines, night latrines are attached in respective barracks. Septic Tanks are fitted with the latrines. Overall the jail and its surrounding area is well maintained and inmates are bestowed upon with clean & green hygienic living conditions. I could see that every part of the prison is kept neat and clean and 'Swach Bharat Abhiyan' also is carried out every month or as & when required.

#### 10. Food & Kitchen:

There is a Kitchen inside the jail where food is cooked centrally for all the inmates, irrespective of their class, sex etc. The cooking is done by the trained Convicts using LPG. In case of non-availability of LPG, Firewood is used as its substitute. Food is provided 3 times a day viz Breakfast, Lunch and Dinner. Special care is taken of Sick

or inmates with physical problem as per advice of the Medical doctor of this jail. Inmates are provided food as per the scale laid down in the Assam jail manual.

The floor of the kitchen is in a bad shape which has become unhygienic also and therefore there is an urgent need of repair of the kitchen. I was told that the IG, prisons has already been apprised of unhygienic condition of the kitchen, and the proposal for the construction of a new kitchen is under consideration. Though the present medium of cooking is LPG, gas cylinders are being used whereas gas supplied through pipe is available in the city and therefore matter may be taken up with the Assam gas company for supply of cooking gas through pipes lines

#### 11. Water Supply:

There is a Water Treatment Plant in the jail premises for the benefit of Jail inmates as well as for the staff. Another water treatment facility is also available inside the jail which has been donated by some businessman of the town. Though running water facility in the barracks is not available, running water facility with storage tanks with sufficient no of taps is available at few places within the jail for use of the prisoners and there is no problem of water supply.

#### 12. Clothing & Bedding:

Regarding Clothing & Bedding of Under-trial/Others & Convicts, Rule 392 & 393 of Assam Jail Manual is generally followed. The permissible scale of clothing per person is as follows...

Clothing	Male								Female							
	Kurtas	Jungia	Pyjama	Underwear	Gamocha	Towel	Khadi Chadar (during	Blouse	Sari/Mekh- la Chadar	Peticoat	Gamocha	Towel	Sanitary Pads	Khadi Chadar (during		
UTP/Others	2	-	2	-	1	1	1	2	2 pairs	2	1	1	2 pc	1		
Convicts	3	3	1	2	2	1	1	3	3 pairs	2	1	1	2 pc	1		

Since last few years , due to limited or non-production of Prisoners' clothing at Central Jail, Tezpur/Nagaon (*the Manufacturing Units of Prisoners' Clothing in Assam*), the supply and availability of the same has been adversely affected. Hence, as an alternate arrangement, this jail authority has allowed the inmates to arrange their own clothing. The clothing so brought by their family members are properly checked before giving to the inmates.

Bedding	Blanket	Bedsheet	pillow	Mosquito Net	Add. Blankets (during Winter)
UTP/Others	1	1	1	1	2
Convicts	1	1	1	1	2

The Bedding is supplied from Central Jail, Guwahati (*the Storage Unit of Prisoners' Bedding in Assam*) as per Indent of this jail.



### 13. Health Care:

There is a permanent Doctor in this Jail with support staff such as a Pharmacist, a lady Nurse and a Lab. Technician. Health Examination and Health screening of the Prisoners in a prescribed format are done by the Medical Officer on the very first day of their admission into the jail. Prisoners are also sent to Jorhat Medical College & Hospital, (JMCH), Jorhat as per advice of the Doctor. Medicines for the prisoners are supplied from the Joint Director of Health Services, Jorhat as per the indent(s) of the jail. Medicines are also purchased locally, as and when required. Further, as per requirement and on being referred, prisoners are also sent to higher Centres like Guwahati Medical College & Hospital, (GMCH), Guwahati, Assam Medical College & Hospital, (AMCH), Dibrugarh, LGBRIMHS, Tezpur etc. Periodical Health Camps are also organized in this jail in association with the District Health authority and NGOs.

There is a post of lab technician sanctioned in this jail but there is no facility for blood test, urine test, x-ray etc. Space is available in the jail hospital for installation of x-ray machine and also for carrying out blood test etc. Only some minor modification in the existing arrangement may be required. Proposal, therefore, should be sent for purchase of x-ray machine and for getting the chemicals and equipment etc. for the routine blood examination.

There is no sanctioned post for lady doctor in this jail and action should be initiated for getting a lady doctor either on posting or on deputation and till the time this is done, matter should be taken with the joint director, health services, of the district and Jorhat Medical College

and Hospital for getting the services of a lady doctor twice or thrice in a week, atleast.

