

Report on the visit of Justice Shri Y. Bhaskar Rao, Member and Shri Chaman Lal, Special Rapporteur, NHRC to Jails in Tripura from 10th June to 13th June 2004

Justice Y. Bhaskar Rao, Member and Shri Chaman Lal, Special Rapporteur, NHRC visited the Central Jail, Agartala , Female Jail, Agartala and District Jail, Udaipur, South Tripura on 11-12 June. The Special Rapporteur also visited the Sub Jail, Sonamura, West Tripura on 13.6.04. Shri K. Rajeswara Rao, Commissioner (Home), Shri N.C. Sinha, Commissioner (Jail), Shri R.C. Chaudhury, IG (Prisons), Tripura remained present during the Member's visit to the Central Jail and Female jail. Shri Sinha and Shri Chaudhary accompanied the team to Udaipur District Jail. They were also present during the visit of the Special Rapporteur to Sub Jail Sonamura.

The team inspected the living conditions, reviewed the essential services, spoke to prisoners and heard their grievances. The observations and suggestions of the team are given head-wise in the succeeding paras.

CENTRAL JAIL AGARTALA

Shri A.R. Deb, Incharge, Supdt. Central Jail made a detailed presentation on the jail infrastructure and its functioning. Before the Member's arrival, the Special Rapporteur held a detailed discussion on various aspects of the functioning of the jail, perused the relevant documents and identified the issues requiring detailed examination. The team took a round of the campus which included visit to the convicts' wards, under-trials' wards, Hospital, kitchen and work-sites.

PRISON PROFILE

Central Jail Agartala was established in 1874. It is designed to accommodate 245 male prisoners. There is a separate jail for female prisoners situated adjacent to the Central jail. Central Jail is spread over an area of

21.0 acres and comprises 12 wards (Ward No. 1-11 and Anand Bhawan). Five wards (3,4,5, 10 & 11) are meant for convicts and five wards (1,7,8,,9 and Anand Bhawan) for under-trial prisoners. One ward (2) has been earmarked for menta'ly ill persons. Ward No. 6 was demolished and is being rebuilt with a capacity of 144. Construction is likely to be completed by August end. The jail has a separate Hospital building and a kitchen complex. Although jail buildings are old, the standard of maintenance is fairly good. The campus is being kept clean and beautiful by developing and maintaining lawns and flowerbeds.

PRISON POPULATION

The prison population on the day of the visit i.e. 11.6.04 was 503 which indicates an overcrowding of 105%. The daily average strength of the previous month i.e. May 2004 was 506. The average strength of the prison can be taken as 500 which means a permanent overcrowding of 104%. The under-trials numbering 197 constitute 39% of the total prison population. The convicts numbering 306 include 208 lifers.

SANITATION

Although the total number of toilets is 99, only 4 toilets have been provided in the open and the remaining are in the wards. The toilet to prisoner ratio computed on the basis of the average strength comes to 1:5 which presents a fairly satisfactory picture. However, the location of the toilets within the wards cannot ensure satisfactory sanitary conditions. Such toilets are normally meant for emergency use during night.

Although the actual number of Bathrooms (04) gives a bathroom to prisoner ratio of 1:100 which is totally unsatisfactory, adequate bathing facilities are available in the open. No prisoner made any complaint in this regard even after they were specifically questioned on this issue.

FOOD

The scale of food has been fixed on the basis of daily requirement of 3500 and 2500 calories for the 'Hard Labour' and 'Medium Labour' prisoners respectively. The prescribed daily scale includes 700 gm of rice for convicts (R.I) and 613 gm. for under-trial prisoners. Meat, fish and eggs are supplied to all prisoners once a week. The prisoners are getting diet at the following calory scales:

Meat meal: once a week (3271)

Fish meal: once a week (3176)

Egg meal: once a week (3181)

Veg. Meal: (3116)

The Special Rapporteur questioned a number of prisoners about the quantity and quality of food and found all of them generally happy. Two or three prisoners requested for improvement in the quality of vegetables being supplied by the contractor who, they said, is not paid his bills regularly because of budget constraints. IG Prisons was requested to look into the matter.

BEDDING AND CLOTHING

All items of bedding and clothing are being supplied as per scale which is reasonable and meets the basic needs of prisoners. This deficiency is seen to have been pointed out by other visiting authorities such as the State Human Rights Committees, District and Sessions Judge and DM Agartala also. The Supdt. Jail confirmed that this shortage has now been met. Still, the team found a member of convicts with no chappals or wearing their personal chappals

EDUCATION, RECREATION AND WELFARE

A Teacher has been provided from the Social Welfare Department for taking literacy classes. The jail has a reasonably good Library equipped with

3109 Books in Bengali, English and Hindi. Centrally controlled and properly regulated TV/music facilities has been provided to each ward. While facilities for in-door games like chess, carom have been provided, the facility of valley-ball has been temporarily suspended because of the construction material dumped in the place meant for the valley-ball court. The IG (Prisons) was requested to get it restored at the earliest.

HOSPITAL

Dr. S. Roy briefed the team about the medical facilities available in the jail. Central Jail, Agartala has a 10- bedded Hospital with daily OPD average of 30 patients. Presently, only 8 beds are available with an average occupancy of 5. The average length of stay in hospital is 4 days. The hospital is authorized one Medical Officer, 4 male and 5 female Pharmacists and 5 male and 3 female General Duty Assistants. G.B. Hospital, Agartala provides the referral cover. TB cases are treated under the revised National T.B. Control Programme. Five TB cases were detected and cured in 2001, 3 in 2002 and 7 in 2003. The Medical Officer confirmed that all of them have completed the treatment and got cured. No case of TB has been detected in 2003-04. No case of HIV has come to notice.

The supply of medicines is reported to be satisfactory. The Medical Officer confirmed that essential drugs are held in sufficient quantity. While no complaints were received about the supply of medicines, a number of patients complained to the Special Rapporteur about the rude behaviour and unsympathetic attitude of the Medical Officer. Some prisoners told the Special Rapporteur in camera that the Medical Officer avoids touching the patients and dismisses them after ascertaining their name, age and complaint without any physical examination. This was brought to the notice of the IG (Prisons) and the Commissioner (Jail) for further action.

Eight convict prisoners and 6 under-trial prisoners are receiving treatment for mentally illness as OPD patients in the psychiatry unit of the G.B. Hospital, Agartala. UT prisoner Shri Pradeep Ghosh s/o Prafulle Chandra Ghosh was admitted on 28.3.02 in a case u/s 458/326. Shri Chandra Shekhar Datta s/o Giridhar Datta admitted on 18.3.03 in a case u/s

341/326/307. Their cases would require constant monitoring by the IG (Prisons) to ensure that their trials are resumed immediately after they are declared fit enough to defend themselves. The remaining 4 cases of UT prisoners are of less than 6 months duration. The team observed that 18 perfectly healthy prisoners, quiet and shy by nature, have been kept in ward No.2 where mentally ill prisoners are lodged. The Medical Officer could not convince the visiting team about the wisdom of this decision which he ascribed to the advice of the psychiatrist who is treating the mentally ill prisoners. Some of these persons were seen showing signs of depression acquired by proximity with the unfortunate victims of mental illness.

DEATH IN JAIL

As per the Commission's records, there has been no death in jail in Tripura during the period 1994-95 to 2001-02. Only one death was reported in 2002-03. As learnt from the C.D. Cell of the Commission, the Supdt. Of Jail (West Tripura) had informed the Commission about the death of one Narayan Dey s/o Bimal Dey on 24.10.02. The case was dealt in file No. 32/23/2002-03-C. It was closed after full examination on 11.2.03. No death in jail in Tripura was reported in the years 2003-04. The Special Rapporteur found the situation to be unacceptable. He suspected that only those deaths of prisoners are being reported to the Commission which actually occur in jail. As most of the deaths are occurring in hospitals outside the jail, the Jail Deptt. is not treating them as deaths in jail. The suspicion was found to be correct on examination of the jail records which revealed that 4 deaths had occurred in Central Jail, Agartala during the last three years. These cases are described below.

