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**REPORT OF THE SPL RAPPORTEUR, NHRC, NE ZONE ON THE
TEZPUR CENTRAL JAIL (ASSAM)**

Date of visit: 27.10.2008

Introduction:

The Tezpur Jail was set up in 1846. It has been declared a Central Jail now. The total area of the jail premises is a little over 30 acres. The jail enclosure itself is situated on about 9 acres of land. All the buildings do not really date back to 1846 but they are all very old.

Sanctioned capacity and actual strength of prisoners:

As per the records of the Jail the sanctioned capacity for male prisoners is 725 against which the actual strength is 473. The daily average strength of the month of September, 2008 was 485. The sanctioned capacity for female prisoners is 22 against which the actual number of inmates is 14. Thus on paper, there is no overcrowding. In actual fact, the female wards (2 in number) are unfit for keeping even one prisoner. The male wards (14 in number) do not have the capacity claimed and are positively overcrowded.

Buildings:

The male wards are old buildings in a somewhat better state of repair. The female wards are not habitable. The Medical Ward and the Isolation Ward (which is actually used for mentally ill convicts/undertrials) are equally unsuitable for habitation. A lot of money and effort needs to be spent on bringing the buildings to some standard of acceptability.

Officers and Staff:

Apart from the Superintendent and the Jailer there are 7 Assistant Jailers, all male. Other sanctioned posts of staff are 58 of which 6 are vacant. The officers and staff are not properly trained or motivated and some newly appointed Assistant Jailers and Warders have received no training at all. There is adequate compliment of medical staff, but judging from the condition of the jail hospital, they are negligent and poorly motivated.

Sanitation and Hygiene:

There are 48 day toilets which are barely adequate in terms of cleanliness. There is a night toilet in each ward and it is invariably filthy. The night toilet in the women's ward is a disgrace. There are only two bathrooms, one each in the female ward and the jail hospital. Drinking water is provided by municipal supply, 3 ring wells and 3 hand pumps. The quality of the water obtained from the ring wells is suspect. No effort has been made

to have the quality of the water checked. The general level of cleanliness and personal hygiene is poor.

Food:

The prescribed scale of rations appears adequate. Per head daily expenditure of food is Rs.29.25. I inspected the quantity and quality of food and it appeared to be adequate.

Clothing and Bedding:

Almost all the prisoners sleep on the floor with inadequate bedding. Two of the male wards have 'sleeping berths' made of cement and concrete. The other 12 male wards and the 2 female wards do not have even those. Practically no clothing is supplied to the prisoners. The facility for washing of clothes is there but it is inadequate.

Medical facilities

There is a full time doctor (male) who is assisted by a pharmacist, a laboratory technician and a nurse. There are 19 beds in the Hospital of which nearly half are not fit for use. The hospital building is falling apart and the furnishings are extremely poor. At the time of my visit there were no indoor patients. There is an Isolation Ward with accommodation for 8 patients. However, it is used to house 15 mentally ill prisoners (convicts and undertrials). These prisoners earlier received treatment in the Tezpur Institute of Mental Health and were fit to be released from there. They still receive medication. All 15 mentally ill patients sleep on the floor with inadequate bedding in a space designed for 8 persons. The building itself is fit to be condemned.

There is no NGO involved in the healthcare of prisoners or, indeed, in anything else.

Education and Recreation:

There is a small school room, with a permanent teacher. It has a sitting capacity of 15 to 20 persons. It does not even have a proper blackboard or other teaching material. I doubt if the school runs on a regular basis. The prisoner library consists of less than hundred books, most of which date back from the British days. Only two newspapers are procured and I doubt if any prisoner reads them. There are 14 television sets but quite a few of them are old and unserviceable. Facilities for recreation activities practically do not exist. Cultural activities are organized on days of traditional festivities. I was also told that sometimes organizations like the Art of Living Society organized yoga and meditation classes.

Facilities for vocational training in weaving and bamboo cane work exist. At present, only bamboo is used in the Cane and Bamboo Unit since no cane has been procured by the department for a long time. I was told that at one time the Tezpur Central Jail used to produce good quality cane furniture. Apparently the vocational training facilities have declined rather than improved.

Work Programme:

Prison industry is limited to bamboo items and weaving. The cloth produced in the jail is reportedly used in the jails of Assam to provide clothing to inmates. Bamboo items are sold from a small shop in the jail premises itself. The daily average number of prisoners employed in both industries is just 12 out of a total convict population of 186. Most of the inmates are employed in the jail garden according to the jail administration. At the time of my visit I did not find any prisoner at work. The payment for a semi-skilled worker is Rs.12.00 per day while for a skilled worker it is Rs.18.00 per day.

