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**REPORT ON THE VISIT OF SHRI CHAMAN LAL SPECIAL  
RAPPORTEUR, N.H.R.C. TO JAILS IN MEGHALAYA  
FROM 6-8 JUNE 2006**

As directed by the Commission, I have visited two out of a total of four Jails of Meghalaya from 6-8 June 2006 to study the living conditions and assess the human rights situation of inmates. Before and after visiting District Jail Jowai and District Jail Shillong, I had a detailed discussion with Shri T. Dkhar, IPS, IG (Prisons) Meghalaya on all important aspects of management and administration of Jails in the State. IG (Prisons) was kind enough to accompany me in visit to jails.

**DISTRICT JAIL, JOWAI**

Accompanied by Shri T. Dkhar, IG Prisons Meghalaya, I visited District Jail, Jowai on 7<sup>th</sup> June 2006. Shri Karmanik Syiemtwa, Supdt. Jail explained the salient features of the Jail. Shri Hnongpluh, IPS, SP Jowai was also present for some time. Additional DCs Jowai Shri M.S. Lhuid and Shri F.M. Dophth represented the DM Jowai Shri Fredrick Kharkongar who was out of station on the day of the visit. Jail Supdt. Shri Syiemtwa holds the distinction of being one of the two Supdts Jail of Meghalaya who have had formal training and passed a Diploma Course in Prison Management and Correctional Works at Jail Training School Lucknow in 1980.

## JAIL PROFILE

District Jail Jowai was set up in March 1989. Before this, Jowai was a Sub Division of the K.J. Hills District with a Sub Jail functioning from the PS building. The new Jail building was inaugurated in November 1992 and Commissioned in June 1993. It is spread over an area of 43676 sq. meters (10.70 acres) with built up area of 3621.19 sq. meters. It has five wards, one Cell, hospital building, Dining Hall, Recreation Hall, Kitchen and a room for running literacy classes. All the prisoners are accommodated in wards. The Cell are not being used at all.

District Jail Jowai has an authorized capacity of 130 – 120 male and 10 female. The Female Section of the Jail has not been used till now. A separate building for Female Section adjacent to the main jail building will be put to use after construction of security wall is completed.

Jail population on the day of the visit i.e. 7<sup>th</sup> June 2006 was 121 – all male. The Supdt. informed that the normal population of this jail can be taken as 130 which shows a slight overcrowding that can be easily managed.

Under-trial prisoners numbering 117 constitute 98.69% of the total population. The balance is accounted for by detenues numbering 4. District Jail, Jowai was holding no convicts on the day of the visit. .

The average number of female under-trial prisoners of District Jowai is 3-4. They are lodged at District Jail Shillong at a distance of 65 km and are brought for appearance before Court to Jowai. This unsatisfactory

arrangement has been going on since long. IG Prisons assured that the Female Section of District Jowai awaiting construction of Security Ward will be commissioned within three months.

## **SANITATION**

A total of 6 toilets attached to the male ward give a toilet to prisoner ratio of 1:20, which is very unsatisfactory. IG Prisons informed that four additional toilets are under construction. The construction as part of renovation programme will be completed by March 2007. As the average male population of the jail is 130, at least 4 more toilets will have to be provided to bring the toilet to prisoner ratio to at least 1:10 against the desirable norm of 1:6.

There are only 5 Bathrooms for the male inmates. Four additional Bathrooms are under construction. This arrangement seems to be satisfactory.

The Female Section has been provided with 2 attached toilets and 2 Bathrooms. Considering the average number of female prisoners after the female section is put to use (not exceeding 5), the arrangement is considered satisfactory.

Supply of water arranged from two Tube-wells located within the campus is found to be satisfactory for drinking, bathing and washing purposes. Round the clock water supply is ensured through two overhead tanks, one RCC 5000 Ltr. and another Polygon 2000 Ltr. capacity. Water

supply arrangements for the staff quarters are being strengthened by construction of an additional tube-well, a pump, storage tank and pipeline.

Reliable power supply to the jail campus including staff quarters has been ensured with installation of two transformers of 100 KV capacity.

## **STAFF**

Distt. Jail, Jowai is sanctioned one Jail Supdt., one Jailor, one Asstt. Jailor, three Head Warders and 20 Warders. An armed component of one Havaldar and 4 Nayaks has also been provided. The post of Jailor is currently occupied by a Lady who was on maternity leave on the day of the visit. The post of Asstt. Jailor is lying vacant. One LDA is officiating against this post. Four out of a total of twenty sanctioned posts of warders are meant for female warders. However, no post of female Head Warder is sanctioned. All the posts of Head warders and warders have been filled. Since no female prisoners are kept here, two female warders have been attached at Shillong where female UTPs of Distt. Jowai are lodged. One section of Home Guard has also been provided to the jail. While cooks, sweepers, plumber, Drivers, Craft Instructor have been sanctioned as per requirement, the staffing pattern does not include the essential post of a Barber. Position of medical staff will be discussed separately.

While the sanctioned strength in various ranks is considered to be satisfactory, almost the entire jail staff is untrained except the Superintendent. Only one Head warder out of a total of 3 (Stanley Linguwa) has attended 4 months training at Jail Training School Lucknow. The Jailor, Asstt. Jailor and Warders are all untrained.

## **DIET**

The scale of ration fixed as per the provisions of the Assam Jail Manual is found to be adequate as was confirmed by a number of prisoners. The daily expenditure on food is Rs. 28.50 per prisoner. Prisoners are served morning tea with chapattis and molasses, lunch at 10 AM and evening meal at 4 PM. It is recommended that prisoners may be served a cup of tea with biscuits/bread to cover the long gap between lunch and dinner.

## **JAIL HOSPITAL**

Dr. Dkhar Waiphang, Medical Officer explained the working of the Jail Hospital. District Jail Jowai is authorized a 5 bedded hospital with staff of one senior Medical & Health Officer, one Pharmacist and two Medical Attendants. The Medical Officer and Pharmacist are posted on deputation from the Deptt. of Health & Family Welfare. The average daily OPD is 14. The common ailments are: gastro-intestinal infection, skin infection (scabies), cough & colds and Gastric upsets.

The SMHO admitted that the drinking water supplied to prisoners has never been got tested. He was advised to get the water tested periodically. He promised that this would be done within a week.

The average bed occupancy is almost Nil. The SMHO admitted that any prisoner requiring hospitalization is promptly referred to the Civil Hospital. That is why no record of indoor patients has been kept. Interaction

with the SMHO revealed that the available facilities are not being utilized to their full potential.