1. Convict Adhir Sutradhar s/o Devendra Sutradhar was admitted in jail on 16.7.93. He died on 16.10.01 in G.B. Hospital Agartala. His death was considered as natural and no post-mortem was conducted as per record. Intimation was not sent to the Commission.
2. Convict Chandra Ghosh s/o Ramesh Ghosh, aged 27 years was admitted on 19.8.2000. He died on 23.12.01. Records

show that he committed suicide by hanging in latrine no. 2 of the jail. The file shows that post-mortem was conducted but does not include the post-mortem report. No information is seen to have been sent to the Commission as per the Jail record, although this death had taken place in jail itself. This is a serious matter calling for a detailed report.

3. Under-trial Narayan Dey s/o Bimal Chandra Dey was admitted on 7.9.02 as an accused u/s 411 IPC. He died on 24.10.02 in G.B. Hospital. This is the only case in which the intimation was sent to the Commission surprisingly by the Supdt. of Police (West Tripura) and not by the D.M. or the Jail authorities. The case was examined by the Commission and closed on 11.2.03.
4. Convict Digam Tripura s/o Kasa Mohar Tripura was admitted on 17.11.03. He died on 31.12.03 in G.B. Hospital Agartala. The jail records show that post-mortem was conducted along with videography. However, as per the Commission's record that no death in jail was reported from Tripura in 2003-04.

The Team felt that D.M. Tripura, West should examine all records relating to serial number 1,2&4 above and send a detailed report to the Commission. I.G. Prisons, Tripura assured that the Commission from now onwards will be informed about the death of prisoner whether he dies in the jail or outside.

STAFF

The staff position appears to be satisfactory. The Central Jail, Agartala is sanctioned one Supdt., one Dy. Supdt., two Jailers, two Dy. Jailers and three sub-Jailers. It was learnt that the Supdt. Jail Shri A.S. Jamatia is attached to the Office of I.G.(Prisons) for inquiry into complaints against him. Shri A.R. Deb, Dy. Supdt. is holding the charge of this post. Vacancy of one Jailer, one Dy. Jailer and actual shortage of one sub-Jailer because of suspension of the incumbent show serious deficiencies at the supervisory level. The jail is also authorized one Chief Welfare Officer and two Welfare

Officers. The post of Chief Welfare Officer is lying vacant. Both the Welfare Officers are under suspension. This is a sad commentary on the welfare aspect of the Jail Administration. As regards the guarding staff, the jail is sanctioned 25 Head Warders and 123 Warders. While availability of Head Warders (24) appears to be alright, there are 11 vacancies of warders and 5 warders are under suspension. As such, only 107 warders are actually available. The staff position certainly needs improvement in view of the overcrowding of alarming proportions.

WORK PROGRAMME

Facilities for vocational Training and gainful employment are available in five trades namely cane and bamboo making, tailoring, book-binding, printing-press and weaving. As per the statement received from the Supdt., 93 convicts are presently working in these units. The Special Rapporteur visited these units and actually saw 88 persons. Besides, 16 convicts are being imparted computer training by a convict named Titu Chakraborty. 78 convicts were shown working in the agriculture and gardening unit, two in the fishery unit, 36 in the kitchen and 3 in the Duckery unit. Five convicts have been trained and are working as Barbers. As such, 226 convicts are being provided work.

It was heartening for the Team to note that almost all the able-bodied prisoners undergoing R.I. are being provided some work. However, wages for these jobs have been fixed w.e.f. 1.9.99 on the basis of the nature of job – Hard Labour or Medium/Light Labour. Daily wage rate has been fixed as Rs.7/- and Rs. 6/- respectively for these categories. While almost all the other States are categorizing work in jail on the basis of the proficiency – skilled, semi-skilled or unskilled of the worker, Tripura is following the old classification of 'hard' and 'medium/light' labour which indicates orientation towards the penal rather than the rehabilitative aspect of the matter. The Special Rapporteur, on inquiry from the workers, learnt that most of the convicts working in factory units are being paid at the rate of Rs. 6/- per day. This is objectionable in view of the fact that 10 convicts out of a total of 35

seen by the Special Rapporteur were pronounced as proficient enough to work independently in cane and bamboo unit. They were actually seen producing excellent products very often displayed in exhibitions and trade fairs. Similarly, 5 out of 8 convicts in the tailoring unit, all the 14 in the book-binding unit, 8 out of 11 in the Press unit and 17 out of 20 in the weaving unit were pronounced by the supervisors as good enough to undertake such jobs independently. There is thus a clear need for reviewing the rates at which the convicts are being paid for jail jobs in Tripura. It was also observed that the convicts working in the kitchen were being paid Rs. 6 per day. The kitchen job (wood is used as fuel) is certainly hard and hazardous compared to the general maintenance work and must fetch higher of the two existing rates. Surprisingly, District Jail Tripura is treating this job as hard labour.

The Team felt that Home Department should get the whole issue examined by a Committee of Officers and classify the work as skilled, semi-skilled and unskilled. An unskilled worker may be considered for promotion to semi-skilled level in three months depending upon his progress. Objective criteria should be fixed for promotion from semi-skilled to skilled category.

The current wage rates were fixed in October 1999, obviously in response to the following directions of the Supreme Court given in their Judgement dated 24.9.98 in the State^{of} Gujarat vs. High Court of Gujarat (Criminal Appeal No.308 of 1986), " it is imperative that the prisoners should be paid equitable wages for the work done by them. In order to determine the quantum of equitable wages payable to prisoners, the State concerned shall constitute the Wage Fixation Body for making recommendations. We direct each State to do so as early as possible".

The team observed that the wage rates of Rs. 7/- and Rs. 6/- per day are too low and can hardly satisfy the test of equitable wages. The team, therefore, felt that the Government should review and revise the rates suitably by constituting a Wage Fixation Committee.

Wages are being paid regularly. Most of the prisoners, the Special Rapporteur spoke to, were found aware of the wage rate and confirmed

regular payment. They also confirmed that they are associated with preparation of job cards and computation of wages. However, many of them had little idea about their accumulated earnings. It was also observed that due to unavoidable delay in receipt of funds and drawal of money from the Treasury, a number of prisoners do not receive their outstanding dues at the time of their release. The Supdt. stated that such prisoners are informed when the cash is ready for disbursement and sometimes the amount is sent by Money Orders. However, this cannot be accepted at face value in view of the fact that an amount to the tune of Rs. 4,42,284.56 was reported as lying undischarged under this Head on 11.6.04. The team, therefore, felt that the system of payment of wages to the prisoners needs to be rationalized to ensure that all prisoners receive their full payment for the work rendered by them before they are released.

CONVICTS

The team met a number of convicts in separate wards and invited complaints and suggestions. They were specifically asked about food, drinking water, sanitation and medical facilities. Barring a few complaints about the behaviour of the Medical Officer, prisoners were found satisfied on all counts. The team received the following complaints from the convicts:

Grant of Parole : Some prisoners on the condition of anonymity informed the Special Rapporteur that applications for grant of parole are not being considered fairly. While some prisoners with means and connection, have managed to get parole for long periods running into years, a vast majority of convicts have remained totally deprived of this facility. Parole is governed by the Tripura Prisoners (Tripura Amendment) Act, 1979. The liberally drafted enactment entitles every prisoner sentenced to imprisonment for two years or more, the facility of temporary release on parole for a period not exceeding one month at a time. The act clearly mentions that the period spent on parole will count towards the period of the sentence. There is no limit imposed on the number of times a prisoner can be granted parole. The Act also provides for long-term parole for period not exceeding two years applicable to prisoners sentenced to RI for ten years or more. Long-term

parole can be sentenced after the prisoner has served at least five years of his sentence excluding remission but including the period of short-term parole. The following particulars would demonstrate the contrast pointed out by the complaining prisoners:-

