

REPORT ON THE VISIT OF SHRI CHAMAN LAL SPECIAL  
RAPPORTEUR, NHRC TO BIRSA MUNDA CENTRAL JAIL  
RANCHI ON JULY 22, 2001

I visited Birsa Munda, Central Jail Ranchi on 22<sup>nd</sup> July 2001 to assess the infrastructural facilities, living conditions of prisoners and the overall standard of Jail Administration. Shri Rudra Nath Prasad IG(Prisons) and Shri Sukhbir Singh, D.C. Ranchi accompanied me in this visit. Shri Purshotam Thakur, Superintendent, Jail took us around the jail campus. I visited Ward No. 3 & 7 of undertrials and 8 & 14 of convicts, common kitchen, jail hospital, ward No. 11 (Yoga ward), Jail workshop including the tailoring section, interview Gallery and the women section. I had intimate interaction with inmates and head their complaints and grievances. I also spoke to the jail staff including the medical personnel to ascertain their difficulties and problems. The visit to the campus was followed by a detailed discussion with IG(Prisons) and Jail Supdt. in the Office chamber of the latter. Observations of the visit and the suggestions/recommendations made are recorded below:

JAIL POPULATION

Central Jail Ranchi has an authorised capacity of 604 – 585 male and 19 female. The actual strength on the day of the visit was found to be 1724 including 19 female prisoners and 4 infants staying with their mother prisoners. This shows an overcrowding of 285.4%. I was informed that the average population of the jail used to be 2000 till a month back when 350 convicts were transferred to Central Jail Hazaribagh. The undertrials

numbering 1281 including 16 women constitute 75% of the total population.

The most elementary right of the prisoners, the right to basic minimum needs of living space, clean and hygienic living conditions, proper bedding can be clearly seen as neglected as a result of the failure of the Government to solve the problem of overcrowding. Ward No. 7 which can accommodate 60-70 persons at the most is packed with 196. On my query as to how the prisoners sleep a demonstration of their lying positions was arranged. It was pathetic to see the bodies huddled together, legs unstretched and elementary facilities of proper bedding almost absent. This was one of the most inhuman arrangements of living accommodation I have ever seen anywhere. Similar was the case in ward No. 3 of the undertrials where 94 prisoners were staying in a space meant for 40 prisoners at the most. The conditions in the convicts wards (No. 8 & 14) were slightly better but only in comparison to what was seen in undertrials ward. Ward No. 8 with 50 convicts can reasonably accommodate not more than 30, Ward No.14 having 89 inmates can accommodate 50 at the most.

The overcrowding has obviously rendered the general standard of sanitation and hygiene as dismally poor. The availability of 60 latrines for a population of 1724 inmates gives a scale of one latrine for every 29 prisoners against the recommended scales of 1 for every 8 (Mulla Committee) and 1 for 6 (NHRC). Even after the on-going construction of 20 latrines is completed, the scale will improve to 1 for 22 which means hardly any improvement at all.

The Jail has a water-tank with capacity of 16,000 litre besides 1 covered well, 5 hand-pumps and 1 deep boring. The running water supply is available two times daily. I specifically questioned the inmates about the status of water supply and found them by and large satisfied. However, bathing facilities are inadequate. No bathrooms are provided though a few platforms have been made for bathing/washing purposes.

I discussed the issue of overcrowding with the D.C. Ranchi, IG(Prisons) and thereafter with Mrs. Sushma Singh, Home Secretary, Government of Jharkhand. The IG(Prisons) and Home Secretary mentioned the possibility of transfer of 300-400 convicts to Central jail Hazaribagh. I don't understand how Hazaribagh jail holding 2587 inmates against a total capacity of 1130 prisoners can accommodate any more prisoners. The DC informed me about the construction of 3 barracks just outside the Prison wall which can accommodate 500 inmates. The work was abandoned after construction reached 90% level, supposedly because of the advice of the Chief Justice, Jharkhand High Court not to incur any more liability at the present site since the jail is proposed to be shifted outside the town where land for the new building has been acquired. As the construction of the new building and the shifting is likely to take 2-3 years even after the work is started, it does not seem prudent not to allow the additional barracks to be completed and put to the intended use. The D.C gave me to understand that these barracks could be made ready for use within six months. The Home Secretary and the Chief Secretary also confirmed this and assured that the work will be resumed after obtaining clearance from the competent authorities if the NHRC recommends it to the Government.

## STAFF

Review of the staff position revealed as many as 40 vacancies in a total sanctioned strength of 110. Of these, vacancies of 2 Asstt. Jailors out of a sanctioned strength of 5, 9 Head Warders out of a sanctioned strength of 10 and 28 Warders out of a sanctioned strength of 80 are considered crucial to the efficient management of the jail and should be filled up at the earliest. The sanctioned strength of Warders is already around 30% of the actual requirement. No vacancies in any rank should be allowed until the sanction is raised in accordance with the actual requirements. Cooks are not sanctioned for this jail or for any jail in erstwhile Bihar. There is no regular barber either.