I found it difficult to believe the SMHO's statement that there are no TB patients among the prisoners. He informed that only 2 patients have been treated for TB since 1992 when he was posted to this Prison. I spoke to one of them Kanka Chetri, a UTP under NDPS Act since 16.5.05. He confirmed receipt of treatment and special diet for 12 months. The other prisoner was released before completing treatment. I found the Doctor unaware of the provisions of DOTS for ensuring that the treatment in such cases is not interrupted as a result of release of the prisoner.

The Prison is presently holding one mentally ill person named Rioning Papiah has been referred to Meghalaya Institute of Mental Health Neuro Sciences (MIMHANS) Mavlai. Two prisoners namely Kyrshan Rymbari and Sterling Patlong are undergoing treatment in MIMHANS since 6.5.06 and 13.5.06 respectively. Mandatory requirement of sending progress of their treatment to the court concerned was explained to the Supdt. and SMHO.

The SMHO confirmed availability of adequate supply of medicines through centralized supply supplemented by emergency purchase within the prisons of the Jail Supdt. However, on detailed examination, it was found that bills to the tune of Rs.59,632 pertaining to 2005-06 are pending for payment. IG Prisons assured that he is looking into the matter and sufficient funds will be provided to clear the liabilities.

## **DEATH IN JAIL**

The position was reviewed from 1.4.2001 onwards. There has been only one case of death since 2001-02 (5 years). One prisoner Swel Dkhar died on 11.5.03. Intimation was sent to NHRC in time. The case was considered by the Commission after receipt of the detailed report and closed.

## **WORKS PROGRAMME**

District Jail Jowai has been provided facilities for imparting vocational training and gainful employment to convicts undergoing rigorous imprisonment. The staffing pattern includes one post each of Carpentry Instructor and Craft Instructor. The jail is actually holding incumbents against these posts. However, since no convicts are held (this seems to have been the case all along), the Under-trial prisoners are being employed in the Jail Factory Section. I visited the carpentry, cane and bamboo works and craft and decorative items sections and interacted with the Carpentry Inspector Wailad Sukhlien and Craft Instructor Shom Risley Siangbood. Six UTPs are working in the Carpentry Section, 5 were present at the time of the visit. The Instructor informed that he has trained about 50 prisoners during the last one year. One prisoner Petros Rambla is a carpenter by profession. Another prisoner Murphy Pali has acquired fairly good proficiency. Items made by the prisoners in the carpentry section speak well of the functioning of the unit. The Craft Instructor informed that 7 UTPs are working in his unit. 2 of them have been graded as skilled workers. In the cane and bamboo section, 4 UTPs were found at work.

Wages for prisoners employed in jail factory were fixed in 1999 by a Wage Fixation Committee constituted as per the directions of the Supreme Court. The daily rates were fixed as 22 for skilled, 20 for semi-skilled and Rs. 17.50 for unskilled workers. Since the Government's order mentioned wages as admissible to convicts, the Prison Department has interpreted it to mean that the UTPs are not entitled to get any wages. While it is true that all the UTPs engaged in work in Jail Factory are willingly working, denial of wages to them constitutes a grave violation of their rights. Even while ruling that the convict prisoners (RI category) can be forced to work against their will and the situation is covered by proviso to Art. 23(2) of the Constitution, the Supreme Court held that denial of wages to them would attract the provisions of the Bonded Labour Act. Such denial in the case of UTP has to be viewed more seriously because UTPs are presumed to be innocent until their guilt is established by conclusion of their trials. The gravity of the matter was explained to the IG Prisons and he was requested to arrange immediate payment of wages to all the UTPs w.e.f. the date on which they were engaged.

Under-trial prisoners are also employed in kitchen and maintenance jobs. 7 UTPs are regularly working in kitchen, 11 are engaged in maintenance jobs. One UTP Topmiki Passah is helping in hospital. Those working in kitchen and on maintenance jobs can be paid at the rate applicable to semi-skilled workers. The UTPs working in hospital may be graded as semi-skilled or skilled by the SMHO depending upon the proficiency he has acquired and paid accordingly.



The case of UTP Dhiren Basumatary deserves specific mention. He is a Barber by profession and has been employed for this job since his admission to jail on 16.4.04. He told me that on an average, he carries out 7-8 Haircuts everyday. He has never been paid for his professional services. The Department has been repeatedly requesting the Government to sanction a post of Barber. It never struck them that this UTP who has filled up this gap in the staffing pattern should at least be paid wages at the rate applicable to the skilled category. The total expenditure will not be more than 20% of the salary of a Barber. This instance clearly shows an attitude of apathy towards the rights of prisoners.

## **EDUCATION AND RECREATION**

Colour TV sets have been installed in all the wards and were found to be in serviceable condition. Facilities of indoor games such as Carrom Board, Chess, Draught, Ludo, and Spell craft have also been provided. Prisoners occasionally play Cricket and Football also.

A class for illiterate inmates is being run under the Literacy Mission Programme of Distt. Jowai since November 2005. 32 prisoners are being taught for 90 minutes every day. Two prisoners – detenues Sengkal K. Sangma and Bashemba Parhaw detained under MPDA are giving their voluntary services. The services rendered by these detenues can also be treated as skilled jobs for the payment of wages to them at the prescribed rates of Rs. 22 per month.

More than 30% of the prisoners are found to be literate and interested in reading Newspapers. It was shocking to note that no Newspapers are being supplied to the prisoners. IG Prisons was requested to examine the matter and direct the Supdt. of all the four Jails in Meghalaya to provide this elementary facility to prisoners.

## **CONVICTS**

As the jail was not holding any convict on the day of the visit, issues relating to convicts could not be examined. The Supdt. informed that the provision of parole incorporated in the Assam Jail Manual has not been used till date. This must be a valid complaint of convicts in Meghalaya Jails.

## **UNDERTRIAL PRISONERS**

The Jail Supdt. furnished a list of UTPs numbering 117 held on the day of the visit with full particulars. 47 of them have completed more than one year. I spoke individually to 31 of them.

With no separation effected between judiciary and executive in this District, the judicial powers are being exercised by Executive Magistrates. The District HQ has 5 courts of Magistrate First Class and 3 of ADM. Sub Division Amleram is without any Court and all criminal cases of this Sub Division are dealt with at the District HQ. One court of SDM and one court of Magistrate First Class have been set up on 30.3.06 at Sub Divisional HQ Khliehriat.

The Supdt. confirmed that this jail has been without any convicts for quite some time. The trials are pending in Courts since long. The progress of cases is very slow. A few cases have been decided in Camp Courts held once a year when the prisoners concerned were let off after adjusting their duration of stay in jail against the sentence passed.