Name	Dated of admission	Number & date
1. Life convict Satish Debnath s/o Suresh Debnath	22.4.88	7 paroles of 30 days each 1 of 1 year and 1 of 2 years
2. Life convict Hardev Debnath s/o Bhagirath Debnath	22.4.88	3 paroles of 30 days, 1 parole of 1 year and 1 parole of 2 years.
3. Life convict Shib Kumar Malsam s/o Puma Radha Malsam	5.12.88	one parole of 6 month, one parole of 3 months and one parole of 4 months.
4. Life Convict Pradip Debnath s/o Gurucharan Debnath	1.3.90	5 paroles of 30 days each, 1 parole of 1 year, one parole of 2 years
5. Shri Nikhil Debnath s/o Shri Guru Charan Debnath	1.3.90	-do
(Both brothers convicted in murder case remained on parole for 3 years 5 months at the same time).		
6. Priya Lal Debnath s/o Banamali Debnath	1.3.90	same as 4&5 above.
7. Sushil Paul S/o Sital Paul	24.11.90	5 paroles of 30 days ea 1 parole of 6 months, 2 paroles of 1 year and 1 parole of 2 years.
8. Guranga Biswas s/o Mahim Ch. Biswas	13.8.93	5 Paroles of 30 days each, 1 parole of 6 months, 2 paroles of 1 year and 1 parole of 2 years.
9. Radha Charan Debarma s/o Biswamani Debnath	30.2.93	- Do-

Scrutiny of records revealed that 52 applications for parole were received during the period from May 2003 to May 2004. 14 convicts availed of parole during this period, 3 of them are still on parole. Six convicts are on long time parole, 3 for one year and 3 for two years. 25 lifers who have completed more than 5 years and had applied for parole, have been denied this facility presumably because of adverse recommendations from the police. The names of the following are offered by way of illustration.:

- Convict Sukhlal Sarkar s/o Suresh Sarkar in jail since 19.11.98 had applied for parole in 2001.
- Convict Mayub Ali s/o Sanjit Ali, lifer since 10.8.90.
- Convict Hari Mohan Mandal s/o Dhani Ram Mandal in jail since 16.2.99.
- Convict Mohd. Abdul Rehman s/o Kamal Mohd. In jail since 4.9.98. He said that he had applied for parole three times.
- Convict Feroz Miyan s/o Abdul Miyan. He was admitted on 30.11.98, had applied for parole in 2002.
- Convict Manto Telanga s/o Ganesh Telanga in jail since 12.6.98 had applied for parole in 2000.

Non-receipt of Judgement order: 15 convicts including 9 lifers complained that they have not received the copy of the judgement order from the Court. Their names and other particulars are given at Annexure I. Some stated that that the judgement copy was collected by the Government pleader who has not bothered to deliver it to them. It is worth noting that 5 cases out of these are more than 4 years old. The Supdt. Jail was instructed to move their petitions to the Court concerned with the help of District. Legal Service Authority.

Appeals : A number of convicts complained about the delay in disposal of their Appeals against life imprisonment filed in the High

Court. The Jail records revealed that 67 such appeals are pending. The following are pending for over 5 years:-

<u>Name of the convict</u>	<u>Case No.with U/S</u>	<u>Date from which appeal is pending</u>
1. Shri Bimal Paul	25(ST/B)/92 U/s 302 IPC	4.11.93
2. Suresh Debbarma	35(ST/WT(A)/86 u/s 302/34 and 201 IPC	6.03.92
3. Lal Bikzama	-do-	27.3.92
4. Mohd. Ali	27(ST/(A)/91 us 302 IPC	25.1.92
5. Anirudh Chakma	ST 3 (NT(D)/93 u/s 302IPC	28.12.93
6. Radha Charan Debbarma	ST 67(WT/K)/93u/s 302IPC	1.12.95
7. Rakhal Roy	ST 46 (ST/S)/94 u/s 302IPC	18.11.95
8. Shulu Munda @ Mura	ST4(NT(D)/95 us/302IPC	1.12.95
9. Manoranjan Datta	ST 131(WT(A)/95 u/s 302IPC	7.6.96
10. Rana Rudra Paul	ST 15(NT/K)/96 u/s 302 IPC	20.2.97
11. Anil Nath	ST 29(ST/S)/96 u/s 302IPC	27.7.97
12. Duranta Kalai	ST 79(ST/U)/96 u/s 224/395IPC ST 15(ST/A)/95 u/s412 IPC	20.2.97
13. Sattar Miah	-do-	20.2.97
14. Swapan Ghosh	ST 65(ST/U)/97 u/s 412 IPC	1.1.99
15. Harimohan Mandal	ST 43 (WT/A)98 U/s 402 IPC	17.4.99
16. Hirendra Das	ST 122(NT/K)/95 u/s302 IPC	3.6.96
17. Pradeep Mahu	ST 2(NT/K)/86 u/s 302 IPC	22.2.91

PREMATURE RELEASE

It is interesting to observe that the jail is not holding any lifer awarded sentence before 22.4.88. Out of 208 lifers held in the jail, only six have completed 14 years since their admission to jail. All of them have remained on parole for periods ranging from 1 year and 1 month to 4 years and 3 months.

The provisions of 433-A Cr.PC laying down an actual incarceration of 14 years for lifers before considering them for premature release was inserted on 18 December 1978. Before this date, the release of lifers in Tripura used to be governed by the "14 years rule" which provided that a lifer could be released if he had completed 14 years imprisonment including remission. It seems, Government of Tripura continued to make use the earlier provisions and releasing lifers under the "14 years rule". It was learnt that the State Review Board which considers case of premature release did not meet in the year 2003. The file shows that the last premature release order was issued on 22.12.99 when 4 convicts were released. It would be worthwhile asking the State Government to furnish the full particulars of lifers released during the last five years (after 1.1.2000).

The Special Rapporteur was given to understand that the period of parole is not being counted towards the sentence while computing actual incarceration of 14 years. This is against the very purpose for which parole has been introduced as a reformatory measure to ensure prisoner's contact with society.

The I.G. Prisons confirmed receipt of the Guidelines issued on the subject by the NHRC vide its letters No. 233/10/97-98(FC) dt. 8.11.99 and 26.9.2003. The State Government is expected to streamline the procedure of premature release of life-convicts by following these Guidelines.

SPECIFIC GRIEVANCES

- i) Convict Madan Singh Bisht ex-BSF is undergoing 10 years R.I. awarded by the General Security Force Court (104 Btn. BSF) on 27.2.2002. He had applied for transfer to Utranchal. The Government of Uttaranchal gave clearance on 8.4.04 for his transfer to Haridwar. He complained that because of non-availability of escort, his transfer is unduly delayed. The same complaint was made by another ex-BSF Manoj Chand s/o Kishan Chand

undergoing R.I. since 15.12.02 and cleared for transfer to Haridwar Jail. The Supdt. Jail informed that the Police escort has been arranged and they will be taken to Haridwar on 15.6.04. Both of them were informed accordingly. IG (Prisons) was requested to ensure that this assurance is fulfilled.

- ii) Convict Ram Prakash Singh s/o Nange Ram undergoing life imprisonment since 4.7.02 had applied for transfer to Rajasthan. As he had specifically mentioned transfer to Karoli Distt. Jail, the Government of Rajasthan replied that his case for transfer to Central Jail can be considered as lifers are not kept at District Jail Karoli. A fresh application should have been obtained and sent. This should be done now.
- iii) Convict Rajesh Debbarna s/o Bikram Debbarna complained that there is no mention of the 'set off period' in his judgement order. He also sought clarification whether punishment awarded to him in two cases would run concurrently. His file revealed that he was given R.I. for life on 31.7.02 in a case u/s 364(A) and 27 Arms Act along with a fine of Rs. One lakh or 5 years imprisonment in case of default. In another case u/s 364(A) IPC itself, he was awarded on 2.9.02 R.I. for life with a fine of Rs. One lakh or 10 years imprisonment in case of default. Both the judgements had been delivered on different dates without mentioning whether they will run concurrently or consecutively. No mention is made of the period spent by the prisoner in custody during the investigation of the trial of the cases. The Supdt. Jail was advised to bring this case to the notice of the District Legal Service Authority and move a petition to the High Court u/s482 Cr.P.C.
- iv) Neeraj Paul s/o Nirad Bihari Paul was admitted to this jail on 18.9.99 after being sentenced to life imprisonment u/s

302 IPC. He stated that he had filed an appeal through jail three months after admission. He was informed after a period of about one year that his petition was misplaced and could not be forwarded. He submitted a second petition in the year 2000 but was informed after a few months by Jailer Santosh Bahadur that his second petition was also misplaced. Thus, he has not been able to file an appeal petition although he has completed nearly 5 years of his sentence. The Home Commissioner (Jail) was requested to take personal interest and ensure that his appeal is filed immediately stating the reasons for delay and IG (Prisons) was requested to inquire into the matter to find out gap mischief or lapse, if any on the part of the Jailer Santosh Bahadur named by the convict.

