

Report on visit to Sub-Divisional Jail, Khunti on 25/09/08

By

**Smt. Sunila Basant, IAS Retd., Special Rapporteur,
National Human Rights Commission, New Delhi.**

1. Sanctioned Capacity of prison

Male-362 , Female – 18 Total -380

2. Actual strength of prisoners as on 25/09/08

	Male	Female	Total
Under trial	190	2	192
Under trial [Session Court]	127	4	131
Convicts	10	--	10

Total	327	6	333
Children	1[with father]		1

3. Statement of sick prisoners

T.B.	1
Mental health problems	8
Admitted in mental health	
Hospital-RINPAS	4
Other illness	29

Medical facilities

The jail hospital building is satisfactory and prisoners stated that they were getting medicines. At the time of visit eleven prisoners were admitted in the jail hospital. The male child ,who is there with his father, requires medical treatment as he cannot speak. He requires corrective surgery.

Specialists from RINPAS, Ranchi pay monthly visits.

It is necessary to post a full time male Doctor as the doctor on deputation is not able to give his full attention to the prisoners.

4. Staff Strength

Sanctioned strength-----	15
No. in position-----	13 [Medical Doctor on deputation]
Vacancies-----	2

Home Guards on deputation----- 14

Armed guard on deputation-----2-21

5. Buildings

The sub-jail was established in 1909. The area of the jail has been expanded and new Wards constructed. The jail is spacious and the buildings being new are in fairly good condition, however, annual maintenance work is required for their upkeep.

6. Sanitation and Water supply

The campus was fairly clean at the time of visit..

Toilets and bathing places were adequate.

Drinking water facilities were adequate.

Prisoners suggested that the drains should be cleaned regularly.

7. Clothing

The clothing of prisoners was found to be generally satisfactory.

8. Kitchen/Diet

On the day of visit the quality of food was found to be satisfactory. However, complaints were made by one or two prisoners about the quantity of food served. The prisoner whose child was with him also complained that his son was not able to eat the jail food.

9. Women Prisoners

The women prisoners are kept separately. The female ward building is in a satisfactory condition. Prisoner Basanti Kandulna complained that she does not have a lawyer to represent her.

Toilets and bathing rooms were adequate..

Drinking water supply was adequate.

10. Condition of under trial prisoners

Out of the 6 under trial female prisoners the detention period is over 2 years in the

Case of 2 prisoners and in one case the prisoner has been in jail for 2 years. In all the three cases the charges are serious .

5 male prisoners are in jail for 1 year; 2 for 2years and 1 for 3years . There are serious charges against these prisoners.

Some prisoners complained that they did not have lawyers to represent them.

All the UT prisoners requested for speedy disposal of their cases and their Bail petitions.

In ward no.7, prisoners Nilloo Topno and Joseph Topno appeared to be under age .The Jail Superintendent was advised to look into this matter and take it up with the Courts.

11. Education, Recreation & Welfare

A literacy programme has been introduced for the 98 illiterate prisoners.

54 Drop outs have been admitted in classes I to VIII . However all the required Text Books have not been supplied.

11 Prisoners have been selected for the matriculation examinations.

5 prisoners have been deputed as teachers.

TV's have been provided.

There are a few indoor games facilities. Prisoners asked for more indoor games e.g. Carrom Board and also for musical instruments.

Prisoners are using the library facilities. More books need to be purchased.

12. Work Programme

A Handloom project has been started. There is adequate space for setting up good prison industry projects. The running of the present Handloom project needs to be improved upon.

13. Legal assistance

14 prisoners had been provided free legal assistance. There were a number of prisoners who do not have any lawyer to represent them. The Jail Superintendent was advised to take necessary action to ensure that they get free legal assistance.

14. Lok Adalat

In 2008 till 24/09/08 one Lok Adalat had been organized and 4 cases disposed and 2 prisoners were ordered to be released, however, they could not be released because there were other pending cases against them.

15. Plea Bargaining

There were nil cases.

16. Involvement of NGO's and Social Activists in Prison

At present no NGO is associated. Only the Ram Krishan Mission provides CD's for showing films on Mahabharat and Ramayan.

17. Funding

The statement of Budget- Receipt and Expenditure is given in Annexure I. Adequate funds are available.

18. Custodial Deaths

Year 2005—1 death. Cause-T B. Place of death-RIMS Hospital.

Year 2006---1 death Cause-Kidney failure, death in RIMS Hospital, Ranchi

Year 2007--- 1 death Cause-Prisoner admitted in jail with burn injuries sent to RIMS Hospital where he died.

Year 2008---Nil

Reports relating to all the 3 deaths were submitted.

19. Recommendations

[i] Annual repair and white washing of the buildings be carried out. Damp patches need to be treated.

Handpumps be installed for toilets and bathing platform.

Repair of residences of jail Superintendent and medical Doctor be carried out.

A shed be constructed for meeting visitors.

[ii] A number of TV's need to be repaired and old ones replaced with new.