My interaction with the UTPs revealed that a large number of them do not have any lawyer private or provided by the Government. The IG Prison informed that the system of legal aid to poor prisoners has not yet been introduced seriously in Jowai District. I explained to the Additional Deputy Commissioners representing the DC Jowai the constitutional position that free legal aid to poor and indigent accused persons has been declared to be a part of the Fundamental Right to Life under Art. 21. The Supreme Court has held that this Right can not be denied on the grounds of the financial constraint or administrative inability or that the accused did not ask for it. The Courts are obligated to inform the accused of this Right. My interaction with the UTPs led to a shocking revelation that as many as 89 UTPs are facing criminal trial without having any lawyer to defend them in the court. Legal aid has been provided to only six UTPs - four cases of attempt to commit dacoity/robbery, one under NDPS and one of murder. I requested the ADCs to bring this matter to the notice of the District Magistrate who has the ultimate responsibility to ensure that judicial proceedings are carried on in accordance with the provisions of the law and the Constitution.

Following specific observations were made as a result of the interaction with the UTPs:

1. Shri Vijoy Tamang was admitted to this jail on 29.5.99. He has completed 7 years in this jail as an under-trial in a murder case. Two accused of this case are on bail. He was also granted bail but he could not avail because of his inability to furnish surety of Rs. 4000/-. He told me that he has no one to arrange his bail. He also informed that he has not been provided any legal aid.
2. Shri K. Kancha Chetri has been in this jail since 6.5.2001 (5 years) as a UTP u/s22 NDPS Act. He said he was produced before the Magistrate only once. Thereafter he is regularly taken to the Court on Peshi Day and but remains in the Lock-up without being produced before the Magistrate. He could not avail of bail granted by the Court because of his inability to furnish a surety of Rs. 30,000/-. He has suffered an attack of TB for which he has been treated in the Jail hospital.
3. UTP Rajesh Das s/o Chander Das has been in this jail since 22.10.01 as a UTP in three cases of robbery, dacoity and attempt to murder. He has not been provided any legal aid.
4. UTP Tanka Boro admitted to this jail on 6.2.02 as a UTP in a case u/s 398 IPC is a disabled person (arms amputated). He has not been provided legal aid. He stated that he has never been produced before the Magistrate. His co-accused Joseph Kisko admitted on 19.2.02 is also without any legal aid. He said that he has been regularly taken to the Court but remains confined to the Lock-up and returns to prison without being produced before the Magistrate.
5. UTP Samuel Paul admitted on 12.11.01 u/s 374/302/34 IPC is without legal aid. He said that he was produced before the

Magistrate only once initially and thereafter he is taken to court regularly but remains confined to the Lock Up.

6. UTP Shom Chyrmang was admitted on 16.8.02 in two cases of robbery and dacoity. He said that he has been provided Government lawyer who has never contacted him. His trial is in progress. This UTP is a good craftsman running the Prison Cane/Bamboo Section for the past 10 months without receiving any wages.
7. UTP Louis Dkhar admitted on 10.2.03 in a murder case submitted that he has not been provided legal aid and no witnesses have so far been examined in his case.
8. UTP Chakra Bahadur Thapa admitted to this jail on 28.7.03 in a case u/s 325 IPC informed that he has not been provided legal aid. He is taken to Court regularly but not produced before the Magistrate. As he belongs to Nepal, he has never received a visitor.
9. UTP Krishna Chetri admitted on 15.12.03 in a case u/s 394/397 IPC has not been provided legal aid. As per his statement he has actually been produced before the Magistrate only once in the last 2 ½ years.
10. UTP Dhiren Basumatri admitted on 6.4.04 in a case u/s 393 IPC has not been provided legal aid. He stated that he was produced only once.

Similar complaints were made by UTPs Proveen Deka (6.4.04), Mohan Roy (28.5.04), Dhan Bahadur Gurang (5.7.04) and Thomeshwar Boro (19.11.04).

It is worth noting that a sizeable number of the long stay UTPs are from outside Meghalaya of mostly of Nepalese origin involved in heinous offences such as robbery, dacoity and murder. One wonders whether this is the basis of the callous indifference of the authorities towards their plight.

### **SYSTEM OF INTERVIEW OF FAMILY MEMBERS**

It is a pity that the new jail building did not provide for this essential mandatory facility. In the absence of a regular interview gallery prisoners are allowed to meet the family members/lawyers at the gate where a small enclosure with a single window has been improvised. 8-10 interviews are held every day. Prisoners were seen to be satisfied with this arrangement.

### **BOARD OF VISITORS**

Assam Jail Manual which is being followed in Meghalaya provides for a Board of Visitors including non-official Members. The Board is required to make periodical visits to jails and review the living arrangements and hear complaints from prisoners. The system seems to have gone defunct over the past several years. IG Prison informed that no such Board is in place in Meghalaya. As regards visits by Judicial authorities, DM Jowai who is the District and Sessions Judge also had visited the jail on 4.8.05 but recorded no observation. He visited once again in March 2006 along with SP and ADM but left no record of his observation.

IG Prisons has been visiting the jail regularly and recording his observations. I found his annual inspection note for 2005 fairly comprehensive although the thrust is on administrative and financial aspects with little attention paid to matters relating to prisoners' rights.

### **NGOs INVOLVEMENT**

4 NGOs are involved in activities relating to prisoners' welfare. However, only one of them namely Manbha Foundation is engaged in the counseling of drug addicts and the remaining 3 namely Church of God Jowai, Catholic Church Organisation and River of Life Church deal largely with spiritual counselling. No NGO is available to provide legal counselling/Aid, Education and Vocational training to prisoners.

### **STAFF QUARTERS**

Position is satisfactory. Availability of one type IV (4 units), 3 type V (7 units), 6 type VI (6 units) and 20 type VII (25 units). Staff quarters meet the requirement of the present staff. Although a quarter is available for the Medical Officer, he stays at Shillong and shuttles twice a distance of 65 km on every working day.

## **DISTRICT JAIL, SHILLONG**

Accompanied by Shri T.Dkhar, I.G. Prisons, Meghalaya, I visited District Jail, Shillong on 8 June, 2006. I had paid a brief visit to this Jail on 10 January, 2002 while accompanying the then Chairperson, NHRC in his visit to Meghalaya. My report was considered by the Commission and a copy of the report was forwarded to the Chief Secretary, Govt. of Meghalaya demi-officially by the Commission's Joint Secretary on March 9, 2002. Action taken on my recommendations/observations would be mentioned at appropriate places in this report.

Shri Paize Warjri, Supdt., District Jail, Shillong briefed me on various aspects of the structure and functioning of the Jail. Established in 1897 and spread over in an area of 5.5 acres, Shillong Jail has an authorised capacity of 150 prisoners – 135 male and 15 female. On the day of the visit, the jail was holding 315 prisoners – 302 male and 13 female. While there is no overcrowding in the female section, the male section of the jail is alarmingly overcrowded to the extent of 123.70%. It shows an increase in overcrowding from 76% to 167% since my last visit. It is hoped that after the completion of construction of new jails in 2 districts of West Khasi Hills and Ri-Bhoi, the congestion in District jail, Shillong will be relieved.

