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4/20/2016 - PRPS

VISIT REPORT NO. 13 /VR/SZ-1 OF 2016

**REPORT
ON VISITING**

**WOMEN'S JAIL
AND CORRECTIONAL HOME, TRISSUR**

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

In accordance with the tour programme approved as per NHRC Ref No 16(4)/2016-Coord Dated: 6.7.2016, I visited the Government Central Prison and Correctional Home at Trissur on 28th July 2016. I have sent a detailed report on that visit separately. During the course of that visit I have visited the Women's Jail and Correctional Home also which is functioning in a separate place near the Central Prison premises but with separate entry and exit. The DIG Prisons as well as the Superintendent of the Women's Prison along with senior officers were present during my visit. All of them were extremely helpful in facilitating the visit.

2. The women's prison was started in the year 2011 in a plot of 1.70 acres adjoining the Central prison. The capacity is 75 persons. There are 4 cells of which one is used as a crèche for use by the 5 children who are staying here with the mothers who are imprisoned here.

3. The purpose of visit was to ascertain the condition of the women prisoners. On the day of the visit, there are 15 female convicts (10 for murder, and 5 for other offences) and 23 female remand prisoners held here. Among the remand prisoners, 14 are from other states and one is a foreign national. 13 are held for

property crimes, 5 are held for offences under the JJ Act/ sex related offences, 2 for murder and others for miscellaneous offences.

4. During the visit I looked into the general systems of the prison and the general conditions relating to standards of accommodation, food etc of the prisoners and they were found to be satisfactory. The kitchen has a bio gas plant to provide alternative fuel. There is also a solar electricity plant. There is a legal aid clinic every afternoon and a visit by a lady doctor twice a week. It is noticed that getting police escorts in time for medical treatment of prisoners is sometimes a problem. **It is suggested that the Hon Commission may direct that sufficient police strength is made available to the prison authorities to take prisoners to the hospital, as and when the need arises. (SUGGESTION 1)**

5. Welfare measures are being efficiently run in this institution. Training in stitching, food processing, paper bag making, LED bulb making etc is given. The inmates also maintain a small farm. They are also making ornaments, a sale of which is being organised at the Civil Station. There are plans to start a poultry farm, mushroom cultivation unit. There is a Library with more than 2000 books. There are also classes in yoga as well as classes in co-operation with the Literacy Mission.

6. It is found that the majority of remand prisoners (15 out of 23) are not persons belonging to Kerala. This is very striking. The migrants account for only a very small proportion of the population. They are involved in a very small percentage of crimes and even that percentage is far below their percentage in the general population. But then, among remand prisoners in this jail, they account for 60 percent of the inmates. This may not have been due to any deliberate or prejudiced act on the part of any individual or officer. But it indicates that while the local persons are able to operate with ease within the criminal justice system in the matter of getting bail or getting their points of view heard, the same degree of access to justice is not possible to the migrant population. This is a phenomenon requiring greater study. **It is suggested that the Hon. Commission may consider this and authorise a special study on the systemic handicaps experienced by migrants when they come into conflict with the criminal justice enforcement system. (SUGGESTION 2)**

7. It is also seen that even among 8 prisoners belonging to Kerala, more than 80 percent are known to belong to SC or Backward communities, underscoring the fact that social and economic backwardness is definitely a factor adversely affecting ability to defend oneself within the criminal justice system.

8. I also held a special session to listen to the grievances of all the persons who are imprisoned in the institution.

9. Female Remand Prisoner 1106 Usha complains that she is not able to pay for her advocate because the authorities are preventing her from using the credit card through which she can draw money. The Superintendent said that the rules have no provision for this and this can be done only under the orders of the court. She has promised to bring this to the notice of the court and take necessary further action. **It is suggested that the Hon Commission may direct the State Government to consider this as a general issue which can become more common in future because of the greater use of digital currency and issue appropriate directions enabling prisoners to draw personal cash for lawful purposes. (SUGGESTION 3)**

10. Female Convict 72 Madhavi, a convict for murder, represents that she is not getting parole due to adverse police report. She says that the police are incorrectly and routinely reporting that her going on parole will create problems in the locality. She substantiates her argument by saying that during the trial she had been on bail for several years and that during that time there was no commotion about her presence in the locality. Now nearly 16 years have passed after the incident. **The Hon Commission may consider this and suggest to the State Government that her request for parole may be considered by a senior police officer of the district and a decision be taken on merits. (SUGGESTION 4)**