#### **14. Interview Facilities:**

The family members, relatives etc. and also the advocates of the prisoners are allowed to meet the Prisoners and for such interviews the time slot from 10.00 am to 3.00 pm has been fixed everyday, barring Sunday, under the watchful eyes of the jail authority. Presently interview with the prisoners with the visitors take place at the office room of the jail staff which disturbs the office work and therefore, it was suggested that a separate enclosure for interview with cctv facility, as provided in Guwahati jail, may be constructed in this jail also. Matter in this regard may be taken up with the higher authority.

#### **15. Appeal:**

In conformity with Rule 42 of Assam Prisons Act, 2013, all convicted prisoners have to be verbally informed about his/her right to prefer appeal or application for revision, suspension, remission or commutation of his/her sentence and also of the period within which such appeal or application is to be made. All reasonable facility is provided to the Convicted inmate desiring to make an appeal or application and such appeals are duly forwarded to the Appellate/Revisional Court for necessary action. In this regard, this jail authority works in tandem with the District Legal Services Authority (DLSA), Jorhat to get the aforesaid done effectively and speedily. Result of such appeals, whether accepted or dismissed by the Appellate/Revisional Court, is intimated to the

concerned inmate and the same is noted down in his/her History Ticket also.

16. Leave:

Prisoner's Leave in the state of Assam include both Leave and Emergency Release and the same is being followed in this jail. The duration of such leaves/releases ranges from 14 days to 30 days at a time and extension in case of emergency releases is also granted, if the competent authority deems it fit & proper. The sanctioning authority of such leave/release is IG, Prisons, Assam, who on receipt of Prisoner's application being forwarded by the Superintendent of Jail, waits for specific recommendations from the concerned DM/SP of the inmate before issuing necessary orders for such prisoner's leaves/releases. The procedure of granting leave/release to an inmate or its rejection (ineligibility) is well defined in the Assam Prisons (Leave and Emergency Release), Rules, 1968 of the Assam Prisons Manual and the same is being followed in this jail. The Jail Superintendent examines the case of each prisoner who applies for leave. The following factors are generally kept in mind for considering or rejecting the case of a prisoner. (i) Conduct, (ii) Work (iii) Progress achieved in different spheres inside the jail (iv) effort for introspection and self-improvement (v) Attitude towards family & community (vi) The manner in which previous period of leave/emergency release, if any, was utilized. The processing of the leave as verified from the leave register maintained for the prisoners take a long time normally varying from 2-6 months. This is mainly because of the involvement of the many agencies in the process like village headman, OC of the Police Station, Office of the superintendent of the police and deputy commissioner and finally the office of the IG prisons. By and

enlarge the prisoners who go on leave return to the jail and mention was made of only one case namely one Bharat Chandra Borah @ Himangshu, hailing from Rowria (Jorhat) who went on leave and never returned.

**17. Non release of UTP for want of Surety:**

Ten UTPs were found detained in this jail even after grant of bail, for want of surety. I spoke to all such UTPs who told me that their family members have been informed to arrange surety for their release but they have failed to do so and therefore they were still detained in the jail. A list of such UTPs is compiled on a monthly basis and the same is submitted before the Hon'ble court. In addition, the DLSA is also moved to redress the issue of non-release of UTPs for want of surety.

List of the 10 UTPs still detailed in the jail is enclosed as **Annexure-B**

**18. Custodial death:**

No case of death inside the jail was reported in the last year. However, there have been few instances of prisoners' death in Hospitals while undergoing treatment. Such deaths have been duly reported to all concerned like NHRC, AHRC, concerning Court, Assam Prisons HQ, the DM, the SP etc. As informed to me, all such Death cases have been duly enquired by the NHRC. List of the prisoners who died in hospital in the last three years, while undergoing treatment is enclosed as **Annexure-C.**

**19. Legal Aid for inmates:**

DLSA Jorhat deputed lawyer inside the jail once a week for extending legal assistance to the needy prisoners. There is a legal aid clinic inside this jail which has been established to look after the needs of the inmates concerning legal matters. This DLSA clinic is functioning from a new building which is also used as library and classroom. I spoke to the legal volunteers also and got a feeling that they are not of much help and suggested the jail superintendent to consider their replacement by those who are educated and willing to perform such duties.