Undertrials:

There has been a recent order by the Guwahati High Court that the cases of all Under Trial Prisoners detained for more than three months should be reviewed. I was told by the Jail Superintendent that this had reduced the number of UTPs. The present position is as follows:

Detention period	Numbers		Total
	Male	Female	
(i) Upto 3 months	183	6	189
(ii) 3 – 6 months	30	-	30
(iii) 6 – 12 months	20	-	20
(iv) 1 – 2 years	24	2	26
(v) 2 – 3 years	5	1	6
(vi) 3 – 5 years	16	-	16
(vii) above 5 years	-	-	-
	278	9	287

Under Trial Prisoners are not kept separately from convicted prisoners. The jail authorities expressed ignorance of any cases where an undertrial had been granted bail but was unable to seek release because of failure to arrange sureties. However, I came across a young man who was precisely in that position. There may be others. A court sitting has never been held in the jail premises in the recent past.

Women Prisoners:

There are 14 women prisoners of whom 9 are under trial. One of the women has a child of 2 with her. Women are kept in separate accommodation but the same is not habitable as already mentioned. The facilities in the women's ward are especially poor. No separate medical facilities are available for women. One of the women suffers from mental illness for which she is receiving treatment.

System of Parole:

The officers of the jail did not seem to be aware of a system of parole. No convict has been allowed to leave on account of a death in the family or other contingencies in the last three years.

Inspections and Visits:

There have been 20 inspections/visits in the last one year by judicial and other authorities. However, the Visitors Board consisting of non officials has fallen into complete disuse. Except for occasional contacts, there has been no involvement of NGOs or social activists.

General Remarks:

The Tezpur Central Jail has turned its back on change and reform rather firmly. The officers and staff are ill-informed, untrained and attitudinally poor. Though infrastructure and funds are certainly a problem, the main problem arises from mismanagement, incompetence, failure of leadership, lack of training and poor motivation. The Superintendent is ineffectual. The Jailor seems to run the show. He appears to have his own peculiar way of running things. The D.C. told me that he had received complaints about him and a coterie he had formed around himself. Bad administration rather than resources seems to be the problem with the Tezpur Central Jail.

The case of Mohammad Baaj Ahmed, an Afghan national

Mohd. Baaj Ahmed was sentenced to three months of imprisonment for entering India without a passport. His sentence was completed on 9.5.2008. He is still in prison. The jail authorities wrote to the Superintendent of Police about the deportation of Baaj Ahmed. The S.P. asked for some details and a photograph of Baaj Ahmed to process the matter. These were supplied. There has been no further progress.

The case of Dhabua Rajowar, son of Pirkar Rajowar:

Dhabua Rajowar was arrested in March 1997 for the murder of his own mother. Apparently, he was suffering from mental illness at the time of the murder. He was placed in judicial custody on 24.3.97 and never secured bail. On 4.3.2002 he was sentenced to life imprisonment. He has recovered from mental illness but still needs

medication. In addition to mental illness he also suffers from epilepsy. Altogether he has been in jail for 11 years and 8 months.

There is some doubt whether Dhabua Rajowar was an adult at the time of the commission of the crime. He told me that his present age was 26 which would make his age at the time of arrest about 15 years. His age is not mentioned in the warrant of commitment issued after sentencing by the Judge but there is a jail entry dated 19.2.04 which gives his age as 24 years on that date. That will make him 17 years old at the time of judicial custody in 1997 (and still younger at the time of the commission of the crime). In the register of UTPs his age is shown as 20 years as on 24.3.1997. All these conflicting entries raise a doubt if his trial and sentencing as an adult was at all proper.

Considering the health of the prisoner and the doubt about his age at the time of the commission of the crime, this seems to be a fit case for the exercise of the Governor's powers under Article 161 of the Constitution.

Recommendations:

1. The IG of Prisons may visit the prison herself and assess the needs as regards repairs to buildings, basic amenities for prisoners, and training needs of the staff.
2. As with the Guwahati Central Jail, NGOs and others should be encouraged to associate with the Tezpur Central Jail.
3. Some delegation of financial and other powers to the Deputy Commissioner of Tezpur/Superintendent of the Jail may be considered.
4. The top leadership at the Central jail needs to be changed. Both the Superintendent and the Jailor should be replaced and the Jailor should be sent on training for skill development and attitudinal change.
5. There are still too many undertrials detained for more than 3 months. Their cases should be pursued with the help of an NGO.
6. Facilities for education, skill training, recreational activities and meaningful economic activities should be strengthened.
7. Medical facilities should be better managed.

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