UTPs numbering 265 constitute 84.13% of the total population. The Jail was holding 41 convicts and 9 detenues. Daily average population of the prison in the month of May, 2006 was 298. The Supdt. stated that 300 can be taken as the normal population of this jail. This jail is holding as many as



92 UTPs of other districts: West Khasi Hill District Nongstoin, Ri-Bhoi (Nongpoh) and female UTPs of District Jowai.

District Jail Shillong has 9 wards including a hospital ward and 2 wards meant for women. It is without a dining hall or a recreation hall. Only one room is available for vocational training, religious activities, and counselling purposes. The jail building is very old and its location in a crowded civilian area is also objectionable. It is surprising that there are no plans for shifting the jail to a suitable location away from Shillong town. The Govt. has instead sanctioned an amount of Rs. 9.6 crore for renovation and new construction at the same site. In the phase-I of the construction, administrative building is ready for occupation. This will provide space for facilities of vocational training, which is conspicuously absent at the moment. In the II<sup>nd</sup> phase, construction of a barrack for convicts, Kitchen and Dining Hall, a Recreation Hall will be undertaken. There is provision for the construction of workshops for male and female prisoners in the III<sup>rd</sup> phase.

### **SANITATION AND HYGIENE**

In the male section, there are 13 toilets attached to the wards and 8 toilets located in the premises outside. This gives a toilet to prisoner ratio of 1:15, which is not satisfactory. It is proposed to construct 10 additional toilets pending the construction of new jail building in phase-II of the construction plan.

Availability of 10 bathrooms inside the wards with a spacious bathing place outside the wards seems to be a satisfactory arrangement for the time being. Sanitation facilities in the female section – 2 toilets and 2 bathrooms appear adequate in view of the average female population not exceeding 20.

## **WATER AND ELECTRICITY**

The main source of water supply to the jail is a spring source located within the jail campus. Besides, 2 connections have been taken from the Shillong Municipality Board Water Supply/PHE Department. Water supply is still inadequate and has to be supplemented by 3-4 additional water tanks provided by the Shillong Municipal Board on payment. Deep Water Boring has been carried out by the PWD in consultation with the Directorate of Mineral Resources recently. The work has been completed but the daily yield of water is 600 litres against the assured supply of 20,000 litres. PWD authorities have been apprised of the actual position and requested to explore possibilities to up-grade the work of Deep Tube Well Boring. IG Prisons informed that the PHE Department has agreed to provide 2 additional connections to the jail for augmenting the water supply.

The Supdt. informed that prisoners are supplied boiled water for drinking purposes and water filters have also been provided in all the wards. However, no systematic testing of water has ever been carried out. Sr. Medical and Health Officer was requested to ensure that water supplied for drinking purposes is got tested every six months.

The electric supply arranged by installation of 2 Transformers of 250 KV and 15-30 KV capacity in the jail campus is satisfactory. High Powered Sodium Vapour lights/Halogen lights have been installed at strategic locations around jail campus for proper illumination. There has been considerable improvement since my last visit in January, 2002.

## **STAFF**

District Jail, Shillong is sanctioned one Supdt., one Jailer, 2 Asstt. Jailers, 3 Head Warders and 41 warders (including 3 female). In addition, an armed component of one Havaldar (AB) and 7 Constables (AB) is also provided. The Jail is holding one Senior Medical and Health Officer, one Pharmacist and 2 Medical Attendants. The posts of Medical Attendants were sanctioned after my last visit.

In my report, I had pointed out omission of posts of cooks at Shillong Jail while District Jails Tura, Jowai and William Nagar were sanctioned 2 cooks each. This anomaly has been removed by sanctioning 2 posts of cooks – one male and one female. The available manpower provided as per authorisation with vacancies of cooks only (these are being filled shortly) is adequate to the meet the current requirements.

## **JAIL HOSPITAL**

Dr. B. Roy, Senior Medical and Health Officer is looking jail hospital since August, 2001 with the assistance of one Pharmacist. The daily OPD average has increased from 35 in January, 2002 to 95. 10 beds have been

provided for indoor patients and average occupancy is 8. 8 indoor patients were actually seen on the day of the visit.

4 prisoners have been treated for T.B since the last visit in January, 2002. Two of them have been cured and one is still taking treatment. One female UTP was transferred to R.P. Chest Hospital, Shillong and released after treatment. TB patients are provided treatment under DOTs System. I found the Senior Medical and Health Officer fully aware of the DOTs under the revised National T.B. Control Programme. However, non-availability of isolation/segregation facilities for patients suffering from TB and other infectious diseases is a serious deficiency in the jail health set-up. An attempt was made to explain this by the shortage of accommodation, which is not acceptable.

An alarmingly large number of prisoners were found suffering from psychiatric disorders during my last visit in January, 2002. As many as 11 cases of acute mental illness requiring hospitalisation were seen at that time. The case of one female prisoner Mrs. Epriska Rangring and the inability of the jail administration to admit her at Meghalaya Institute of Mental Health and Neuro Sciences Mawlai was specifically mentioned. Dr. Roy informed that she was subsequently admitted to the Mental Hospital. The Jail is now holding only 2 prisoners suffering from Psychiatric disorder. Both of them have been treated at MIMHANS and are now under observation and treatment in the jail itself.

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

The Senior Medical and Health Officer confirmed availability of medicines in sufficient quantity and adequacy of the arrangements for local purchase in emergency cases. However, it is found that the budget allotment under the head "materials and supplies" is not sufficient enough and liabilities are routinely carried forward to succeeding year with the result that no proper planning of stocking medicines is possible. As there is no separate budget head for purchase of medicine, allotment for purchase of medicines could be fixed and earmarked under the existing head of expenditure. Senior Medical and Health Officer explained the difficulties encountered in meeting expenditure on tests and investigations such as X-Ray, blood, urine examination, which are carried out at outside places. He is confident that these facilities can be developed at the Jail Hospital itself provided the required staff is provided. I feel the District Jail or at least Shillong Jail, Hospital should have the facility of a pathology Lab. if not X-Ray examination. A post of Lab. Technician will have to be created for this purpose.

Patients requiring specialist attention for detailed examination are referred to Civil Hospital, Shillong or other Govt. Hospitals. There is no system of visiting specialists. Considering the health needs of female

prisoners and the logistic difficulties in their transportation to outside hospitals, it is recommended that one Gynecologist should visit the jail once a fortnight. Such arrangements have been made in a number of jails in various States on the recommendations of the NHRC.