## HEALTH CARE

I visited the jail hospital and had a detailed interaction with Dr. Ganesh Tiwari and Dr. N.P. Singh. I was informed that the hospital is handling a daily average of 100 OPD cases. It has 60 beds which were found being shared by 124 indoor patients. I was told that there are occasions when indoor patients remain lying on the ground. Dr. Tiwari informed that the hospital is supplied with a sufficient stock of medicines which I found hard to believe considering the jail population and standard of general health of the inmates. He confirmed that every prisoner is being subjected to medical examination as per the directions of the NHRC and I was shown the register where records of this examination are being maintained. Though I have my own reservations about the extent and quality of the examination that is being carried out, I would like to

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- o complement the Dr. Incharge for having started this activity in compliance with the directions of the NHRC despite all constraints of resources.

Dr. Tiwari confirmed that there is no separate ward for prisoners suffering from infectious diseases. However, the hospital has a separate ward where 17 TB patients and 13 Leprosy patients are receiving treatment. 13 mentally ill patients have been admitted to RINPAS.

The visit to wards revealed that a good percentage of inmates belongs to 60 + age group. 3-4 old inmates complained of poor eye-sight. One could see they were in need of immediate cataract surgery. Dr. Tiwari confirmed presence of 25-30 such cases among the prisoners. Deputy Commissioner Ranchi was requested to organise a special Eye Camp with the help of some voluntary agency preferably the Rotary club. He later confirmed that this has been arranged.

I asked the Doctor about the special diet for patients. I was informed that all indoor patients are being provided milk as a special diet at the scale of 250/500 gm. per patient per day. TB and Leprosy patients are also given 150 gm. of meat per day. Items like Porridge, Horlicks, Eggs and fruits which used to be part of the special diet till about 10 years back are not being supplied these days.

A number of inmates complained about utter inadequacy of medical facilities. They specifically pointed out the risk of non-segregation of patients suffering from infectious diseases. It is also worth mentioning that no NGO has been involved in the health care of prisoners in this jail. There

are no special facilities for attending to the specific problems of women prisoners. I must, however, add that there has been some improvement in the attitude of the authorities to the health care inmates after NHRC's intervention in the matter of custodial death. This is reflected in a significant drop in the incident of death in Jail. The number of deaths in jail came down from 13 in 1998 to 7 in 1999, 8 in 2000 and only 2 in 2001 till 22 July. I explained the implications of incidence of death in jails which is a reflection of the standard of health care.

### UNDERTRIALS

I examined the statement of undertrials given by the Jail Supdt, which shows as many as 159 UTs languishing in jails over 3 years with 41 of them having completed 5 years.

I saw a number of inmates who have been convicted in one or two cases but are facing prosecution in some other case. I am of the view they should be treated as convicts and shifted from UT wards. Interaction with the UTs. brought out the following difficulties/complaints:

1. Arrangements for the court appearance of the UTs. are highly unsatisfactory. The jail has only one small Van without any seating arrangements. The prisoners are made to suffer the avoidable hardship of journey in a very uncomfortable standing position with 50-60 persons thrust in a van of low height which can accommodate only 20 at the most. One of the inmates stated that as a result of intervention of NHRC some improvement was

effectuated 3-4 years back but it had lasted only 2 months. It should not be difficult for the new Government of Jharkhand to provide a large bus for transporting UTs to courts.

2. The arrangements for the UTs. at the court are still worse. Only two small lock-ups with one in dilapidated condition are available without any toilet facilities and with no arrangement of supply of drinking water.
3. On an average 25-30% of the UTs return to jail without being produced before the Court. One undertrial Shri Keshwar Munda described how they have to keep waiting for the 'bulawat' which never comes. The case of Shamim Ansari deserves a special mention. He received 3 successive dates for appearance each following on Sunday/Holiday. Ishwar Nath Mishra has been in the jail since 9.11.95 facing a trial in murder case. He said his case has not progressed an inch during the last three years because of non-appearance of the police witnesses. A number of UTs alleged that they are denied bail even in deserving cases because of corruption in court. Some UTs. facing trial in murder cases expressed dissatisfaction with the legal aid provided by the government. They said that their lawyers do not attend their cases regularly and take no interest in their affairs. Some of them denied having met their lawyers at all.
4. The Jail is holding 4 convicts who have completed actual imprisonment of more than 14 years. All of them have been awarded imprisonment for 20 years. It is beyond my

comprehension how the prescribed punishment of Life Imprisonment can be spelt out in such terms without any provision in the IPC. I detected the following two cases for consideration of pre-mature release:

- a) Smt. Salomni Orain was awarded a sentence of 20 years on 3.6.1990. Before coming here, she has been an undertrial at Bhagalpur jail for a period of 3 years 7 months and 22 days. She is above 70 and has actually undergone an imprisonment of 11 years 10 months and 24 days after the period spent on bail is taken out. Her conduct is reported to be exemplary.
- b) Shri Moil Lakra was awarded 20 years imprisonment by the Session Court on 13.6.90. He has spent a period of 3 years 7 months 21 days as UT. He is totally blind. He has undergone actual imprisonment for 12 yrs. 8 months and 27 days till 22 July.