**20. Video Conferencing:**

This jail has received only limited success as far as providing Video Conferencing facility is concerned. On 12.01.2018 one UTP name Shri Manoj Borah was produced before the chief judicial magistrate via video conferencing from the chamber of the jail superintendent, successfully and later also the UTPs were produced through video conferencing. But, unfortunately, due to some technical problem this video conferencing facility is put into disuse and the jail superintendent was requested to ensure that the video conferencing facility is made functional as early as possible. The jail authority was also advised to make a separate video conference room.

**21. Close Circuit TV (CCTV):**

The CCTV project for this jail has not become functional yet though the survey has already been conducted for estimation of the number of CCTV cameras required to be installed. The jail authority assured that the CCTV project for this jail, like other jails in the state, will be completed in all respect in the current financial year itself.

**22. Complaint Box:**

For redressal of the grievances, one complaint box has been kept inside the jail through which the inmates can convey their problems in writing and the same is kept locked. The unlocking of the Complaint Box is done only by the CJM, Jorhat during his monthly visit to this jail. However, as per the NHRC guidelines, there should be complaint box in every prisoner ward which should again be opened by the CJM during his monthly visit. In addition, I also advised the jail authority to have a complaint box placed in the visitors room and in the dining area.

**23. Release of Prisoner under the provision of 436-A CrPC:**

All necessary data pertaining to the provision of 436-A CrPC and eligibility of inmates, thereof, is compiled and reported/submitted before the CJM, Jorhat, DLSA, Jorhat and Under Trial Prisoner's Review Committee (UTRC) for necessary perusal. If any inmate is found eligible for release under the provision of 436-A CrPC, then needful action is

accordingly taken on receipt of necessary order from the Hon'ble Court. No case is pending which deserves release under section 436-A CrPC in this jail.

**24. Jail Guarding Staff:**

Unarmed guarding staff i.e. Warders/Head Warders are responsible for the security inside the jail who carry out the duty under the strict supervision of the superintendent and Jailor/Asstt. The strength of guarding staff of this jail, as on date, is as follows.....

Sl. No.	Name of Post	Sanctioned Strength	Present Strength	Shortfall
1	Chief Head Warder	01	00	01
2	Head Warder	03	02	01
3	Female Head Warder	01	01	-
4	Male Warder	35	24	11
5	Female Warder	03	03	-
<b>Total</b>		<b>43</b>	<b>30</b>	<b>13</b>

Due to almost 30% vacancy in the rank of warders, the jail authority is facing lots of difficulties in managing the day to day affairs of the jail in a proper manner. This serious problem of shortage of warders has already been taken up by the superintendent, Jail, with the Government.

## 25. Security outside the Jail:

The Security of Jail outside its Peripheral Wall is manned by the Armed ASRF Jawans of Assam Police. They are the first line of defense as far as Jail Security is concerned and are responsible for overseeing all aspects of Outer Security of the Jail. At present there is 1 (one) Sentry Post in front of the Main Jail Gate and 4 (four) Watch Towers in this jail are under construction for keeping watch on the movement of Prisoners, Visitors and others. Patrolling all around the wall of the jail is also done by the Jawans. Further, for streamlining the security of the jail, this jail works in liaison with the Jorhat Police. The Present strength of the force is as follows...

Sl. No.	Name of Post	Present Strength	Remarks
1	Havildar	01	Acting Platoon Commander (PC)
2	Lance Naik	01	--
3	Constables	05	--
4	Cook	01	--
Total		08	--

The jail is not facing any problems regarding security outside the jail. But once the new watch towers are ready for use, additional guard will be required and this matter needs to be taken up with the superintendent of the police.



**26. Jail Escort:**

Police Escort Party, as per scale for movement of Prisoners outside the jail and back is provided by the Jorhat Police Administration. Other than Court Production in Jorhat District Jurisdiction, requisition for Conveyance and Police Escort Party is sent to the concerned District DC and SP respectively for movement of Prisoners for Court Production in their respective Districts. In case of Hospital Movement of Prisoners inside Jorhat PS jurisdiction, necessary requisition for the same is given to the Police Admin. and needful action is taken up by all concerned accordingly. In case of Hospital movement of Prisoners outside Jorhat PS jurisdiction, necessary Conveyance and Police Escort Party are provided by the Jorhat DC/SP respectively.

**27. Food Allowance:**

Although, the practice of providing Food Allowance, SA etc. to the prisoners on their movement to Home/Hospitals/Courts upon release or as & when need arises existed earlier, the same have been discontinued due to non-availability of funds under the concerned Head. However, they are provided with meal before sending them to court etc. for production.