- v) Convict Raj Kumar Debarma s/o Hareen Kumar Debarma was convicted in two cases. He was awarded 5 years with a fine of Rs. 2000/- or one year additional imprisonment in a case u/s 402 IPC and 27 Arms Act. In another case, under the same charge, he was awarded 7 years imprisonment. He wanted to know whether these punishments would run concurrently. After perusal of the judgement order, it was explained to him that the punishments were ordered to run consecutively and there was no doubt on this point. He said that he had paid Rs. 3000 to a private Lawyer but he did not do anything and he has not been able to file the appeal petition. He was advised to file a fresh appeal petition through jail.
- vi) Dinesh Sarkar s/o Nader Chandra Sarkar was admitted on 9.7.02 as a lifer. He complained that his 'set off period' of 1½ year has not been mentioned in the judgement order. Similar complaints were made by a convict Dayal Joy Tripura (set off period of 4 years 9 months) and a number of other prisoners.

- vii) Convict Naithengir Halam s/o Purnisham Halanm complained about the delay in intimation of the outcome of his appeal which as per his information, was decided more than a year back. The perusal of the file in his presence revealed that he was awarded simple imprisonment for life with a fine of Rs. 15000 or two years additional imprisonment in case of default on 22.5.01. He appealed to the High Court from outside the jail and engaged one Pradeep Rathore as his pleader. He stated that his appeal was decided on 25.9.02. and his punishment was reduced by 5 years. However, he has remained out of touch with his lawyer and has received no intimation of the outcome of his appeal. The Supdt. Was instructed to bring this case to the notice of the DLSA.

Convict Brijendra Singh ex-BSF complained that his sentence of 6 years awarded by the General Security Force Court on 15.6.2000 should be considered to have been completed as he had suffered custody in force for about 4 years during trial. His file shows that he was awarded 6 years R.I. under the BSF Act for an offence under 304 IPC on 7.4.2000. The amendment in the BSF Act allowing the benefit of the 'set off period' under 428 Cr. PC was made in September 2000. That is why, he was denied the benefit. However, his petition can be addressed to the Director General, BSF. The Special Rapporteur spoke to the Chief Law Officer, BSF about this matter and was informed that the application of the amendment with retrospective effect in respect of the BSF personnel, who are still undergoing civil imprisonment, is under consideration of the Government.

UNDERTRIAL PRISONERS

The Supdt. Central Jail Agartala furnished the following information regarding period of stay of under-trials numbering 197 on

the day of the visit:

Up to 3 months	- 115
3 to 6 months	- 24
6 to 12 months	- 32
1 to 2 years	- 21
2 to 3 years	- 04
3 to 5 years	- nil
Up to 5 years	- 01

Justice Y. Bhaskar Rao, Member examined the history-sheets of all the UT prisoners numbering 26 who have been languishing in jail for more than one year and heard the following complaints:

1. Anoop Datta s/o Sarendra Chandra Datta, the under-trial with longest stay, was admitted on 10.9.98 in a case u/s 468/406/420 IPC. The Supdt. Central Jail has informed that he was sentenced to R.I. for 3 years and released from court on 11.6.04 (following the day of team's visit) as per orders of additional CJ (West Tripura).
2. UTPs Sujit Das s/o Rabindra Das and Biswa Dayal Jamatia s/o Annashadan Jamatia admitted to this jail on 11.5.01 and 9.11.01 respectively are undergoing trial in the court of Additional Sessions Judge (West Tripura). case No. ST48(WT/A)01 u/s 148/149/307/120 IPC and 27 Arms Act and 10/13 U.L. Act. UTP. Sujit Das stated that he has not been provided a Government pleader. This needs to be verified. UTP Biswa Dayal stated that all evidence in this case has been completed about six weeks back and now the judgement is awaited.
3. Biman Debbarma alias Birk s/o Kshirode was admitted on 7.7.02 in a case u/s 120(B)/121(A)/122/153(a) (b) IPC and 27 Arms Act. He stated that his trial is not yet started and he has not been provided Government Pleader. He

was granted bail with a surety amount of Rs. 25,000 which he could not arrange.

4. Sailesh Debbarma s/o Renu Charan Debbarma was admitted on 25.5.02 in a case u/s 153(a)(b)/140/121/122 IPC. He stated that he has not been provided legal aid till now.
5. Mashoram Riang is shown as a UT prisoner since 17.11.03 in a case u/s 120/121/122 IPC and 10/13 UL Act. He informed that he was transferred from North Distt. Kalashar and has been in jail continuously since 17 May 1998. He was granted bail but could not arrange surety.
6. Sujit Sarkar s/o Tirath Basi Sarkar has been in this jail since 8.9.02 in a case u/s 380 IPC. He was granted bail in December 2002 but could not arrange a surety of Rs. 5000/-.
7. Litun Debbarma s/o Amar Chand Debbarma is in this jail since 31.1.03 in 448/376(g)/506/034 IPC. His trial has not yet started. He said that he has not been provided legal aid.
8. Suman Burman s/o Subhash Burman was admitted on 22.4.03 in a case u/s 380 IPC. He said that he was granted bail about six months back but could not arrange surety.
9. UTP Joy Chakravarty s/o Dilip Chakravarty was admitted on 10.12.03 in a case u/s 379 IPC. He was granted bail five months back but could not arrange surety. Raju Chakravarty s/o Dilip Chakravarty was admitted on 19.7.03 in three cases of theft and house-breaking. He was granted bail with surety of Rs. 3000/- some 6 months back but he could not arrange surety.
10. Gopal Das s/o Binod Das was admitted on 2.8.03 in a case u/s 379 IPC. He was granted bail in November 2003 but could not arrange surety of Rs. 5000/-.

11. Nikunj Debnath s/o Gopal Debnath was admitted on 12.3.04. He was granted bail but could not arrange surety.
12. Nanded Malekar has been shown as a UT prisoner since 28.4.04 in a case u/s 324/326 IPC. However, he informed that he was admitted to Dharam Nagar Jail in 2001 and has been sent to Agartala for treatment purposes.

The Supdt. Central Jail furnished a list of 27 UTPs who have been granted bail but could not arrange surety. 22 of them have been in prison for more than 6 months.

INTERVIEW

Convict prisoners are entitled to a monthly and UTPs a fortnightly interview with their family and friends. The team visited the Interview gallery and found the arrangement to be satisfactory. No complaints were received on this count.

JAIL ADALATS

The directions issued by the Chief Justice, Supreme Court of India in November 1999 regarding the holding of Jail Adalats to dispose of the cases of those UTPs who are involved in petty offences and are willing to confess their guilt are not being held in Tripura.

VISITORS

The institution of Board of Visitors provided under the Bengal Jail Code which governs the functioning of jails in Tripura is seen to have gone defunct and needs to be re-activated by appointing new non-official visitors. However, the jail is being visited regularly by the judicial authorities. Four visits were made during the last one year by the judicial and two by non-judicial authorities. Shri Ashutosh Jindal

DM and Collector, West Tripura visited the jail on 12 February, 2004. His visit note dated 13.2.04 reads like a comprehensive inspection report and gives a fairly good idea of the strengths and weaknesses of the jail. The Tripura State Human Rights Committee headed by the District and Sessions Judge West Tripura had visited the Jail on 2.7.02, 9.1.03 and 12.2.04. They issued detailed visit notes mentioning the grievances heard and action initiated and also monitored by the Committee.

HOUSING FACILITIES FOR STAFF

Type-wise requirement of Govt. quarters for the jail staff and actual availability are shown below:

Type	Required	Available	Deficiency
iv	8	4	4
iii	12	6	6
ii	92	24	68
Total	112	34	78

The level of satisfaction is just 30%.

FEMALE JAIL, AGARTALA

Female jail, Agartala is functioning in a separate building situated adjacent to the Central Jail. Smt. Bela Dutta, Assistant Jailer is looking after the Female Jail under the overall supervision of the Superintendent, Central Jail who is also the Supdt. of this jail.