### **DEATH IN JAIL**

I examined the incidence of death in District Jail, Shillong since 1.4.2001. As per the Jail records only three deaths occurred in District Jail, Shillong from 2001 till date. However, as per the information collected from the Commission's C.D. Cell, 11 deaths have been reported from this district. I.G. Prisons was requested to personally check the following cases of death reported to the Commission:

<b>Name of prisoner</b>	<b>Date of death</b>
1. NCT SMTI Premoti	21.10.2001
2. Jrop Kharum Wuid	13.1.2003
3. Shar Tariang	5.12.2003
4. Wati Ram Sangma	2.7.2004
5. SMTI Mon Maya	7.8.2004
6. Mohd. Jehngir Hussain	3.7.2005
7. Bik Pyngrope	22.12.2005
8. Dhiren Mark	18.11.2005

I must appreciate the promptness with which I.G. Prisons has checked the Civil Hospital records, which revealed that all these persons were mental patients undergoing treatment at Meghalaya Institute of Mental Health and Neuro Sciences, Mawlai and had died at Civil Hospital, Shillong. The Police Post provided at the Hospital sent intimation to the Commission taking these to be the cases of custodial death. The C.D. Cell of the

Commission has wrongly listed them under code 301 without detailed examination taking these deaths as death in jail. This is not the first time I am pointing out such a serious lapse on the part of the C.D. Cell of the Commission. In almost every report of mine mention of some discrepancy or other in records being maintained by the Commission's Cell can be seen. A major discrepancy of this kind affects the authentication of Commission's data on death in jail, which is being published in our annual reports and publicised world over.

## **RECREATION AND EDUCATION FACILITIES**

Due to space constraints, out door game facilities are not possible. Facilities for indoor games like carrom, chess, ludo and spell-craft widely used by the prisoners. Although it is claimed that newspapers, magazines, and religious books are being provided from the mini library of the prison, the visit to wards and interaction with prisoners did not present an encouraging picture. While a number of prisoners are educated literate and interested in reading newspapers, the supply of newspapers is highly restricted.

One significant improvement since the last visit to this jail in January, 2002 is availability of colour TV facility in each of male and female wards. At that time the facility of colour/black & white TVs was available in four out of a total of 11 wards. Musical instruments like Tabla, Guitar provided earlier to the inmates have become unserviceable. I.G. Prisons has directed the Supdt. to procure four Tablas, 3 number of Guitars for the prisoners.

Indra Gandhi Open University, Shillong has set up a study centre at District Jail, Shillong in 2003. 2 prisoners availed of the facility in July, 2003 session for registering themselves for B.A. and Post-Graduate Diploma Course in Mass Media and Journalism. Shri Boris Singh Thoughon appeared for the Post-Graduate Diploma Examination in Mass Communication in Journalism in December, 2005. The result is awaited. In January, 2005 3 UTPs enrolled themselves for B.P.P (Bachelor Preparatory Programme). 2 of them have been released and one Simon Kullin is still in Jail. It can be inferred from the above that this facility is not being availed of sufficiently. There is hardly any attempt on the part of the jail authorities to encourage and motivate the prisoners to improve their educational qualifications.

#### **WORK PROGRAMME (JAIL INDUSTRY)**

Total absence of facilities for providing vocational training and gainful employment to convict prisoners was mentioned as a glaring deficiency in the report on last visit made in January, 2002. A city-based NGO called Women Integrity Sustainable Empowerment (WISE) with HQs at St. Marry College, Shillong, is now conducting Vocational Training Programmes for the Women inmates of District Jail, Shillong in the following trades:

- (a) Cane and Bamboo works.
- (b) Making of candles (different fancy items).
- (c) Fast Food preparation.
- (d) Knitting and embroidery.
- (e) Tailoring.
- (f) Food Processing (Jam, pickles, squash, tomato, catch-up, lem on and ginger syrup).



I was shown Shawls and other products of knitting and embroidery Section. Woman convict Biakthanji Harasel told me that she is making 2/3 shawls every month. She has been working since October, 2004 and has received only one payment of Rs. 250/- from the NGO. This needs to be looked into. It is too small a payment to sustain interest of prisoners in these activities and help in their economic rehabilitation.

3 convicts and 2 UTPs are working in kitchen. 8 UTPs have been engaged for sweeping and cleaning the jail campus. 4 UTPs look after the jail garden. While no payments have been made to UTPs, convicts have been paid wages upto December, 2004 only. Supdt. informed that 2 wage bills amounting to Rs. 30,519 and Rs. 19618 are pending sanction with the Prison HQs since 19.1.2004 and 9.3.2006, respectively. While all the UTPs engaged in cooking, cleaning and gardening jobs are willingly working, denial of wages to them is a serious violation of their rights. This was explained to the I.G. Prisons.

Due to constraints of space, no arrangement has been made for imparting vocational training to male prisoners. However, earlier some of the male inmates used to be engaged in bamboo works. Despite limitation of space, the jail authorities have now made a room available for imparting vocational training for male prisoners. 6 to 8 prisoners are attending vocational class daily. An ambitious programme has been drawn with the participation of NGO (WISE) to support vocational training and several activities such as training in handcraft, HIV/AIDS awareness, health and

sanitation camp, counselling, prayer, meditation and literacy classes scheduled to be carried out from May to December, 2006.

### **WOMEN PRISON**

I visited the female section, which was found holding 5 convicts and 8 UTPs including 2 UTPs of District Jowai. NGO WISE is imparting training in a number of skills and marketing the products. However, women prisoners are not receiving regular remuneration as per the wages fixed by the Govt., which the NGO can easily provide. Women prisons are guarded by female warders numbering 3. At least one female head warden should be provided to exercise supervisory control over female warden.

### **CONVICTS**

District Jail, Shillong was found holding 7 lifers on the day of the visit. 3 of them have been convicted by the BSF Court and sent for imprisonment. I spoke to them individually. Ex BSF Daya Ram s/o Hazari Ram was admitted on 6.9.05. He was not sure whether the period of 1½ years spent by him in court custody has been counted to give him the benefit the "set-off" period admissible u/s 428 Cr.P.C. The Supdt. was requested to check the record and apprise him accordingly. Azmat Ali s/o Azad Ali was admitted on 5.4.2000. He submitted that earlier he had spent 40 days in jail before he was released on bail on acceptance of his appeal. This may be verified from the records and period of his imprisonment should be computed correctly.

## **PAROLE**

3 convicts including 2 lifers complained about denial of parole to them. The Supdt. informed that the provision of parole provided in the Assam Prisons (Leave and Emergency Release) Rules, 1968 which governs the functioning of jails in Meghalaya is not being used at all. No one has been granted parole since the State was carved out of Assam in 1972. I explained the importance of the provision of parole provided in Jail Manuals of all States to the I.G. Prisons and requested him to get the system introduced.