**28. E-Prison:**

The E-prison project aims at computerization of the functioning of all prisons in the country including digitization and availability of prison data (convicts, under-trials, detenues etc.) in an electronic platform which will be accessible to designated authorities of Central and State Government. Necessary steps have been taken by the higher authorities to make E-prison fully functional at the earliest. In this regards, some gadgets have already been supplied to the jail and work on implementing E-prison should start soon and then posting of Data Entry Operators will be required who will have to be properly trained for proper implementation of this scheme.

**29. Data accessibility to Prisoners:**

No Data Sheet is provided to the UTPs which should be provided at the time of admission into prison stating the nature of offence, maximum period of imprisonment prescribed for the offence and the date on which the half way mark of the said period will reach. This Data should also be entered in the E-prison system as per the recommendation of NHRC.

**30. Jail Website:**

None of the jails in Assam has developed its own website where the essential and relevant data should be available public view. It was informed that office of the IG, Prison, Guwahati has already developed its website and therefore now the jail should not have difficulty in designing the same, if necessary with the help of local web designer.

**31. Charter for Prisoners:**

So far Charter of rights and duties of prisoners have not been notified in this jail. It should be prepared in multiple languages including the local languages and should be notified on the notice board, one inside and other outside the jail. It was informed that one hand book regarding the rights and duties of the prisoners is under print in Government press. This should be got printed at the earliest and made available to the prisoners at the time of his entering into the prisoners.

**32. Foreign Prisoners:**

As per the prison population records of the jail, there are 5 foreign inmates whose period of sentence have already expired and are awaiting deportation. Another foreign prisoner is undergoing simple imprisonment for a period of 2 years and thus at present there are total 6

nos. of foreign prisoners, all belonging to Bangladesh. Name and other details of the 6 foreign prisoners are given below :

Name & Address (as per records)	Sex	Age in yrs	Case Ref./Sentence/Remarks
Sri Subhash Das S/o, Sri Shiv Chandra Das.VIII-(Not disclosed) P.S.-(Not disclosed) Dist.-(Not disclosed) Country-(Bangladesh)	M	50	Sivasagar { P.E. No. 20/17 and FT C/No-F.T./SVR/17/17/Awaiting Deportation
Md. Habib Ali S/o Lt. Rupmar Ali R/O Fulbari Muslimpara P. S. Fulbari Dist. Birajpur.(Bangladesh)	M	65	F.T. Case No. F.T. MJL/07/18/Awaiting Deportation
Md.Abadul Haque @ Abadur S/o Md. Sattar. R/o Koiguri.P.S – Nandigram Dist – Wangua. ( Bangladesh)	M	25	Golaghat Court GR No. 523/2017 U/S 3(3) of Pass Port Act Order Dated.24.01.2019/Awaiting Deportation
Md. Malik Miya @ Zahangiri S/o Md. Lal Miya.R/O Mandirhat Gaon P.O. Dharampur P.S. Sunderganj Dist. Gaiband. (Bangladesh)	M	20	CR Case No 41/18 U/S 6(a) Passport act (Entry into India) rules 1950 and Sec 14(C) of foreigners (Amendment) act/Awaiting Deportation
Md. Shahidul Islam @Khandakar S/o- Lt. Siraj Khandakar.Vill. Kochikuripara Ps- Adamgiri Dist. Bagura, Ratsai (Bangladesh )	M	48	S/C No- 20/2019 Dtd. 24/06/2019 (Bokajan PS C/No. 17/19)/ Awaiting Deportation
Md. Rubul S/o Lt. Samsul Haque R/o Tikapara. PS & Dist- Mahamedpur, Dhaka (Bangladesh)	M	28	GR 357/18/SI for 2 yrs fine Rs. 10,000/- /d SI 1 month/Undergoing Sentence

In addition, there is another category of prisoners known as declared foreign nationals who are, at present, 189 in nos. (including 5 children) and all basic amenities like food, clean and safe drinking water, medicines and healthcare, recreational activities, legal assistance through DLSA etc. are being provided to all of them as being provided to the foreign prisoners and the other UPTs/Convicts. etc.

**33. Juvenile Prisoners:**

No Juvenile-in-Conflict with Law (JCL) is detained in this jail. In case any accused, forwarded to this jail by the Hon'ble Court, is suspected to be a JCL, the matter is immediately informed to the forwarding Court and upon receipt of necessary Order for Ossification Test, such accused, is sent before the Medical Board, JMCH, Jorhat for determination of his/her age. And if such accused is found to be a JCL, his/her production before the Principal Magistrate, Juvenile Justice Board, Jorhat is accordingly made for needful action.