PRISON POPULATION

This jail has a sanctioned capacity of 30 prisoners. 18 prisoners – 12 convicts and 6 undertrials – were found present on the day of the

visit I.E. 11 June 2004. One of the inmates was keeping a 3 months old child. The daily average of the strength of the previous month (May 2004) was 14.

SANITATION & HYGIENE

Availability of 9 toilets gives a toilet to prisoner ratio of 1:3 for the sanctioned strength and 1:2 for the actual average strength. The provision of 2 bathrooms for bathing purposes is also considered satisfactory. Supply of water for drinking, bathing and washing purposes is satisfactory and no complaints were received on this count. The Jail building constructed about 20 years back is being maintained nicely. The campus maintenance is found to be very good with lots of flower beds developed and maintained by the inmates.

FOOD

The inmates were found satisfied with the quantity and quality of food. Smt. Doli Namadas Acharjee confirmed that her 3 months old child is receiving special diet of milk as per its needs. A separate scale of diet for children needs to be fixed in accordance with their nutritional requirements by consulting some experts.

CLOTHING AND BEDDING

Supplies are being made as per the provisions of the Jail Manual and no complaints were received. Sanitary napkins have also been included in the scale by an administrative order.

HEALTH CARE

There is no separate hospital for the female prisoners. Until about 3 years back, Central Jail, Agartala was having one male and one female doctor to ensure proper health care of the female prisoners. Presently, the male doctor from the Central Jail visits the female jail and attends an average of 5 OPD cases everyday. If hospitalization is required, the prisoner has to be sent straightaway to the G.B. Hospital.

There are no mental prisoners in female jail at present. There has been no detection of HIV or TB in this jail.

DEATH IN JAIL

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

EDUCATION & RECREATION

A teacher provided by the Social Welfare Department takes literacy classes. The jail has a well-equipped library for the inmates. TV/Music facilities have been provided. Recreational arrangements are satisfactory.

STAFF

Sanctioned strength and actual availability of staff are shown below:

	Post sanctioned	Available
1. Jailer (female)	1	nil
2. Sub-Jailer	1	1
3. Head warder	5	5
4. Warder	9	9
5. Contingency female warder	4	4
6. Tailoring instructor	1	1
7. SEW (attached from the Social Welfare Department)	1	1
8. Sweeper	1	1

Considering that the average number of female prisoners remains within 20, the available staff is considered sufficient.

WORK PROGRAMME

Vocational training is being imparted to convicts in tailoring. Tailoring Instructor Smt. Padma Devi Rawat has been working as a contingency paid worker since 1987. Presently, four convict prisoners are working in the tailoring unit. Two of them have acquired good

proficiency and can work independently after their release. Given the fact that this is the only jail for women prisoners in Tripura which would always include a sizeable number of long term prisoners, the vocational training arrangements aimed at rehabilitation of prisoners need strengthening.

CONVICTS

The NHRC team met all the 12 inmates and heard the following grievances:

1. Convict Ratna Ghosh d/o Shivshankar Ghosh was admitted to the Jail on 17.5.2002 after being sentenced to R.I for life with a fine of Rs. 3000 or six months additional RI in default. She complained that the copy of the judgment delivered about 2 months after her admission to jail was misplaced in jail office with the result that she could not file the appeal petition. Her case should be brought to the notice of the Legal Service Authority for obtaining a certified copy of the judgment and the filing of appeal with explanation for the delay that has occurred.
2. Smt. Doli Nama Das Acharjee w/o Narender Namadas was sentenced to life imprisonment on 21.1.2000 along with her husband. Her husband was transferred to Udaipur Jail in August 2003 on administrative grounds as explained by the I.G.(Prisons). She requested for his transfer back to Central Jail Agartala. The I.G. (Prisons) was asked to consider the request on merits balancing the requirements of discipline and welfare.

UNDERTIAL PRISONERS

The team reviewed the cases of undertrial prisoners numbering six. All the cases are of less than 3 months duration. Smt. Anubha Bhomik admitted on 5.5.04 has the longest stay.

DISTRICT JAIL, UDAIPUR, SOUTH TRIPURA

Superintendent B. Deb Barma briefed the team about the functioning of this Jail. Shri M. Nagaraju, DM & Collector South Tripura was also present. District Jail, Udaipur was established on 23.7.1954 and upgraded to district level on 15.8.1978.

PRISON POPULATION

This Jail has a sanctioned capacity of 56 – 54 male and 2 female. Actual strength on the day of visit i.e. 12 June 2004 was 136 – 91 convicts, 44 undertrials and 1 civil prisoner. This indicates an overcrowding of 143%. One additional ward with capacity of 100 prisoners is under construction to overcome the problem. The average jail strength of the previous month i.e. May 2004 was 137.35. Undertrials numbering 44 constitute 32% of the total prison population. Convicts numbering 91 include 53 lifers. This jail is also required to accommodate female undertrial prisoners whose number, however, remains very small. A total of 19 female UTPs were held in this jail in 2003. There was no female prisoner on the day of the visit.

SANITATION, HYGIENE AND WATER SUPPLY

The jail spread over an area of 5.27 acres has four wards, one for undertrial prisoners and three for convicts. Availability of 9 toilets gives a toilet to prisoner ratio of 1:16, which is not at all satisfactory. One additional ward with capacity of 100 prisoners is under construction and is likely to be ready for use by the end of August 2004. This will solve the problem of overcrowding and bring down the toilet to prisoner ratio to 1:10.

Supply of water made through PHED and augmented by one deep tube-well is satisfactory and meets the requirement of drinking, bathing and washing purposes for all the inmates. This was confirmed by a number of prisoners.

FOOD

The inmates expressed satisfaction with the quantity as well as quality of the food. Most of them have gained weight after admission to jail as a result of the liberal scale of rice and supply of meat, fish and egg once every week.

CLOTHING AND BEDDING

The shortage of certain items of clothing, such as half pants, shirts, gamchha, chadar and chappal experienced till some time back has been removed by receipt of fresh stocks recently. No complaints were heard on this count.

EDUCATION & RECREATION

One teacher from the Social Welfare Department has been provided. The Jail has a reasonably equipped library. TV/Music facilities have been provided in each ward and are centrally controlled. Regular meditation classes are held. Facilities of indoor games are available. The IG (Prisons) assured that Volley-bal would be resumed as a regular activity.

JAIL HOSPITAL

The Jail has no hospital of its own. It is authorized a Pharmacist and a General duty Assistant. Presently only a Pharmacist is available. No Doctor is sanctioned. Health cover is provided by the Distt. Hospital. A doctor from the district hospital visits the jail twice a week and also on call in case of emergency. The Team met Dr. B. Nath, Medical Officer and scrutinised the details of visits and the number of prisoners examined. The system is working efficiently and no complaints were received from the inmates who were specifically questioned about the extent and quality of the health care. There are no mentally ill and TB patients among the prisoners. There has been no detection of HIV/AIDS cases in this jail.

DEATH IN JAIL

The Supdt. stated that there has been no case of death of a prisoner in this jail during the last 3 years. On detailed questioning, it was found that there has been one case of death of one Parimal Datta on 10.3.2000. As the Commission's records show no case of death of prisoner in Tripura in 1999-2000, it is clear that intimation was not sent to the NHRC. The Supdt. informed that the death had occurred in the Distt. Hospital and as such it was not considered a case of death in Jail. I.G. (Prisons) regretted this mistake committed by every Jail Supdt. in Tripura and assured full compliance of the Commission's directions in future.

WORK PROGRAMME

The Team was informed that convict prisoners are being imparted vocational training in agriculture, tailoring and laundry activities. A detailed examination revealed that only one convict was engaged in the tailoring unit, 2 in the laundry unit and 34 in the jail garden. Although as many as 88 out of a total of 89 convicts (R.I) were shown employed on the day of visit on jobs, such as kitchen work, canteen duties, night watch, drain wash, saloon work etc., no worthwhile arrangements have been made for training the convicts in some useful trades to enable them to earn an honest living after release. Wages are being regularly paid to prisoners. While appreciating the fact that almost all the R.I. convicts (88 out of 89) are being provided work, the team felt the need for establishment of a Jail Industry unit equipped with facilities of vocational training.