11. Female Convict 123 Karthyayani has actually served more than 10 years of her sentence for life imprisonment for murder. She is waiting for premature release. She complains that she needs an operation on her leg as there is a swelling on her ankle bone. The request appears genuine. **It is suggested that the Hon Commission may direct the State Government to ensure that suitable action is taken on her request and surgical intervention properly facilitated as may be necessary. (SUGGESTION 5)**

12. Female Convict 150 Latha, a murder convict, is complaining that the police are deliberately delaying the report on her Parole. It is suggested that the Hon Commission may consider this and direct Government of Kerala to take action to expedite this and to consider the request for parole on merits. (SUGGESTION 6)

Submitted for the consideration of the Hon Commission


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

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

Sent Monday, September 12, 2016 10:14 am

To US-C <covdnhrc@nic.in>

Subject Fwd: SZ 1 VISIT REPORT ON PRATHYASA BHAVAN TRISSUR

Attachments JP SZ VR 11 PRATHYASA TRISSUR.PDF

325K

----- Original Message -----

From: **Jacob Punnoose** <jacobpunnoose@gmail.com>

Date: Sep 11, 2016 2:03:35 PM

Subject: SZ 1 VISIT REPORT ON PRATHYASA BHAVAN TRISSUR

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

To:

Secretary General,

National Human Rights Commission

Manav Adhikar Bhavan,

Block - C, GPO Complex, INA,

New Delhi -110023

Sir,

**Sub: Government PRATHYASA BHAVAN, Trissur - VISIT REPORT NO. 11
/VR/SZ-1 OF 2016 - Submitted - reg.**

In accordance with the tour programme approved as per NHRC Ref No. 16(4)/2016-Coord Dated: 6.7.2016, I visited the **Government Prathyasa Bhavan at Trissur** on the 29th of July 2016.

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

Thanking you,

Yours faithfully,

Jacob Punnoose, IPS (Retd)

Special Rapporteur, South Zone -I

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

--
J.S. Kochher

Joint Secretary (Trg & Research)

National Human Rights Commission

Manav Adhikar Bhawan,

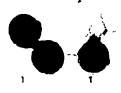
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*SOCU
Copy for n.a to*

*DIR(A) Unit
12/9/16*

*3244/USC4
12/09/16*

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9/12/2016

<https://webmail.nic.in/print.html>

Block-C, GPO Complex, INA,
New Delhi - 110023.
01124663219/20

VISIT REPORT NO. 11 /VR/SZ-1 OF 2016

REPORT

ON VISITING

GOVERNMENT PRATHYASA BHAVAN FOR WOMEN
RAMAVARMAPURAM, TRISSUR

BY

JACOB PUNNOOSE, SPECIAL RAPPORTEUR,
NATIONAL HUMAN RIGHTS COMMISSION

In accordance with the tour programme approved as per NHRC Ref No 16(4)/2016-Coord Dated: 6.7.2016, I visited the Government Prathyasa Bhavan for Women at Trissur on the 29th of July 2016.

2. Smt Thahira is the Superintendent of this institution and she was present.

3. This is an institution under the Social Justice Department of the Government of Kerala. This institution functions in a small campus within a much larger campus belonging to different institutions under the Social Justice Department. .

4. The admission to the Home is for adult women who suffer from severe mental retardation. Practically all of them were found abandoned or not cared for by their families and in many cases the details of the families are not known. Many are also supposed to belong to other states.

5. The capacity of the Home is 25 persons and at present the inmates number 24. The Home is housed in a very good government building which is very convenient and has been recently constructed. The premises were originally used for Differently abled girl children but subsequently it became home for mentally challenged adult women. There is a Managing Committee under the District Collector which exercises general supervision over the institution.

6. The staff strength sanctioned by Government for this institution is 1 Superintendent, 2 ayahs, 1 care provider and 1 cook. In addition, the Kerala State Social Security Mission has attached 2 Multi Task Care providers. Considering the strength of the inmates, the number of staff sanctioned appears satisfactory.

7. The inmates are taken into the Home by the Social Justice Department either on the strength of the medical certificate or by transfer from some other facility under the Social Justice Department. The patients are permanently dependent on the institution and generally do not leave after their admission here.

8. The health condition, both physical and mental, is checked up every week. The food intake is regulated keeping nutritional requirements in view. Government allocates Rs 2000 per month for food and Rs 2000 per month for medicines. In medical emergencies taxis or autos are hired for transportation to hospital. There is part time medical assistance available twice a month. Mental Hospital also gives medical assistance whenever needed.