**34. Remission:**

Remission System for the Convicts is applicable as per provisions enshrined in Chapter XIX, Rule 325 to 353 of the Assam Jail Manual. Forfeiture of Remission, with the sanction of IG, Prisons, Assam is also done for violations of jail rule by convicted prisoners like committing assault on a jail warder or others while in jail. Further, Special Remission, with some riders, is also awarded to the Convicted Prisoners every year on account of Republic Day of the Nation.

**35. Physical or Mental Development:**

Various physical and mental development programmes are organized in the Central Jail, Jorhat like YOGA, PT, Games and Sports, Gym, Prayers etc. with active participation of Sri Sri Ravi Shankar Trust,

BrahmaKumaris, Churches Imams etc. All religious and community festivals like Durga Puja, Diwali, Idd, Christmas, Bihu, New Year etc. are celebrated inside the jail with pomp and gaiety. This helps the prisoners to keep their physical state and mental balance in shape during their detention within the four walls of the Jail.

**36. HIV positive Patients:**

Presently there is no HIV positive patient in this jail. However on detection of any such patient (inmate), the matter is immediately informed before the Hon'ble Court and such patient is sent to the Higher Medical Centres also for needful treatment.

**37. De-addiction programme:**

De-addiction programme is periodically organized in this jail in association with Joint Director of Health Services, Jorhat and local NGOs. The De-addiction programme generally centres around Drug and Alcohol related addiction. Along with the rest of the world, Central Jail Jorhat also observes 26<sup>th</sup> June as International Day against Drug Abuse and Illicit Trafficking in a befitting manner with a day long programme inside this Jail. Placards and banners are displayed highlighting the jeopardizing effect of Drug abuse. Moreover, the officials including the Medical fraternity of this jail highlights the ill effect of Drug/Alcohol Abuse and its legal tangle to the prisoners on monthly basis.

I informed the Jail Superintendent about a special De-addiction programme being run in Central Jail, Guwahati by Emmanuel Hospital, an NGO based in Guwahati who have a tie-up with health Department, Govt. of Assam. Under this programme, Opioid Substitute Therapy Medicines are also provided by GMCH to de-addict prisoners lodged in the jail which are administered by the workers of the NGO, on regular basis.

**38. Mental illness:**

Prisoners having Mental illness are generally not lodged in this jail. However, inmate, if any, found to be suffering from mental disorder, is sent to JMCH, Jorhat/LGBRIMHS, Tezpur, whenever necessary, for higher treatment and as per referral of the Doctor(s) and upon receipt of specific orders from the Hon'ble Court or other Appropriate Authorities. Presently there are some inmates undergoing psychiatric follow up treatment in this jail, who all have been treated upon at Higher Centres and subsequently been advised for medications within the jail. The names & other details of all such inmates are as follows.....

Name	Sex	Convict/UTP/ DFN	Nature of Treatment
1. Jintu Bora	M	Convict	Follow up treatment/Medication
2. Aman Pathak	M	--Do--	--Do--
3. Rubul Saikia	M	--Do--	--Do--
4. Ananta Dutta	M	--Do--	--Do--
5. Achyut Mahili	M	--Do--	--Do--

Name	Sex	Convict/UTP/ DFN	Nature of Treatment
6. Markas Jajara	M	--Do--	--Do--
7. Chutu Bauri	M	--Do--	--Do--
8. Lakhyajyoti Bora	M	--Do--	--Do--
9. Chiraj Payeng	M	--Do--	--Do--
10. Raju Karmakar	M	--Do--	--Do--
11. Israfil Ali	M	DFN	--Do--
12. Idul Ali	M	--Do--	--Do--
13. Prabin Bora	M	Convict	--Do--
14. Rohini Dutta	F	UTP	--Do--
15. Asia Begum	F	DFN	--Do--
16. Rajen Kurmi	M	Convict	--Do--
17. Rabia Begum	F	--Do--	--Do--
18. Arifa Begum	F	--Do--	--Do--
19. Sahara Begum	F	--Do--	--Do--
20. Gulap Borgohain	M	Convict	--Do--
21. Ali Ahmed	M	DFN	--Do--
22. Idris Ali	M	--Do--	--Do--
23. Promod Rabidas	M	UTP	--Do--
24. Bidhan Doley	M	Convict	--Do--

### 39. Vocational training:

As on date, Pradhan Mantri Kushal Vikas Yojana (PMKVY) Project under Sri Sri Rural Development Programme Trust for Bamboo Craft (Art of Living) and Skill Development Programme named 'Karagaror Pora Karikar' by I.T.I. Jorhat (imparting training on Electrical Spheres &



others) are being run for prisoners of this jail. This has benefited a number of prisoners and it is hoped that once they are released from this jail, the prisoners will be able to earn a livelihood and have a dignified life for themselves as well as for their loved ones. Other NGOs of Jorhat town viz. Lions Club, Replica, Inner Wheel Club etc. visit this jail to impart training to the inmates concerning weaving, tailoring, embroidery and the likes.

