

19/2008

1/9/08

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Report on visit to District Jail Munger, Bihar on 05/08/2008
by
Mrs. Sunila Basant [IAS Retd.], Special Rapporteur,
National Human Rights Commission, New Delhi

1. **Prison capacity/Present occupancy**
Sanctioned capacity ---- Male-450, Female-32 = Total-482
Actual strength
as on 04/08/08----Male-561, Female-17 = Total- 578
Under Trial-521, Convicts-57= Total-578
Daily average strength – 578.45
The prison is overcrowded.

2. **Buildings**
The buildings are very old, some are reported to be more than a hundred years old
The wards require intensive repair. Many fans and TV's were not working and
lighting was poor where bulbs had fused.

Recommendations

- [a] Construction of twelve wards had been taken up, unfortunately, the work has been brought to a halt due to report of bungling. This needs to be sorted out by the District administration/I G Prisons and construction re-started early and target date given for completion. Care may be taken to ensure that provision is made for adequate drainage, toilets and water supply for the new units. On completion some of the old buildings, beyond repair, could be dismantled to provide the much needed open space .
- [b] The existing wards need to be repaired and white-washed.
- [c] Fans, faulty bulb-holders, out of order TV's need to be repaired and fused bulbs replaced. The system of carrying out day to day/weekly repairs is not working well, perhaps it requires effective supervision Improvement in this area is required.
- [d] The kitchen requires to be repaired and cleaned up.
- [e] The Juvenile Home is in bad shape and it should be renovated.

3. **Staff position**

There is no regular Jail Superintendent posted in this jail.
Shri M. Abbas, posted as District Welfare Officer in the District is functioning as the Jail Superintendent in- charge in addition to his substantive duties since 13/07/2007 This is not a satisfactory state of affairs.
The sanctioned strength of staff and the actual strength is given in Annexure I
The available staff are inadequate.
The temporary staff are clamouring to be made regular.

Recommendations

- [a] For the proper functioning of the jail it is imperative that a regular Jail Superintendent be posted immediately. This is important because even prisoners complained that lack of effective supervision affected quality and quantity of food and 'katcha' Rotis were served and because meals were not served on time prisoners often had to leave for Court without having taken their food.
- [b] Urgent steps are required to fill up vacancies of crucial posts such as that of Head warders, warders, Asst. Jailor. Recruitment Rules need to be finalized at an early date. Immediate engagement and training of ex- army personnel on suitable remuneration could be considered for meeting the acute shortage.
- [c] Adequate number of Cleaning staff are required to be engaged and their work supervised regularly.
- [d] Periodical training of staff is important

4. Sanitation and Hygiene

There are 121 toilets and 17 open platforms for bathing, Facility is provided for washing clothes.

Recommendations

- [a] Toilets and drains require to be repaired and a system put in place for regular cleaning.
- [b] Drinking water supply should be improved and a water purifier installed.

5. Food

On the day of visit ,food served was satisfactory; per head daily expenditure is fixed at Rs. 24. 50.

Recommendations

- [a] The kitchen should be renovated.
- [b] Effective supervision is required to ensure quality is maintained and meals are served on time.
- [c] Rate for Diet may be reviewed periodically and adequate funds sanctioned to provide for actual strength of prisoners.

6. Clothing and Bedding

It was noticed that some UT prisoners were wearing very dirty torn clothes and Uniforms worn by convicts were shabby while some convicts had not been provided uniforms.

Recommendations

- [a] Clothing and Bedding must be provided to all immediately as per the Jail manual, including to UT Prisoners who require the same.
- [b] Old bedding may be sorted out and replaced with new.

Health, Hospitals and Medical Facilities

One male Doctor has been deputed and a female Doctor is on call. There is only one para-medical personnel. Specialists visit when called.

Daily average OPD is 35.

The six monthly report of prisoners admitted to the jail during 1/1/08 to 30/6/08 is at Annexure II.

Two prisoners are suffering from TB , one from leprosy and several from depression. The 23 bedded jail hospital is an extremely bad condition and prisoners were being kept in almost inhuman condition in the isolation ward.

A few prisoners complained that the doctor on deputation was unable to visit the jail regularly and this resulted in medical problems of prisoners not being attended to.

Recommendations

- [a] Since the doctor on deputation is unable to devote attention to prisoners in view of his other duties, it is strongly recommended that the two sanctioned posts of doctors be filled up immediately, if need be by taking doctors on contract for jails.
- [b] Vacant posts of Compounder and Dresser be filled up.
- [c] Prisoners [patients] be shifted to healthier surroundings immediately.
- [d] Immediate renovation of the jail hospital is essential.
- [e] Mentally disturbed prisoners must be provided specialized treatment on a regular basis. Specialists, Dentist and a lady doctor should visit on fixed days.
- [f] An ambulance may be provided.
- [g] Many prisoners suffer from skin ailments and therefore the special antibiotic Cream asked for by them for its efficacy may be provided.
- [h] Individual Complaints -Prisoner Tullu Yadav has an eye ailment that requires treatment by a Specialist. Prisoner Murari Chaudhury has suffered a broken leg which requires another operation This may be placed before a Medical Board and appropriate treatment provided.

8. Education, Recreation and Welfare

Literacy classes have been introduced from May 2008 but not much progress made. One Computer, one typewriter and a sewing machine have been provided for training.

Yoga training was provided a month ago but prisoners are not performing yoga exercises at present

Recommendations

- [a] Many prisoners mentioned that they were under mental stress hence, regular meditation and yoga will benefit them. After training is completed by the Institution engaged, Yoga exercises and meditation should be included in the daily routine. Prisoners may be identified to lead these daily sessions.
- [b] A survey be made of the number of illiterate prisoners and the Literacy programme be run with the help of the Education Department. Writing material and books be provided. Services of educated prisoners betaken as volunteer teachers . Elementary Education classes be started under the Sarwa Shiksha Abhiyan. Student prisoners

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may be encouraged to continue their studies and to take the examinations.