9. The premises, the dormitories, the entrance, the common area, the functional areas, the dining room, the kitchen, the surroundings etc are kept very clean. The interest taken by the staff in this regard is appreciated.

10. During the individual interaction with the inmates, I found that them clean and well-groomed.

11. The standard of cooking, dining and residential facilities seem to be prima facie satisfactory. I find that the persons posted are taking reasonably good care of the inmates and that the arrangements made by the State Government are reasonably satisfactory.

12. However, in order to further improve matters and to remedy existing deficiencies, I am to make the following suggestions for the consideration of the Hon'ble Commission and appropriate directions to the concerned as may be deemed necessary:

- A. An excellent building has been constructed for this institution and has been in full use for more than a year. But it is noticed that the Kerala Water Authority has not so far given a water connection to the

premises. Water is being brought to the place by water tankers from the Corporation. Considering the special condition of the inmates, this should have been treated as a priority connection. **The Hon Commission may consider and direct the Government of Kerala to look into the matter urgently and ensure a solution.**

- B. There is also a proposal to dig a borewell at the premises. This can also help in lessening the water shortage. **Hon Commission may consider and direct the Government of Kerala to expedite action on this also.**
- C. I could not notice sufficient precautionary arrangements with regard to fire hazards. Steps to improve fire security have to be taken. **Hon Commission may consider and direct the Government of Kerala to expedite action on this in this institution as well as in other similar institutions.**
- D. For some time a horticultural project aiming at self sufficiency in vegetables and horticultural products had been under way in the institution. Recently due to various circumstances, the enthusiasm for this has waned. **Hon Commission may consider and direct the Government of Kerala to give instructions to the concerned to ensure that such projects are encouraged and promoted in all institutions like these.**
- E. The inmates here must have been originally belonging to some family. Occasionally it can even happen that, due to the difficulty in providing care for such invalids, they are abandoned by the family members like brothers, sisters etc. At the same time the inmates here may have rights over parental properties and income from them. It is understood that there are provisions of law as well specified procedure as per which the District Collector can take over and administer such properties and use the income for the benefit of the incapacitated persons. **The Hon Commission may consider this aspect and may direct the State Government to consider such an initiative in respect of all such institutions in which differently abled are given up by**

family members for institutional care without financial support from the family.

- F. I found that the Managing Committee of this institution used to meet regularly and was intimately involved in the functioning of this institution. However, possibly due to the busy and emergent schedules of the high ranking officials who constitute the Managing Committee, meetings have not been regular. If the Minutes book is to be believed, the last Managing Committee meeting was on the 8th of August 2015. That was nearly one year back. It is important that such Committees meet regularly and consider various activities of the institution and think of ways and means by which better care can be provided to the unfortunate inmates. **The Hon Commission may consider and direct that the Government may instruct the concerned to ensure that the Managing Committees of this and similar other institutions meet frequently and take proactive decisions for the bettering the care given to the Differently Abled.**


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

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

Sent Monday, September 12, 2016 10:14 am

To US-C <covdnhrc@nic.in>

Subject Fwd: SZ 1 REPORT ON VISIT TO CENTRAL PRISON TRISSUR

Attachments JP SZ VR 12 CENT PRISON TRISSUR.PDF

780K

----- Original Message -----

From: **Jacob Punnoose** <jacobpunnoose@gmail.com>

Date: Sep 11, 2016 2:06:53 PM

Subject: SZ 1 REPORT ON VISIT TO CENTRAL PRISON TRISSUR

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

To

Secretary General,

National Human Rights Commission

Manav Adhikar Bhavan,

Block - C, GPO Complex, INA,

New Delhi -110023

Sir,

Sub: Government Central Prison, Trissur - VISIT REPORT NO. 12 /VR/SZ-1 OF 2016 - Submitted - reg.

In accordance with the tour programme approved as per NHRC Ref No. 16(4)/2016-Coord Dated: 6.7.2016, I visited the **Government Central Prison at Trissur** on the 28th of July 2016.