## **UNDERTRIAL PRISONERS**

The Supdt., Jail furnished the following information regarding the stay of undertrial prisoners as of 30 May, 2006.

<b>Detention period</b>	<b>No. of undertrial prisoners</b>
Up-to 3 months	121
3 to 6 months	44
6 to 12 months	26
1 to 2 years	38
2 to 3 years	9
3 to 5 years	10
above 5 years	3
Total	251

The number of undertrial prisoners on the day of visit was 265. 28 of them have completed more than 2 years in prison. I spoke individually to 24 of them who were present and noted following particulars:

- ❖ UTP Firdaus Kharmalki and his wife Smt. Magreeta Nongrum are in this jail since 10.9.1999 facing trial in a murder case in the court of District and Session Judge, Shillong. They have spent nearly 7 years as undertrial prisoners. They have been provided Govt. pleader. The progress of the case is slow.
- ❖ UTP Chesterfield K is in this jail since 3.8.02 facing trial in a murder case. He has been provided a Govt. pleader who, as per his statement, has not been attending his case regularly.
- ❖ UTP Blewer Kharsati is in this jail since 6.8.01 facing trial in a murder case in the court of ADM, Shillong. He is suffering from epilepsy. Although he has spent 4 years & 9 months in jail as per his statement he has not been provided legal aid. Similar complaint was received from Justine Dkhar admitted on 3.9.02 in a case u/s 307/397 IPC read with Sec. 25 Arms Act, UTP Lorkha L. Lyngkhoi admitted on 21.8.03 in a case u/s 376/302/34 IPC, Bir Manik Nongneng admitted on 28.1.04 in a case u/s 302 IPC.
- ❖ UTP Deepak Sunar admitted on 19.12.03 u/s 394 IPC was granted bail but could not produce surety. Similar is the case with UTP Roshan Konwar admitted on 26.1.06 in a case u/s 323/307 IPC. He was granted bail with a surety of Rs. 1500 which he could not arrange.

- ❖ Vicky Thapa was admitted on 30.11.03 in a case u/s 397 in the court of CJM, Shillong. He has been provided legal aid only recently. As per his statement his trial has not yet started.
- ❖ UTP Vicky Syiemlieh was admitted on 10.12.03 in a case u/s 363/302/201, Sankar Bhattacharjee admitted on 4.4.04 in a case u/s 384/34 IPC and Hemon Malang admitted on 14.5.04 in a case u/s 224/394/395 IPC have not been provided any legal aid.
- ❖ UTP Martin R. Marak admitted on 24.9.03 in a case u/s 376 IPC of Nongstoin Court has been provided a Govt. lawyer. He was granted bail but could not produce surety. He stated that he has been produced in the court only once. He is taken to court regularly but returns after spending the day in the court lock-up.
- ❖ UTP Dilip Malakar was admitted on 14.4.04 for an offence under Arms Act. While in jail he has been treated for T.B. He does not know any thing about his trial. He is not sure whether the charges have been framed.
- ❖ UTP Sadon Jamatia was admitted on 25.5.2000 in a murder case of the court of ADM Nongpoh. He has spent 6 years and one month. There are 2 co-accused in this case. One has been granted bail, another escaped in 2001. He has been provided Govt. lawyer who, he alleges, does not talk nicely to him. He said that he has not been produced before the court and his case is not progressing at all.

- ❖ UTP Sagar Kolai admitted on 18.11.03 in a case u/s 398 IPC read with 25 Arms Act has not been provided any legal aid. No witness has been examined in this case so far.
- ❖ UTP Sunday Shanglong admitted on 2.4.04 in a case u/s 302/436 IPC in the court of ADM Nongpoh has not been provided legal aid. He said that his case is not progressing at all.

As mentioned in the report of my last visit in January, 2002, the system of providing free legal aid to poor and indigent prisoners was introduced only towards the end of 2001. Even now this has not been operationalised fully. More than 80% of the undertrial prisoners I spoke to were found having no Govt. pleader to defend their cases. As per the statement received from the IG Prisons, Meghalaya, Free Legal Aid was provided to 7 UTPs in 2004, 15 in 2005 and 2 in 2006 in Shillong. As regards other districts, 5 UTPs had applied for legal aid in 2005 in district Nongstoin and 5 in Nongpoh in 2006. Their requests are still pending consideration.

## **JAIL ADALAT**

It is heartening to note that Jail Adalats are being held every month by all the courts served by District Jail, Shillong. 9 courts were held during the period from 23.1.06 to 3.6.06. 170 UTPs were produced. 14 were released. Such a small number of release ordered by the courts raises doubts about the correctness of selection of prisoners produced before the court. On detailed examination, I found that the CJM Court, Shillong (only judicial court) has

in its sittings, numbering 3, considered 23 cases and released 7 UTPs. Sohara court met twice, considered 4 cases and released nil. Court of Executive Magistrate, Nongpoh met twice, considered 64 cases and released 4. Nongstoin Executive Magistrate Court met twice, considered 79 cases and released 3. I doubt whether the cases eligible for decision by Jail Adalats (petty offenders who are willing to confess their crime) are being correctly identified.

### **BOARD OF VISITORS**

The system seems to have gone defunct and needs to be revived by re-constituting Board of Visitors for all the Jails of Meghalaya. As regards visits by judicial/non-judicial authorities, the District and Session Judge visited Jail once on 11 June, 2005 and thereafter 8 April, 2006. As per jail records, no other judicial authority had paid any visit to jail. Meghalaya State Human Rights had visited the jail on 18 July, 2005. D.M. Shillong made no visit in the last 3 years. IG Prisons has been visiting jail regularly. He carried out annual inspection of the jail on 22 May, 2006. I have gone through his inspection note. He has dealt mostly with administrative matters, such as staffing pattern, Departmental proceedings, Law and Building etc.

### **NGOs INVOLVEMENT**

The Jail is being regularly visited by 3 religious organisations, namely Catholic Church Organisation, Presbyterian Church Organisation and River of Life Church as well as the Lion Club, Shillong. There is no worthwhile involvement of NGOs in matters like education, vocational training, legal

counselling and welfare of prisoners. Only recently a commendable initiative has been started by WISE to get involved in the above activities for the welfare of prisoners. This needs to be encouraged and institutionalised.

### **STAFF QUARTERS**

3 units of type II quarters meant for Supdt., Jailer and SMHO, 6 units of type IV quarters meant for Assistant Jailer/Head Hawaldar Armed Branch and 53 units of type VI quarters meant for warders and other grade IV staff are available. Besides this, 5 units of old Assam type building are also held. A proposal for construction of another 6 units of type VI quarters (RCC) is being processed by the PWD authorities. The housing facilities appear to be satisfactory.