CONVICTS

The Team met all the convicts assembled at one place and heard the following grievances:

(A) Non-receipt of Judgment Order

The following convicts complained that they have not received the copy of the judgment:

1. Convict Baithangrai Reang s/o Datta Reang sentenced to life imprisonment on 26.6.96.
2. Convict Ajit Das s/o Bhuban Ranjan sentenced to 8 years and 2 years on 8.9.2003.
3. Convict Gautam Lodh s/o Prakash Lodh sentenced to 8 years RI imprisonment on 12.11.03.
4. Convict Bipul Bhomik sentenced to life imprisonment on 2.6.03.
5. Convict Bhubanjoy Reang sentenced to 4 years R.I on 6.1.04.
6. Convict Shambu Charan Udai sentenced to 4 years R.I on 6.1.04.

As many as 22 convicts complained that their UTP period has not been mentioned in the judgment to give them the benefit of 'set-off' u/s 428 Cr.P.C. Their names are given in Annexure II.

PAROLE

No convict kept in this jail has availed of Parole. A number of them have completed more than five years imprisonment. Records show that 17 parole applications were forwarded to I.G. (Prisons), Tripura on 23.10.03, one on 4.2.04 and 9 on 1.5.04. All the cases are pending consideration. Convict Baithangrai Reang s/o Datta Ram complained that he had applied for parole 10 months back while he was in the Central Jail. I.G. (Prisons) was asked to look into the matter and expedite disposal.

UNDERTRIAL PRISONERS

Following statement was furnished by the Superintendent on the state of undertrials:

1 to 3 months	33
3 to 6 months	5
6 to 12 months	2
1 to 2 years	3

2 to 3 years	1
above 3 years	nil

The Team met all the 44 undertrial prisoners and scrutinized their History Tickets. Following cases were identified for action:

1. UTP Promode Chakma s/o Anante Chakma is being wrongly shown as an undertrial since 7.1.04 the date on which he was admitted in this jail on transfer from Amarpur jail. He submitted that he has spent 26 months in Amarpur jail. His trial in a case u/s 148/149/342/120 IPC has not yet started. He has not been provided any legal aid. His parents died during this period because of poverty.
2. UTP Prabir Datta Deb Barma s/o Misty Deb Barma has been in this jail since 28.1.2001 in a case u/s 120(B)/121/386/506 IPC. He was granted bail within 3 months of the admission to the jail but could not arrange a bailer.
3. UTP Nijja Reang is wrongly shown as an undertrial in this jail since 3.2.04. He is an undertrial in a case u/s 364 IPC and 27 Armed Act. He said that he had come on transfer from Kamalpur where he had spent 11 months. He was granted bail but could not arrange a surety of Rs. 50,000/.

JAIL ADALATS

No Jail Adalats have been held in this jail.

NGOs INVOLVEMENT – NIL

VISITS

I.G. (Prisons) Tripura has been visiting the Jail regularly. The District and Sessions Judge, South Tripura paid one visit in 2002 (25

August) and two in 2003 (18 April to 22 Oct). D.M. Udaipur also visited the Jail on 24 August 2002. The Board of Visitors requires re-constitution.

STAFF QUARTERS

District Jail, Udaipur requires 5 type-III and 18 type-II quarters. Presently, only one type-III and 3 type-II quarters are available. The level of satisfaction is just 17%. Construction of 4 type-III and 6 type-II quarters is included in the Action Plan 2004-05 of the Modernization Scheme. With this, the level of satisfaction go upto 61%.

SUB-JAIL SONAMURA

Sub-Jailer Shri S. Chaudhury is looking after the Sub-jail Sonamura under the overall supervision and control of SDM Sonamura Shri Gopal Chakraborty. This jail was established in 1961 with a capacity of 25 persons. The present building was constructed in 1974. It is well maintained.

PRISON POPULATION

The sanctioned capacity of the jail is 56 – 54 male and 2 female. On the day of the visit, i.e. 13 June, Jail was holding 71 male and no female prisoner. The SDM informed that the average strength of the sub-jail can be taken as 70%. This shows an overcrowding of 25%. Women are seldom kept in this jail. Only 10 women were lodged in 2003 and one in 2004 till now (for one day only) The UTPs numbering 25 constitute 44.6% of the total prison population. All the 46 convicts are R.I. prisoners. 28 of them are undergoing life imprisonment.

SANITATION AND HYGIENE

The availability of 12 toilets gives a toilet to prisoner ratio of 1:6 which is considered satisfactory. Water supply provided by PHED is reported to be sufficient and reliable. One submersible pump was also installed in 2001 to augment the supply of water. However, only there is one water storage tank. SDM informed that he is proposing one more underground storage tank. Although, no Bathrooms are available for bathing purposes, bathing plate-forms have been provided in the open and the inmates are satisfied with the arrangement. The campus is well maintained and bears a good look.

FOOD, CLOTHING AND BEDDING

Inmates were found satisfied with the scale of food and quality of cooking. But for the cotton cap which is in short supply, all the items of bedding and clothing have been issued to the inmates and no complaints were received on this account.

MEDICAL FACILITIES

The health cover is provided by the Local Government Hospital. The sub-jail is authorized one pharmacist and one GDA. The Medical Officer is supposed to visit the jail once a week. Perusal of the record gives the following information about the visits of the Doctor and patient examination:

Month	Number of visits	Number of patients examined
January 2004	6	23
February	13	31
March	7	49
April	3	25
May	4	10
June (till 13 th)	4	39

Record of Doctor's visits is being maintained meticulously. The post of Pharmacist has been lying vacant since long. One General Duty Assistant (GDA) manages the health matters in the absence of the Medical Officer. One prisoner made a specific complaint on this count and rightly said that a qualified pharmacist should be posted to this jail. Considering that the extent and quality of services being provided from the local Government Hospital are satisfactory, the Sub Jail may not be provided an independent Medical office, but it must have a Pharmacist of its own.

No TB cases have been detected among prisoners. There has been no incidence of mental illness in this jail for the last 7 years. Skin disease and viral fever are found to be common ailments. Sub Jailer Choudhury informed that there has been no case of death in this jail since his posting in 1993. This was found to be correct on examination of jail records.

WORK PROGRAMME

It is not possible to develop vocational training facilities at Sub Jail level. However, all the R.I. prisoners are provided work and paid at the prescribed rates of Rs. 7 for hard and Rs. 6/- for mild type of work.

The following deployment was noticed on the day of the visit::

Kitchen	- 10
Flower-gardening	- 3
Canteen	- 3
Drain-cleaning	- 5
Lockup cleaning	- 5
Saloon	- 2
Kitchen Garden	- 4
Outside garden	- 3
Office work	- 1
Sweeping	- 2
Night-watch	- 8

Kitchen work is being rightly treated as hard labour entitled to payment at the rate of Rs. 7/- per day. Surprisingly, this job is being

treated as mild labour at the Central Jail Agartala. IG (Prisons) was requested to ensure streamlining and uniformity of the wage scale. Jobs like drain-cleaning, saloon work, sweeping should carry higher rates. The existing rates need to be reviewed and revised as was observed by the Member, Justice Y. Bhaskar Rao at the Central Jail Agartala.

There has been no case of escape from this jail since its establishment.

STAFF

The Sub-jail is authorized only male staff of one Sub Jailer, 5 Head Warders and 25 Warders. Whenever a woman is lodged in this prison, a female warder is arranged on contract basis.

PAROLE

Convicts are being kept in this jail since 7.8.2003 to reduce congestion at Agartala Jail. Seven applications for grant of parole have been received and are being processed. Some of the applications were submitted more than 8 months back. The IG (Prisons) explained that because of unfamiliarity of the staff with the subject, the proposals were not prepared correctly and applications had to be referred back. Still, the applications of the convicts Ali Noaz and Khalilurehman have been pending since 13.10.03. Four proposals were sent to the IG (Prisons) on 9 March and one on 24 May 2004. While the IG (Prisons) told that the parole application is decided one way or the other in 4 to 6 weeks, the actual position on the ground is found to be different. He was advised to write to the D.Ms concerned and ensure that all formalities are completed and the final decision on the request for parole is taken in 4-6 weeks time.

It may be relevant to mention here that MP State Human Rights Commission has prescribed a time limit of 4 weeks for the District authorities to give their recommendations about the suitability or otherwise of the prisoners for release on parole. If the recommendation is not received within 4 weeks, a favourable report can be presumed and parole granted by the sanctioning authority.