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

Thanking you,

Yours faithfully,

Jacob Punnoose, IPS (Retd)

Special Rapporteur, South Zone -I

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

--
J.S. Kochher

Joint Secretary (Trg & Research)

National Human Rights Commission

Manav Adhikar Bhawan,

on file
4/29/16
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Copy for m. q. t.
DIR (A) unit
[Signature]
12/9/16

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9/12/2016

<https://webmail.nic.in/print.html>

Block-C, GPO Complex, INA,
New Delhi - 110023.
01124663219/20

VISIT REPORT NO. 12 /VR/SZ-1 OF 2016**REPORT
ON VISITING****GOVERNMENT CENTRAL PRISON & CORRECTIONAL HOME
TRISSUR**

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

In accordance with the tour programme approved as per NHRC Ref No **16(4)/2016**-Coord Dated: 6.7.2016, I visited the Government Central Prison and Correctional Home at Trissur on 28th July 2016. The DIG Prisons as well as the Superintendent along with senior officers were present during my visit. All of them were extremely helpful in facilitating the visit.

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

3. This institution functions in a 139 acre Campus in Trissur which also accommodates the District Jail, Women's Prison, Sub Jail, Regional Training Centre etc. On the day of the visit, there are 766 inmates of which 548 are convicts. The figure of 1101 includes 75 prisoners who belong to other States of which 36 are convicts. There are 249 persons sentenced for life, and 2 to death sentence. 64 are mentally ill. 46 persons are accused in NDPS Act cases and 17 under UAPA. The authorised capacity of the Prison is 520. Therefore the Prison is at present overcrowded, mainly due to the transfer of sick remand prisoners from subsidiary jails. **Hon Commission may consider**

this and suggest to Government to construct more Blocks to accommodate prisoners, which will also enable the shift from some of the very old barracks. (SUGGESTION 1)

4. The Administrative Block is more than 100 years old and is a heritage building but inconvenient for modern purpose. There is also no proper auditorium. Government may also be requested to consider these aspects and take efforts to improve the facilities.

5. Besides the Superintendent, there are 2 Jt superintendents, 1 Dy Supdt, 8 Asst Supdts, 1 Prison officer, 1 Gate Keeper, 23 Dy Prison Officers, and 78 Asst Prison Officers. There is 1 Medical Officer, 1 Pharmacist, 2 Nursing Assts, 2 Welfare Officers, 1 P D teacher, 1 Agriculture Demonstrator, 1 Trade Instructor and 1 LD Typist are posted in this institution. Considering the present number of prisoners accommodated here, the staff posted are insufficient. Hon Commission may consider and suggest to the Government to sanction posts in conformity with standard guidelines fixed as per local requirements, security needs and volume of welfare activities (SUGGESTION 2).

6. The facility for use of mobile phone is not given to the inmates. But they have a landline booth facility which they can use for contacting their friends and relations. A convict is allowed calls for Rs 150/ and remand prisoner is allowed calls for Rs 100/. The money is realised from the caller.

7. All the Blocks are equipped with loudspeaker systems for announcements and radio programs. TV sets with dish connection are provided in all barracks and they can watch TV programmes till 10 p.m. Prisoners are also allowed Canteen facility. They are permitted to purchase goods worth Rs 800/- per month from the Canteen. The money is realised from the purchaser.

8. There is a system of giving educational aid for the children of Prisoners. The scheme is run by the Social Justice Department. Often, when the father goes to jail, there is no support for the children to educate themselves. Rs 3000/- up to 7th Std, 6000 up to 12th and 10000 /year for Degree are said to be given like this. This is a good scheme.

9. A full-fledged library is functioning in the Jail with 12000 books and different magazines. The District Library Council gives an annual grant of Rs 62000 to the Jail. The Prison is also an approved study centre for IGNOU and the prisoners are availing of the facility for Distance Education provided by the University. Various training activities in baking, umbrella making, computers, weaving, mechanised coconut tree climbing, electrical works, Plumbing etc are regularly organised.

10. There are several income-generating schemes which are well run in the Jail. The huge Dairy Farm, the extensive Agricultural Farm and the Laterite Cutting Quarry are run by the prisoners. Also a chapatti making Unit which sells 40000 chapattis a day in addition to 500 Biryanis and bakery products is functioning in the premises. These are all excellent initiatives.