Besides the above, the following 4 convicts under-going life imprisonment (the jail records show the sentence was 20 years in each case) are shown to have completed actual imprisonment of 14 years. In my view, they have also become eligible for consideration of pre-mature release as per the provision of section 433 Cr.P.C.

1. Patras Gudja, Registration No. 433/A
2. Jagdish Mehto, Reg. No. 15252/A
3. Nepal Pal, Reg. No. 689/A
4. Dawood Dang, Reg. No. 15144/A



IG(Prison) was requested to process their cases. The Home Secretary assured that these will be considered sympathetically and orders of the competent authorities obtained.

5. Sita Ram Sahu alias Mungheri Lal, an undertrial in murder case since 18.1.92. He is also the Yoga teacher of the prison. He was actually convicted with 20 years imprisonment in 1992 and the sentence was confirmed by the High Court. He told me that his case was referred back to the Trial Court by the Supreme Court and has been pending there since then. His case can be examined only if the copy of the Supreme Court judgement is furnished.
6. The undertrial prisoner Dhelka alias Rustam Singh Munda is involved in a murder case of 1985 along with two others. One of the co-accused was acquitted in 1989 and the other is absconding. He said he has not been produced before the court for the past 5 years.
7. No Lok Adalat has been held in this jail in compliance with the directions of the Chief Justice of India to all the High Courts which are being followed at most of the places.

### PAROLE

It was shocking to learn that the system of parole seems to have virtually been abandoned. The Superintendent confirmed that no case of parole has been processed during the last 10 years. It means that none of the

convicts kept in this jail could seek temporarily release for short duration to be with his/her family in an emergency like death, serious injury etc. or to attend the wedding of his son/daughter.

### JAIL INDUSTRIES

The jail has a fairly satisfactory arrangement for imparting vocational training to the convicts in (a) handloom (b) tailoring and (c) soap and phenyl-making. A total of 80 prisoners are working in these sections, 55 as full-fledged workers and 25 as trainees. The existing number of looms is proposed to be increased from 10 to 20. The number of sewing-machines (5 in male and 2 in female sections) is also proposed to be doubled.

I was informed that wages are being paid @ Rs. 12 per day for the hard and trained labour, Rs. 10 for medium and Rs. 8 for light labour. However, no distinction is being made between the regular workers and the trainees. None of the inmates working in the handloom section was found knowing the wage rate and earnings made by him. Even in other aspects of the administration, I could see a total absence of openness and transparency. The Supdt. was advised to brief all these persons about the wage rate and show them their pass-books which I was told, are being maintained by him. The scope of vocational training needs to be expanded further so as to engage 75% of the convict population in gainful for employment.

### WOMEN PRISONERS

There is a separate enclosure for the women prisoners which is being

looked after by the female staff. I met all the 19 women prisoners – 3 convicts and 16 undertrials. I also saw the 4 children staying with their mothers. I was informed that only 500 gm. Milk per child is being supplied as special diet to these children. I requested D.C. Ranchi to make immediate arrangements for the supply of proper extra diet to these children with the help from some voluntary organisations. He assured that this would be done within 2-3 days. I requested the IG(Prisons) to send a proposal to the Government for providing special diet of proper nutritional value to the children and aged persons requiring special attention. The Home Secretary and Chief Secretary assured that the matter would receive their immediate and favourable attention.

### VISITORS

It is heartening to note that the affairs of the Central jail, Ranchi are receiving the increasing attention from the authorities whereas the jail was visited only by IG(Prisons) and Civil Surgeon in 1998, the year 1999 witnessed two visits by Judicial Commissioner, one each by NHRC and Board of Visitors. Year 2000 recorded 9 visits, 2 of IG(Prisons), 4 of Judicial Commissioner, 1 each of CJM, Civil Surgeon and NHRC. In 2001, 17 dignitaries have visited the jail till 22 July. Dy. Commissioner, Ranchi who had not visited the jail in the previous years at all has already made 3 visits this year. The jail has also been visited by the Home Secretary, Chief Justice, Jharkhand High Court, Chief Minister and Governor of Jharkhand. It is hoped the increasing involvement of these authorities will certainly improve the living conditions of the prisoners and the administration of the

Jail. I am of the firm view that regular visit by D.C. and Judicial authorities will take care of most of the complaints and grievances of the inmates.

### INTERVIEW FACILITIES

The basic right of the prisoners to have occasional contact with their families through the system of 'MULAQUAT' is not being honoured. Though prisoners are allowed interviews with their families as per the provisions of the manual, the arrangements are so poor and inadequate that the facility may be considered as non-existent. I visited the place of interviews and found that in a crowded verendah (20'x4') some 30-40 prisoners are made to stand to meet their family/friends who are standing in a similarly crowded and fenced space at a distance of 8' from the prisoners. I told the Home Secretary that she has to actually visit and see this arrangement to realise its utter absurdity. No wonder every prisoner complained about this arrangement.

*Chal*  
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