INTERVIEW

On an average, 7 to 8 prisoners avail of interview facility every day. The interview arrangements are found to be satisfactory.

CONVICTS

The Special Rapporteur spoke to all the 46 convicts assembled at one place and heard the following complaints:

Delay in grant of Parole: As mentioned above.

"Set Off" period not mentioned in Judgement order: As many as 21 life convicts submitted that their 'set off period' is not mentioned in their judgement order. The names of the Bimal Deb Burman, Kamaal Miah, Khalilur Rehman, Gopal Bardhan, Biplab Debnath can be mentioned by way of illustration.

TRANSFER

Convict Tapan Chaudhary has requested for transfer to Agartala Central Jail where his mother is lodged as a lifer. Convict Suchit Bardhan belongs to Khowai sub jail. His family could come only once because of long distance. He has requested for transfer to Khowai. Convict Abdur Salam has requested for transfer to Dharam Nagar for the same reason. IG Prisons was requested to consider these requests sympathetically keeping in view the extent of overcrowding and security position at the concerned places.

UNDERTRIAL PRISONERS

The Special Rapporteur spoke to all the 25 UTPs present on the day of the visit and checked their history-Tickets. The following statement gives the stay of UTPs :

Up to 3 months	- 20
3 to 6 months	- 2
6 to 12 months	- nil
1 to 2 years	- 2
2 to 3 years	- 1
up to 3 years	- nil

The following complaints were heard:

1. Abdul Hasan s/o Hamid Ali is a UTP since 3.9.01 in case No. ST30 (WT/S)/01 u/s 302 IPC. He could not give any coherent reply to the questions regarding the progress of his trial. He needs examination by a Psychiatrist.
2. Lal Miah s/o Abdul Barek was admitted to this jail on 27.8.02 in case No. ST03(WT/S)/03 u/s 395/397 IPC. He is a Bangladeshi national. He confirmed that he has engaged his lawyer and his case is progressing.
3. Shri Krishna Debbarma was admitted to this jail on 26.4.03 in case No. ST 12(WT/S)/03 u/s 148, 149, 364 IPC and 27 Arms Act. He confirmed that his case is progressing satisfactorily. He was granted bail in July 2003 but could not arrange surety.
4. Bishram Karkata and 9 others are from Gumla (Jharkhand) arrested recently in a case of murder. He requested for the supply of a postcard so that he could write to his family.

The SDM was requested to ensure that all prisoners on admission are informed about their basic rights. Most of the UT prisoners were found unaware about their entitlement of interviews with

their family members. Relevant extract from the Jail Manual should be displayed on a notice board kept at a prominent place inside and also outside the main gate. The visiting family members should know the admissible frequency of interview and also the type of food and other items which they can not bring for the prisoners.

VISITORS

The jail was visited by the Sub Divisional Judicial Magistrate on 15.1.2002. This was followed by the visit of the District and Sessions Judge (West Tripura) on 15.2.02. There has been no visit by a Judicial authority after that. IG Prisons, Tripura has been visiting the jail regularly.

NGO involvement.

NIL

JAIL ADALATS

No Jail Adalats have been held in this jail.

STAFF QUARTERS

Sub-jail Sonamura needs 2 Type III and 14 Type II quarters. Actually only 7 Type II quarters are available. Level of satisfaction is 44%. Barrack accommodation is sufficient for the existing staff.

JAIL INFRASTRUCTURE OF TRIPURA

The Team studied the Jail Infrastructure of Tripura and held a detailed discussion with the Commissioner (Jail), Home Department and the Inspector General of Prisons, Tripura to ascertain information about the measures in progress to strengthen the Infrastructure.

Tripura is presently having one Central Jail, 2 District Jails, 7 Sub-Jails and one female jail. One of the four Districts of Tripura, namely Ambasa has no Jail. Total Jail capacity of Tripura is 788 – 738 male and 50 female. As of 30 June, 2003, Tripura was experiencing overcrowding of 79.5% against the All India figure of 37.38%. The Inspector General of Prisons, Tripura has provided jail statistics as of 31.5.04. 1303 prisoners including 20 female prisoners were being held in Tripura jail on 31.5.04. This shows an overcrowding of 65.35%. However the overcrowding is unevenly distributed as shown below:

Name of the jail	Capacity	Actual as of 31.5.04	Overcrowding %
1. Central Jail, Agartala	211	491	132.70
2. Female Jail, Agartala	30	15	nil
3. Udaipur Distt. Jail	56	135	141
4. Kailasahar Distt. Jail	50	110	120
5. Dharamnagar sub-jail	57	94	64.9
6. Kamalpur sub-jail	52	118	126.9
7. Khowai sub-jail	90	170	89
8. Sonamura sub-jail	56	75	33.9
9. Amarpur sub-jail	52	17	nil
10. Sabroom sub-jail	80	11	nil
11. Belonia sub-jail	54	67	24

Following additional jails are to be constructed in Tripura under the modernization scheme funded by the Government of India.

1. Model Central Prison, Bishalgarh with capacity of 1000 prisoners : Land has been allotted partly. Plan and design prepared by the PWD is under consideration of the Jail Department.
2. District Jail Ambasa with capacity of 300 prisoners : Land has been identified. Allotment order is awaited from the DM

and the Collector, Dhalai. This will remove a major deficiency of infrastructure.

3. Sub-Jail, Kanchanpur with capacity of 150 prisoners
4. Sub-jail Gandachora with capacity of 150 prisoners
5. Sub-Jail, Langtharai Valley with capacity of 150 prisoners

Funds amounting to Rs. 311.00 lakh out of a total estimated cost of Rs. 103.278 lakh have been placed with PWD in respect of serial Nos. 3 to 5 above.

An additional capacity of 394 prisoners is being created by constructing additional wards in the following jails:

1. Central Jail Agartala	144 prisoners
2. District Jail, Udaipur	100 "
3. District Jail Kailasahar	50 "
4. Sub-Jail Khowai	50 "
5. Sub-jail, Dharamnagar	50 "

Funds amounting to Rs. 78 lakh out of an estimated cost of Rs. 233.1 lakh have been placed at the disposal of PWD.

The construction of new jails will provide additional capacity of 1750 which is much above the existing average jail population of Tripura (within 1400). The additional capacity being created in the existing jails will totally remove overcrowding at Udaipur and bring about the following reduction in overcrowding at other places:

1. Central Jail, Agartala: from 132.70% to 14 %.
2. District Jail, Kailasahar: from 120% to 10%.
3. District Jail, Kanchanpura: from 126.9% to 15.6%
4. Sub-jail, Khowai: from 89% to 21%

The net overcrowding in the State will come down from 65.35% to 10.2%. Overcrowding of 10% in jails is considered well within manageable limits.

HOUSING FACILITIES

Type-wise requirement and availability of Govt. quarters for the jail staff in Tripura are shown below:

Type	Requirement	Availability	Deficiency
IV	8	4	4
III	37	11	26
II	240	75	165
Total	285	90	195

The current level of satisfaction is just 26.31 %. Under the modernization grant, construction of 82 additional quarters – 4 type IV, 18 type III and 60 type II - has been taken up as part of the Action Plan 2004-05. Funds to the tune of Rs. 200.98 lakh have also been placed at the disposal of the State PWD. The progress of construction is being reviewed by the State Level Empowered Committee with Chief Secretary, Tripura as Chairman and Commissioner, Home (Jail) Department and the Inspector General of Prisons, Tripura as Members. The Team recommends that the Commission may obtain quarterly progress reports of construction.

CONCLUDING REMARKS

Visit to one Central Jail, one District Jail, One Sub-Jail and the Female Jail in Tripura has helped the NHRC Team in making a broad assessment of the strengths and weaknesses of Jail Administration in the State and appreciating its difficulties. The Commission has been feeling concerned over reports of dismal living conditions in jails in Tripura. While the visit has revealed that basic needs of the prisoners, such as food, water, clothing, bedding and recreation are being met satisfactorily, lack of accommodation is found to be the root cause of all problems. Tripura is experiencing overcrowding of nearly 80% against the All India figure of 38%. The extent of overcrowding in the Central

Jail, Agartala and the District Jails Udaipur and Kailashar is still higher. However, it is heartening to note that promising steps have been initiated for opening new jails and creating additional capacity in the existing jails which are overcrowded in order to solve the problem once and for all. The Team has also appreciated the efforts of the State Govt. in taking steps for improving the housing facilities for the jail staff. The Commission will be interested in monitoring the progress of these measures.