11. Hospital IP facility is available for 20 persons. An isolation ward, Consulting Room and Telemedicine facility are provided. Dental and Psychiatric Care are also periodically arranged. There are 6 TB patients and 9 persons afflicted by HIV. There are 4 Hepatitis C cases too. There is one Ambulance available

12. The video conferencing facility was established a few years back when such a facility was rare and the technology was emerging. Now this requires up gradation. Video conferencing is a great convenience especially in the case of high security risk prisoners, emergency production, etc. It can also save manpower and travel expenses. **Hon Commission may consider and suggest to State Government to take action to upgrade the facility. (SUGGESTION 3)**

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

14. In the last two years, 11 persons have died while undergoing imprisonment. This is a very heavy rate of death but I am told that this happens partly because a good number of ill prisoners from other districts get transferred to this jail for treatment. But even then the health aspects in correctional facilities require serious attention, since the same situation had been noticed earlier in the Kannur Central Prison

also. Going through the different instances, the deaths of Jomesh on 24-4-15 and that of Ali on 27-5-15 have already attracted the attention of the State Human Rights Commission. In the case of Jomesh his condition had not been diagnosed despite repeated production in the Medical College Hospital and he had been sent back to Jail. On 23-5-15, though ill, he could not be taken to hospital due to want of an ambulance. By the time he was taken on 24th it was too late and he died. In the case of Ali also the State Human Rights Commission has concluded inadequacy of treatment. He was also not given prescribed medicines as per the State HRC findings. In both cases the State HRC has awarded compensation to the next of kin on the ground that it was the State, through its agents – be it the Jail or the Medical College- who had failed to assure prompt and efficient treatment.

15. During discussions with officers of the Prison I understand that the medical treatment of prisoners who require expert treatment from the Medical College Hospital is a perennial problem caused by lack of staff, lack of sufficient ambulances, attitude of the medical college doctors who do not give any priority to the prisoners, attitude of the police who do not spare manpower in sufficient quantity and promptness for medical escorts etc. There are several instances in which police have regretted inability to give medical escorts due to lack of strength. **It is suggested that the Hon Commission may direct the State Government to ensure that sufficient police strength is made available to the prison authorities to take prisoners to the hospital, treating this as a special priority. (SUGGESTION 4)**

16. Reportedly, the doctors at the Medical College Hospital make the prisoners wait so that sometimes the whole day is wasted in taking two or three prisoners to the Medical College Hospital. So if more prisoners are to be taken, there is neither police nor jail staff to do it before the Duty time of doctors gets over. **It is suggested that the Hon Commission may ask the State Government to have a joint meeting of Secretary Health, Principal Medical College, Home Secretary, State Police Chief and DG Prisons to sort out these matters, particularly since deaths have occurred due to failure in giving medical assistance promptly which has been enquired into and noted by the State Human Rights Commission (SUGGESTION 5)**

17. Smoking is prohibited in the jail now. There is reportedly a problem of smuggling of contraband, sustained by a conspiracy of silence by the inmates. The prison is guarded by the police outside and they frisk the visitors as well as inmates who come into the prison after being taken out for hospital or court related matters. Metal detectors and CCTV systems are also in place in the premises. Sometimes the inmates smuggle them inside while they return from court appearances. Sometimes visitors can bring them inside. Physical checking has some limits prescribed by decency and the risk of humiliating innocent persons who may not be carrying anything. **It is suggested that the Hon Commission may direct the State Government to examine the possibility of purchasing and issuing whole body digital scanners / seat scanners for use while checking entry from outside, changing from the present manual checking mode. (SUGGESTION 6)**

18. Convict No 1840 Anil of Orissa is held for being involved in a NDPS Case. His complaint is that though many Other State prisoners are there the Prison does not subscribe to any Hindi magazine or newspapers. The request is a genuine one. The Superintendent has agreed to remedy the situation. **It is suggested that Hon Commission may direct the State Government to address this issue as a general problem and give appropriate directions to different jail authorities about subscription of periodicals and newspapers in Hindi and other regional languages if a significant number of prisoners need that. (SUGGESTION 7)**

19. There was also a general request made on behalf of other state prisoners that the ceiling of Rs 150 on monthly telephone calls is very inadequate for them as they have to call to distant places and personal visits by relatives to jail are rare. This is also a genuine request. The expenditure is met by the prisoner and not by the jail authorities. **Hence it is suggested that the Hon Commission may direct that the ceiling applicable to prisoners from other states should be 50 per cent higher than that applicable to those belonging to Kerala. (SUGGESTION 8)**