#### 40. Board of Visitors:

Under Rule 20 read with Rule 25 of the Assam Jail Manual, His Excellency, The Governor of Assam has constituted the Board of Visitors for Central Jail, Jorhat and the same came into effect vide Govt. Notification No.HMB.293/2014/266 dtd. 05/03/2019 for a period of 2 yrs. The present Chairman/Members of Board of Visitors in respect of this jail is as follows...

- |   |   |          |
|---|---|----------|
| 1. The District Magistrate, Jorhat            | - | Chairman |
| 2. The Ld. Chief Judicial Magistrate, Jorhat- |   | Member   |
| 3. Sri Lalit Borah, Journalist, Jorhat        | - | Member   |
| 4. Dr. Gautam Kr. Saikia, Prof. AAU, Jorhat-  |   | Member   |
| 5. Sri Mridupaban Das, Jorhat                 | - | Member   |
| 6. Sri Tarun Parikshit Baruah, Jorhat         | - | Member   |

As per letter No.JMJ.4/2017/48 dtd. 02.07.19 received from the O/o the District Magistrate, Jorhat, the first meeting of the present Board of Visitors was to be held on 09.07.19. But due to some exigencies, the said meeting was postponed to a later date from the Chairman's end. On the date of my visit i.e. 04.12.2019, the meeting of the present Board of Visitors was also held in the jail and I had a brief

interaction with the District Magistrate, Jorhat, about the conditions prevailing in the jail and other matters pertaining to the human rights of the prisoners.

**41. Training for jail staff:**

The newly recruited Guarding staff are generally sent to PTC, Dergaon for 3 months of Basic Training covering outdoor as well as indoor classes whereas the last batch of Assistant Jailors of this jail was sent for basic training in the year of 2017, when 2 nos. of Asstt. Jailors were sent to PTC, Dergaon for 4 months basic training.

In addition to the aforesaid, in-service training for jail officers are regularly held whereby the officers are sent to higher training institute both inside the state of Assam (*usually at Assam Administrative Staff College, Guwahati*) as well as outside of the state to the places like NEPA, Meghalaya, Crime and Detective Training Institute, Kolkotta, NCRB, New Delhi, CAPT, Bhopal etc. The training modules cover topics on various subjects like Management and Leadership Skill, Correctional and Reformative activities, Security, Human Rights, Video Conferencing, Application of Technology in Prison administration etc.

**SUMMARY AND RECOMMENDATIONS :-**

1. The post of lady doctor for this jail is not sanctioned and considering the importance of this jail, where good no. of female prisoners are kept, necessary action should be taken for posting of one lady doctor.
2. Psychiatrist as well as Counsellor should be posted for treatment of prisoners suffering from mental illness and also for creating awareness about this serious problem which is on rise.
3. Efforts should be made to get one ambulance as early as possible for treatment of the inmates during emergency for which, I am told, sanction has already been accorded by the Government and order placed.
4. The posts of Chief Head Warder and Head Warder are vacant and there are eleven number of vacancies in the rank of warder, who are the watch and ward staff for inside the jail. These posts should be filled up as soon as possible.
5. Running water facility should be made available to all the toilets and bathrooms in all the prisoner's wards.
6. There is an urgent need for construction of western type toilets in all the wards including medical ward.
7. The CCTV project along with control room should be completed as early as possible.
8. Convicts are not being issued proper uniform and they were found moving here and there in different civil dress without proper identification. Uniforms should be provided to all the convicts as per the provisions of the jail manual.

9. Charter of Rights and duties of prisoners should be displayed and preferably in multiple language, including local language. I was told that the Handbook for rights and duties is under print and which is expected very soon.
10. The video conferencing facility should be made functional as early as possible.
11. Datasheet should be provided to the UTPs at the time of admission stating the time of duration, date of admission, nature of offence maximum punishment etc.
12. A separate enclosure for interview of the prisoners with their visitors should be constructed where CCTV camera should also be installed.