Jail Administration in Tripura is still being governed by the Archaic Bengal Jail Code of the 19th century. While other States have enacted or modified Jail Manuals after independence, Tripura has continued to follow the relic of the British period. However, the team appreciates the fact that the system of classification of prisoners based on the socio economic status and mode of life provided in the Manual is not being followed. There are no higher class prisoners in any Jail and no distinction is made between prisoners in terms of food and other entitlements. Now that the Ministry of Home Affairs have, taking a lead from the NHRC, sent to all the States a Model Jail Manual, it is hoped the Govt. of Tripura will adopt the same and give a modern look to jail administration balancing the requirements of custody and rehabilitation.

While the Team has felt satisfied with the extent and functioning of the health-care provided to the various jails, it recommends that every District Jail should be authorized a medical officer. The Sub-Jails can continue having medical cover provided by the local Govt. Hospital as the arrangement is found to be functioning with commendable efficiency. The Team feels strongly that all those jails which are not authorized a medical officer must have at least a Pharmacist. The sanctioned post of Pharmacist is lying vacant in several Jails with the result that this onerous responsibility is left to a General Duty Assistant.

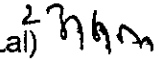
It goes to the credit of the Jail Department that almost all the convicts undergoing R.I. are being provided work of some kind and paid for the same at rates which, however, need revision.

The issue of Parole needs a detailed examination and fresh thought to ensure this well intended reformatory provision is not used only to help the well off and well connected prisoners giving rise to complaints from others.

Pre-mature release of life convicts is another issue requiring thoughtful consideration of the Home Department to ensure that the provisions of law and directions of the Supreme Court are followed. The guidelines issued by the NRC will be found very useful in this regard.

An important observation of the Team relates to the rights consciousness of the prisoners. Most of them were found well aware of their rights and fearless in articulating their grievances even in the presence of the jail staff. However, the level of this consciousness is noticed to be relatively lower in tribals among the prisoners. It is also significant to note that the proportion of tribals in the number of undertrial prisoners is much larger than their proportion in general population. While tribals constitute around 28% of the State population, they account for 48% of undertrials in the Central Jail, Agartala and 55.8% in Udaipur District Jail. Most of the prisoners found without legal aid are also tribals. The Team felt that the system of free legal aid to the poor needs a thorough evaluation, as a number of prisoners were found deprived of this basic right. Another negative feature of jails in Tripura is total absence of the involvement of NGOs in prison matters.



(Chaman Lal) 
Special Rapporteur
23.6.04

Annexure - I

List of convicts at Central Jail, Agartala who have not received Judgment copy from court.

Sr.No.	Name of convicts with father's name	Date of admission	Case reference with U/S	Nature of Sentence	Learned Court
1.	Sri Anil Paul S/o Amullya Paul	19.5.1998	S.T-94(WT)/A) 86 U/s 302/207 IPC	R.I for life	W. Session Judge (W)TPA Agartala
2.	Sri Bhullan Natta S/o Piyari Mohan Natta	8.6.1995	S.T.122(WT)/A)94 U/S 302 IPC	R.I for life	- do -
3.	Sri Sana Charan Debbarma s/o Prasaria Debbarma	25.9.2000	S.T. .89(WT/A)2K U/S 365 IPC	R.I for 5 years	- do -
4.	Sri Nimai Datta @ Nimai S/o Naresh Datta	24.8.2000	S.T.18(NT/KLS)96 U/s 302/34 IPC	R.I for life	Session Judge (N)TPA Kailasahar
5.	Sri Bimal Datta S/o Lt. Naresh Datta	24.8.2000	- do -	R.I for life	- do -
6.	Sri Atish Chanda S/o Lt. Akhil Chanda	24.11.99	S.T.104(WT)/K/97 U/s 302/498(A)IPC	R.I for life	Addl. Session Judge
7.	Sri Khokan Sarkar S/o Lt. Kailash Sarkar	6.4.2001	ST.117(WT/K)2000 U/s 302 IPC	R.I for 10 years	Addl. Session Judge, West Tripura, Agartala
8.	Sri Ashrafi Dhanuk S/o Chitta Lal Dhanuk	2.3.2000	ST.99(WT/A 99 U/s 304/201/511 IPC	R.I for 13 years	- do -
9.	Sri Uttam Debnath S/o Hari Mohan Debnath	11.6.2001	ST.150(WT/K)2000 U/S 302/307/376/ 511 IPC	RI for life	Addl. Session Judge, West Tripura, Khowai.
10.	Md. Firoj Miah, S/o Lt. Chan Miah	25.11.2002	ST.32/N T/D/02 U/S 365 IPC	R.I for 5 years	Addl. Session Judge (N) TPA, Dharamnagar
11.	Sri Kartik Monda S/o Lt. Gobinda Monda	24.2.2001	ST.173(WT/A)98 U/S 302 IPC	R.I. for life	Addl. Session Judge (W) TPA, Agartala
12.	Sri Farajoy Reang S/o Khagendra Reang	11.10.2001	ST.23(NT)/KMP) 2001 U/S 307 read with Sec.34/353 IPC	R.I. for life	Addl. Session Judge (N) TPA Kamalpur
13.	Sri Ratan Debnath S/o LT. Sarada Debnath	6.2.1997	ST.44 (ST)/S)96 U/S 302 IPC	R.I for life	Addl. Session Judge(S) TPA Udaipur
14.	Sri Lal Chan Hima S/o Chingthang Hima	10.6.2003	ST.67(WT/A) 02 U/S 447/326 IPC & 27 Arms Act.	R.I. for 10 years	Assft. Session Judge West Tripura, Agartala
15.	Sri Panda Munda S/o Lt. Chamra Munda	19.8.1999	ST.74 (WT)/A)98 U/S 302 IPC	R.I. for life	Addl. Session Judge (W) TPA Agartala

List of convicts at District Jail, Udaipur who complained that their UTP period has not been mentioned in the judgment to give them the benefit of set-off.

Name	Case No.	Date	Set-off period (as stated by the convict prisoner)
1. Bipul Bhomik (lifer)	ST(B)/2002	2.6.03	3 years
2. Chanthai Mog	ST.35(ST)B/02	25.6.03	2 years
3. Sushil Saha	ST.84(ST)/8/03	16.4.04	1 year
4. Ranjan Dey	ST/22(ST/U)/99	26.2.02	1 ½ years
5. Yusaf Miah	ST.61(ST)/U/03	11.6.04	2 years
6. Tripura Ranjan Jamatia	ST.109(ST/U)/02	12.5.04	2 years 2 months
7. Padmarai Jamatia	ST.170(ST)U/01	26.2.03	2 ½ years
8. Padma Sedham Jamatia	ST.109(ST)/U/02	12.5.04	2 years
9. Bala Chakma	ST.126(ST)/A/2000	30.1.02	2 years
10. Durgajoy Chakma	- do -	-do-	-do -
11. Tita Miah	ST.9(ST)U/03	3.11.03	6 months 20 days
12. Shanti Kumar Tripura	ST.126(ST)/A/2000	30.1.02	2 years
13. Khagendra Tripura	- do -	- do -	-do -
14. Chandra Manik	ST.2(ST)A/04	10.2.04	6 months
15. Nand Lal Jamatia	ST.22(ST)A/04	19.5.04	7 months
16. Balaram Tripura	ST.3(ST)S/03	29.4.04	3 yrs. 6 months
17. Darong Kabi	ST.42(ST)U/03	20.2.04	4 months
18. Satya Sadha Jamatia	ST.42(ST)U/03	26.5.04	5 months
19. Abindra Tripura	ST.19(ST)A/02	5.8.02	3 yrs. 6 months
20. Raja Singh	ST.33(ST)U/02	11.2.03	3 years
21. Shambu Charan Lahri	GR-37/2000	6.1.04	2 months
22. Sanjay Nag s/o Dulal Nag	- do -	26.2.02	3 years