[iii] In the library 592 books are available and on an average 10-15 books are issued daily. More books of interest to prisoners should be purchased.

More indoor games and musical instruments should be provided.

W/12/2008

[iv] The Handloom project requires to be improved and more prison industry projects should be taken up for convicts and those UT's interested in acquiring new skills. The younger prisoners are interested in acquiring computer skills.

Skill upgradation projects could be taken up for female prisoners.

27 prisoners are performing duties e.g. in the kitchen, for gardening etc Pass books for depositing their wages have been opened for some of the prisoners and it is necessary that all who are performing duties should have Pass Books in their name.

[v] The Educational programmes could be improved for both male and female prisoners under the Sarva Shiksha Abhiyan and by associating NGO's and the Mahila Samakhya society.

At present there is great shortage of books. Required text books ,copies and stationery should be supplied.

[vi] Yoga classes may be introduced on a regular basis.

X [vii] Action may be taken to ensure that prisoners[such as Basanti Kandulna] who do not have lawyers to represent them are provided lawyers. The District legal cell needs to be strengthened by the Deputy Commissioner in cooperation with the local Bar council.

[viii] More Lok Adalats may be held. This matter could be included in the agenda of meetings of the District Coordination Committee which is chaired by the District Judge with the Deputy Commissioner and the SP as members.

[ix] A regular medical Doctor should be posted against the sanctioned post.

The jail hospital should be provided with required beds and other necessary equipment.

[x] Action may be taken to ensure that the small boy in jail is given medical treatment and corrective surgery for his speech defect. Since the regular diet for prisoners does not suit the small boy, a different diet suitable for a child may be prescribed.

Prisoner Parvati Devi suffering from breathing problem may be provided suitable medical treatment.

[xi] Action may be taken by the Jail Superintendent to take up the matter of under age prisoners Nilloo Topno and Joseph Topno with the Courts.

X [xii] Facilities for video-conferencing may be installed.

[xiii] Regular inspections need to be conducted and records of Comments of the Inspecting authority maintained along with the compliance.

[xiv] **Complaints**

The following complaints need to be looked into by the IG Prisons and the Deputy Commissioner, Khunti and remedial action taken :-

a) Prisoners complained that the quantity of food served is not adequate.

b) Prisoners complained that they have to pay bribe for meeting their relatives.

Prisoners complained that they have to pay money to get a haircut.

c) Prisoners complained that the drains are not cleaned regularly.

General Remarks

This is a spacious jail with fairly new buildings. With effort and proper planning it could become a model Jail .

Special Rapporteur Smt. Sunila Basant forwarded her report dated 16.11.2008 and the same is placed for my comments.

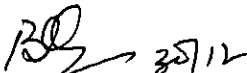
I would like to state that there is no clarity while submitting the report. The words used such as "in fairly good condition" or "the building is in satisfactory condition" are nothing but indicative of satisfaction of the person visiting the site. It must be specifically pointed out as to what type of improvement is required?

In Paragraph No. 5, it is stated that buildings are erected in the near past and are in fairly good condition. If that is so, then it must be stated as to what type of annual maintenance is required. One should enquire and state specifically about the year of erection of a building, repairs if any, carried out and when the building was painted last etc. In absence of material, it is difficult to understand as to what type of maintenance is required. Even in general remarks, it is stated that the Jail is spacious with fairly new buildings. However, it is not pointed out as to what type of effort and proper planning is required so as to make it a Model Jail.

In Paragraph No: -10, it is stated that some prisoners are not being represented through a lawyer; it is also stated in Column No. 9 about the non availability of a lawyer. There are also grievances about the bail applications as also the trials being not concluded as quickly as possible. Everyone in this country wants to have a speedy trial. However, in the absence of reasons for delay, it would not be possible to write to any authority to take effective steps. What are the reasons for delay should be known. Non-availability of sufficient numbers of courts is a general ground. It is also required to be noted that efforts must be made to find out whether the cases are being adjourned at the request of defense counsel or non-availability of witnesses including the Investigating Staff.

In Para 13 as also in clause (VIII) of Para 19, there is a reference to legal assistance. Well, before making suggestions, one must go through the provisions contained in Section 304 of the Criminal Procedure Code, 1973. Legal Aid is not dependent on an application being made by the accused but it is the duty of the State and the Court to see that the legal aid is provided at the cost of the State.

One should also examine the provisions contained in Legal Services Authorities Act, 1987. There is a mandate in Section 12 of the said Act to provide legal aid to the person in custody. Therefore, if the proper enquiries are made, only then the appropriate authorities, viz; authority under the Legal Services Authorities Act can be asked to provide legal aid to a prisoner in a particular jail. When on visit of a jail grievance is made in this behalf, one should have asked the questions to the accused persons to reveal the facts as to whether the legal services are rendered or not. About the engagement of a lawyer, in view of the aforesaid two provisions, if one comes to a conclusion that either the legal aid is not granted or the Court has not appointed a lawyer to defend the case only then one can ask the said Authority/Authorities to provide legal aid.


(Justice B.C. Patel)
Member