### **DISCUSSION WITH IG PRISONS MEGHALAYA**

The discussion was held in two sessions – one before visit to Jails and the other after the visit. Following issues were discussed:

#### **Jail Infrastructure of Meghalaya**

The Jail infrastructure of Meghalaya is inadequate and weak and needs immediate strengthening. The State has five Districts namely East Khasi Hills, Shillong; West Khasi Hills; Nongstoin; Ri-Bhoi; Nongpoh; Jaintia Hills; Jowai; West Garo Hills, Tura; East Garo Hills, William Nagar and South Garo Hills, Bhagmara. Of these, only 4 namely East Khasi Hills, Shillong; Jaintia Hills, Jowai; West Garo Hills, Tura and East Garo Hills,



William Nagar have District Jails. As such three Districts namely West Khasi Hills, Nongstoin; Ri-Bhoi, Nongpoh and South Garo Hills, Baghmara are without any Jail. IG Prisons informed that the construction of buildings for District Jails at West Khasi Hills, Nongstoin and Ri-Bhoi, Nongpoh is in progress and is expected to be completed by March 2008. With the completion of buildings, two more District Jails will be set up.

Meghalaya has no Central Jail. District Jail Shillong can be considered for upgradation to Central Jail at an appropriate time. The State has no Sub Jails. It would not be advisable at present to suggest setting up of Sub Jails until properly staffed District Jails are provided in all the seven Districts. Establishment of an exclusive women jail is not considered necessary. The purpose can be served by augmenting the women staff at the female section of District Jail. Establishment of an open air jail can also wait.

Under the modernisation grant, Government of India had allocated a grant of Rs. 1227.750 lakh under the 10<sup>th</sup> Plan from 2002-03 to 2006-07. The State Government was required to provide a matching grant of Rs. 409.250 lakh as State's share. It was decided to utilize the grant totaling Rs. 1637.00 lakh for the following purposes:

- a) Construction of two additional District Jails one at Nongpoh and the other at Nongstoin.
- b) Expansion and renovation of existing jails at Tura, Jowai and William Nagar which would include construction of multipurpose Halls to serve as Library, Recreation room, construction of garage

for vehicles, construction of Ration store room, and construction of perimeter security wall.

- c) Construction of staff quarters at Tura, Jowai and William Nagar; Type II 3 numbers for Supdt. and MHO, Type III 3 numbers for Jailor/Asstt. Jailors, Type Vi quarters 18 numbers for subordinate staff and Construction of RCC Barracks 3 numbers for Security Guards.
- d) Sanitation and water supply works at Tura, Jowai and William Nagar.

It is distressing to note that while Government of India released the annual installments for 2002-03 and 2003-04 totalling Rs. 490.50 lakh, the State Government did not release its share till 31.3.05. Since no utilization certificates could be furnished, the State has missed the Central share for the years 2004-05 and 2005-06. Obviously, threatened by the Government of India that no more grant will be provided, the State Government released funds to the tune of Rs. 163.50 lakh as its share for 2002-03 and 2003-04 on 28.3.06. IG Prisons informed that the Government of India is now considering for release the balance amount. However, I doubt whether the loss suffered by the State because of its failure to release the State's share in time, can be made up fully. This will obviously affect the proposed expansion/renovation of existing jails, improvement of sanitation and construction of staff quarters. The Commission may recall that I had raised this issue at the last conference of State Chief Secretaries and Directors General of Police held at Vigyan Bhawan on 17 March 2006.

## Jail Population

The authorized capacity and the actual jail population of Meghalaya as of 30.5.06 is shown below:

Name of the District Jail	Authorised capacity	Actual Jail population
Shillong	150	296
Jowai	120	130
Tura	200	95
William Nagar	50	70
<b>Total</b>	<b>520</b>	<b>591</b>

Although this shows an overcrowding of 13.65%, the problem really exists at Shillong only. District Jail Shillong is functioning as jail for West Khasi Hills District and Ri-Bhoi District also. With the commissioning of the proposed jails at Nongstoin and Nongpoh, the problem will end. While District jail Tura has surplus accommodation, the excess population at Jowai is still within its capacity to accommodate. Some additional capacity will have to be built at District Jail William Nagar.

## Staff

The authorization of staff for four existing jails is on a scale of functional and supervisory staff that is considered reasonably good.

However, following deficiencies/anomalies are noticed in the staffing pattern.

- Three out of a total of five sanctioned posts of Assistant Jailors (60%) are lying vacant.
- A post of barber has been sanctioned for only one of the four jails (Shillong). Services offered by barber are essential. As such the staffing pattern must include a post of the barber at all places.

IG Prisons was advised to send proposal for the sanction of staff for the new jails coming up at Nongstoin and Nongpoh well in time so that no time is lost in commissioning these jails after the completion of buildings. He should also make sure that all essential posts such as cook, barber are included in the staffing pattern.

### **Medical Facilities**

All the four jails are sanctioned one Medical and Health Officer, one Pharmacist and two Medical Attendants. The authorization appears to be adequate. Jail Hospital at Shillong needs to be strengthened by setting up a Pathology Unit for routine testing of blood, urine and stool etc. It would require the sanctioning of a post of Laboratory Technician.

Detection and treatment of TB cases needs more attention. Arrangements for segregation of prisoners suffering from TB and other infectious diseases need to be made in all jails.

## Jail Industries

Arrangements have to be made for providing vocational training and gainful employment to convicts both male and female in all jails. This is a mandatory requirement in respect of convicts undergoing R.I. This is also a rehabilitatory measure aimed at preparing the prisoners for a life of law-abiding citizens after they are released. It is heartening to note that posts of Craft Instructor and Carpentry Instructor are included in the staffing pattern of all the four District Jails. However, Shillong jail is without this facility for male prisoners because of shortage of accommodation. Moreover, because convicts undergoing R.I. are not held at any jail except Shillong, UTPs are being engaged on these jobs. Based on my observations made at Shillong and Jowai, I have no doubt that the UTPs are working willingly. However, they are not being paid any wages. This constitutes a serious violation of their rights which was explained to the IG Prisons.

### Concentration of UTPs

The proportion of UTPs in the total jail population as of 30.5.06 is given below:

	Total Population	Convict	Detenues	UTPs
Distt. Jail Shillong	296	36	9	251
Distt. Jail Jowai	130	Nil	4	126
Distt. Jail William Nagar	70	1	-	69
Distt. Jail Tura	95	3	-	92
<b>Total</b>	<b>591</b>	<b>40</b>	<b>13</b>	<b>538</b>

UTPs numbering 538 constitute 91.03% of the total prison population Meghalaya which is much higher than the national average of around 70%. The separation of judiciary and executive has been effected only to a very limited extent in Meghalaya. Only Shillong Municipal area is having a Judicial Court. Criminal Justice in all the Districts/places in the State (except Shillong) is being administered by the Executive Magistrates.