20. Remand Prisoner 9388 Gudunayak from Orissa is under remand from 12-07-14 for a case of murder which occurred on 3-2-2014. There is nobody to take him out on bail. He says he is totally innocent of the crime and that police has foisted the case on

him and planted evidence. His representation to the State Human Commission was infructuous since the matter is under the consideration of the court. The accused says he is innocent. Coincidentally the father of the deceased also seems to be of the view that investigation was not correct and has filed a Crl MC 6781/15 before the Hon High Court alleging that police have fabricated evidence and that some other persons could also be involved in the offence against his son. Since the matter is before the courts, it may not be feasible to do anything in the matter now. **However it is suggested that Hon Commission may direct State Government to ensure that proper and effective legal assistance is provided to the prisoner so as to enable him to put up his versions effectively in court. (SUGGESTION 9)**

21. Convict Nos 177 and 178 are Divakar Sakme, Prashant Bhukkan from Assam. They have submitted appeal through Adv Rajitha P Jacob. They are convicted in a murder case and sentenced to life imprisonment. They have paid Rs 60000 to the Advocate but she, according to the convicts, wants more money and keeps on scolding them and threatening them. They want at least half the advocate fees returned to them since they have lost faith in the advocate. The matter has been noted by the Jail Supdt also who has promised to look into the matter. **It is suggested that the Hon Commission may formally direct the State Government to have the matter looked into by a senior officer and to do the needful. (SUGGESTION 10)**

22. Convict No Johidul Huk from West Bengal who is a murder convict also raises a similar allegation. He has filed appeal against his conviction and has already spent 11 years in Jail. The case is getting prolonged in High Court. According to him this is due to the indifferent attitude of Adv Rajitha Jacob. He wants to change the advocate and appoint Adv Sreeja. The matter has been noted by the Jail Supdt also who has promised to look into the matter. **It is suggested that the Hon Commission may formally direct the State Government to have the matter looked into by a senior officer and to do the needful. (SUGGESTION 11)**

23. Remand Prisoner 9984 Sarath Babu is from Andhra Pradesh. He is an Accountant, due for appearing for ACA examination and was functioning as an employee consultant for a firm Nano Excel for a brief period in 2010. He knows no one in Kerala. He

is not an owner of the company and he says he himself is among the persons who had been misled by the Company. The principal accused has not yet been arrested. Since the company was involved in Money Chain cases, he has been roped in as an accused. There are several hundred cases and he is being routinely and repetitively included as an accused in every case, without looking into the role played by him, just because his name was in the company papers. . He was only an employee and had left the Company. He cannot produce local sureties for getting bail. **It is suggested that the Hon Commission may direct the State Government to ask the Head of the State Crime Branch to look into the circumstances under which he happened to be arrayed as accused and to verify whether there are any specific complaints against him and to take appropriate follow up action consistent with relevant facts which have emerged in the investigation. (SUGGESTION 12)**

24. Convict No 2136 is Sanjay Eknath Jadav from Maharashtra. He wants to be sent to a jail in Maharashtra. **The Hon Commission may take note of the situation and direct Government of Kerala to consider this request. (SUGGESTION 13)**

25. It is also found that an anomalous situation exists with regard to the provisions in the Rules with regard to Parole. A 302 IPC convict can be considered for parole after a few years. This is possible even if he is convicted for a second case of murder and is to suffer imprisonment for that too. But, if he happens to be additionally convicted and sentenced for dacoity or robbery, then he cannot be considered for parole unless the full sentence of robbery or dacoity has been served by him. It is seen that this is not applicable for the second case of Murder. Prima facie there is an anomaly which prohibits discretionary grant of parole. If considered appropriate, **it is suggested that the Hon Commission may direct that the State Government may re examine the factual position with regard to this and take an appropriate decision. (SUGGESTION 14)**


26. Convict 158 Dinesh is a Malayalee originally domiciled in Karnataka. He has been imprisoned for 19 years now and is now being held additionally for a jail riot case. He says all others in similarly placed situations as well as his co-accused have all been released and he alone is discriminated against. In view of his plea that he has been in prison for 19 years, **it is suggested that the Hon Commission may direct the**

Government of Kerala to have his case examined on merits and take an appropriate decision. (SUGGESTION 15)

27. The main purpose of the visit was to look into the problems of migrant labour. It is estimated that there are about two million of them in Kerala. A few of them, a miniscule minority, get involved in crimes too. They have handicaps while they encounter the criminal justice system because they do not have the extent of access possible for the local resident population to get social and legal support to present their version of the incident or situation.

28. In the individual grievances enumerated above, the Hon Commission may consider and take appropriate decisions on the suggestions made. In individual instances there is considerable difficulty in looking into matters which fall solely within the discretionary competence of the police and the judiciary. So the scope for detailed consideration of the grievances by other means is very limited.

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


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