The pendency of cases at Jowai and Tura is alarmingly high. There is no institutional arrangement to monitor the progress of cases. The concept of accountability of the Executive Magistrate can be taken as non-existent. A number of the UTPs at Shillong and Jowai complained that they are not being produced in Court although they are regularly taken from Prison on the day of hearing. The IG Prisons was advised to bring this matter formally to the notice of the Law Department. I would request the Commission to forward this observation to the Registrar High Court of Guwahati together with the relevant extracts from my reports on District Jail Jowai and District Jail Shillong.

### **Legal Aid to poor and Indigent UTPs**

While some progress has been achieved after my last visit to Shillong Jail in January 2002 and a few prisoners told that they are being provided legal aid, this mandatory measure is yet to be operationalised in other jails of the State. A number of prisoners at Jowai were either unaware of this facility which is their fundamental right or have been waiting for

appointment of Government lawyers since long. IG Prisons was requested to review the situation jail-wise and bring it to the notice of the Courts concerned.

### **Jail Adalats**

Following the directions of the NHRC communicated through respective High Courts, Jail Adalats are being held in all the District Jails. However, disposal of cases by Jail Adalats indicates a lack of clarity about the jurisdiction of jail Courts.

### **Board of Visitors**

The system of Board of Visitors provided in the Assam Jail Manual seems to have gone defunct and needs to be revived. IG Prisons was requested to get the visitors Board constituted for all jails as per the provisions of the Jail Manual.

### **System of Parole**

The system of parole provided in the Jail Manual is not being used at all. The parole is a welfare measure meant for ensuring the prisoner's contact with his family and life in community. It is governed by clearly laid down rules and regulations. Total stoppage of this measure does not speak well of the quality of Jail Administration. This was duly explained to the IG Prisons.

**New Jail Manual**

The Bureau of Police Research and Development , MHA, Government of India has circulated a draft Jail Manual to all the States/UTs in order to bring about uniformity in jail administration. The Manual was prepared by a Committee of Experts which followed the Board guidelines given by the NHRC in 1996. States/UTs have been asked to adopt this Manual. As Meghalaya does not have a Jail Manual of its own, it would be in the interest of the State to adopt the Manual circulated by the BPR&D immediately. IG Prisons was requested to examine the draft Manual by associating all the four Superintendents and AIG Prisons and place the matter before the competent authority for adoption of the new Jail Manual.

**CONCLUDING REMARKS**

The study of District Jail, Jowai and District Jail, Shillong presents the following account of strengths and weaknesses of the Prison management and administration in Meghalaya. The prison infrastructure of the State is very weak and urgently need strengthening. Only four out of a total of 7 districts have District Jails. There is no Central Jail in the State. The concept of Sub-jail is yet to be introduced. Some improvement is expected after 2 more District Jails, Nongstoin and Nongpoh are opened after the construction of jail buildings now in progress is completed.

Meghalaya is not facing the problem of overcrowding a common Jail including in most of the States in the country. Only the Shillong Jail is crowded because it is catering to the needs of 2 additional districts other than



its own district East Khasi Hills. Sanitation facilities are, however, poor and efforts are on to improve them by constructing additional toilets and bathrooms using funds released by the Govt. of India under the modernisation grant.

Health-care facilities provided at Jails are fairly good and are working efficiently. Pathological testing facilities can be developed at District Jail, Shillong. Treatment and care including segregation of patients suffering from T.B needs more attention.

Facilities for vocational training and running Jail industries have been developed in carpentry, cane and bamboo and crafts in all the four district jails. Ironically, these facilities required mainly for convicts are not available in Shillong Jail for male convicts kept only in Shillong Jail at present. Undertrial prisoners are working in large numbers in these units and also doing maintenance jobs like helping in the kitchen and garden, and maintenance of campus. They are not receiving any remuneration, which is a clear violation of their rights.

Meghalaya can be rated as one of the worst States in India as regards the plight of undertrial prisoners. UTPs constitute over 90% of the prison population. The number of UTPs languishing for periods exceeding 2 years is proportionately very high in this State. The system of providing legal aid to poor and indigent prisoners introduced only recently at the Commission's instance needs to be expanded. In total of the pronouncements of the Supreme Court, largely because of ignorance of the authorities concerned. A large number of undertrial prisoners are facing trial undefended by any

private or Govt. pleader. A good number of undertrial prisoners granted bail by court are languishing in jails because of their inability to produce surety.

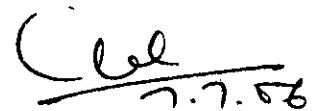
The system of parole provided under the Assam Jail Manual which is followed in Meghalaya is not operating for the past several years.. The time-tested system of Board of Visitors is also gone defunct and needs to be revived.

While the debit side of the balance sheet carries a number of deficiencies and shortcomings mentioned above, the credit side comprises of the quality of care and treatment of the prisoners. Supply of drinking water and electricity is satisfactory. Prisoners are satisfied with the quantity and quality of food. Recreational facilities are adequate and are functioning efficiently. The best positive feature is the relaxed atmosphere in which prisoners live and move about within the jail compound without being subjected to any undue restrictions or harassment. The jail staff is by nature and habits courteous and kind and treats them generally.

Housing facilities for the jail staff are fairly adequate and are being improved further with additional construction of type II, III and Type VI quarters under the modernisation grant. However, the utilisation of the modernisation grant is not efficient. Because of the failure of the State Govt. to release matching grant in time the State has already suffered loss of annual grant for 2 years in a total of 5 years of 10<sup>th</sup> Plan. Some damage control measures have been initiated but their outcome is still not certain.

The involvement of voluntary agencies and NGOs is confined largely to religious bodies/organisations, which concentrate their activities on religious preaching and spiritual counselling. There is need for NGO involvement in matters relating to the welfare of prisoners such as literacy, education, vocational training, legal counselling and schooling of prisoners' children and rehabilitation of prisoners after release.

Jail Department, an object of neglect in most States, suffers law status in Meghalaya also. However, a ray of hope is seen in the changing attitude of the Govt., which is responding positively to observations and recommendations of the NHRC. The most heartening fact noticed in the study of jails in Meghalaya is the presence of a young and enthusiastic I.G. Prisons who is sincerely attached to his job and keenly interested in briefing about improvement.



(Chaman Lal)  
Special Rapporteur  
7.7.06