- [c] The Computer and Type writing training programme should cover more educated prisoners.
- [d] The Yoga and Training rooms need to be repaired and white washed.
- [e] Some more Musical instruments need to be provided. Books of interest to prisoners be provided .Out of order TV's be repaired or replaced with new.

9. Work Programme

At present no Work Programme has been organized.

Recommendations

When more space becomes available with the dismantling of old restructures which are beyond repair, prison industry programme could be started with the help of the Industries Department.

10. Condition of Undertrials

The details are given in Annexure III.Details of UT's in prison above 3years is given in Annexure IV

Recommendations

- [a] Undertrials are not kept separate from convicted prisoners. This needs to be rectified.
- [b] Convicts are being utilized as Convict officers/ watchmen even in the Juvenile Home. IG Prisons may exercise check to ensure that they are being used as per provisions of Chapter VI of the Bihar Jail Manual.
- [c] Prisoners complained that election of Mukhiyas from amongst themselves had not taken place which, according to them , was a good arrangement that helped in smooth functioning of the jail. This may be looked into and appropriate action taken.
- [d] Prisoner Surjeet Yadav of Ward no. V complained that he had been granted bail but had not been released due to failure to arrange sureties. This should be looked into and necessary legal assistance provided. In all such similar cases necessary legal assistance be provided.

11. Legal Aid

Recommendations

- [a] There were some prisoners such as Raja Ram Singh and Harish Chander Mandal who complained that they do not have lawyers. The Jail Superintendent should find out if there are more such cases and arrange to provide lawyers under the Legal Aid Scheme.
- [b] The district judicial and non- judicial authorities should improve the legal aid system in co-operation with the Bar Association .The Legal Aid scheme needs to be strengthened and monitored regularly by the District administration.

Legal Procedures

Adalats in Jail premises } No. of UT Prisoners released
Plea Bargaining }----- Nil

Recommendations

- [a] Lok Adalats are being organized within the jail premises on last Saturday of every month. The District Magistrate may take the initiative to take up the issue of better utilizing the available legal procedures in the District Coordination Committee meetings held with the District Judge and the Suptd. of Police. The progress may be reviewed periodically at these coordination meetings.
- [b] One case of convict Manoj Kumar Madhukar who is serving a life-sentence u/s 302 IPC and u/s 27 Arms Act and has served more than 14 years has been reported u/s 433[A] Cr.P.C. to the state govt. IG Prisons may place this case before the State Review Board at an early date and report outcome. Prisoner Vikas Chandra Prakash of ward no. V complained that he has not got bail for a petty offence . The Jail Suptd. could provide the details and the complaint looked into.

13. Women prisoners

Sanctioned capacity
 For separate accommodation – 32
 Actual strength – Convicts-1; UT-16 Total—17
 3 Female staff are available.
 1 Girl aged 3 years is in prison with her mother and is being looked after.
 No woman prisoner is suffering from TB/Psychiatric problem.

Recommendations

- [a] Women prisoners are housed in an old but strong and spacious building, however, technical advice may be taken to provide adequate ventilation. The interior should be whitewashed.
- [b] Literacy, Tailoring and Toy making classes have been introduced but have not made much progress and the women prisoners did not appear to be very enthusiastic. A good local NGO, selected by the District administration may be associated to motivate the women. Education Dept. should be involved in the Literacy programme.
- [c] The Civil Surgeon should ensure regular visits by a female doctor.

14. Custodial Death

In 2005- 01 death, 2006-01, 2007-01, and in 2008[till date] -05 deaths have been reported. Magisterial Inquiries have found the deaths to be natural.

Recommendations

- [a] As pointed out earlier, the hospital conditions should be improved.

Visiting

Recommendations

- [a] Some prisoners alleged that they have to pay a bribe of Rs. 15/- as visiting charges. This is a serious allegation and should be enquired into by a senior officer and disciplinary action taken against any person found guilty.
- [b] An estimate has been sent to the state govt. for construction of a visiting -shed; which may be sanctioned and funds provided.

16. Production in Court

Recommendations

- [a] The Jail Suptd. asked for a Prison van. This request may be examined and favourably considered.
- [b] A serious allegation was made by some prisoners that prisoners taken for production in Court were not actually produced before the Magistrate but instead their thumb impression was taken while they were sitting in the vehicle within the court premises.
This is a serious matter that requires investigation and it should be ensured that production of prisoners before the Court/ Magistrate is done as per the law.

17. Inspection

Inspection notes were not shown, only remarks recorded by various authorities were produced.

Recommendation

- [a] Regular inspections be conducted and compliance monitored.

18. Involvement of NGOs

Recommendation

- [a] IG Prisons/District administration should identify good NGOs who could be associated ,particularly. with Educational, Training and Yoga programmes.

19. Petitions received from prisoners during visit

- Following 4 petitions of prisoners, in original are attached :-
- i. Petition received from Vinay Sagar regarding case no-218/06
 - ii. Petition of Manoj Singh -alleged that he was a minor when incident occurred.
 - iii. Petition of convict Manoj Kumar Madhukar requesting for release from jail as he has served a sentence of more than 14 years

iv. **Petition of Sunil Kumar Sah, Arbind Yadav and 18 others alleging corruption in jail affairs .**

Recommendation

- [a] Necessary action be taken regarding petition [i] and [ii].
 - [b] Regarding -[iii]- matter be placed before the State Review Board and outcome reported .
 - [c] Regarding [iv] – allegations be enquired into remedial measures taken. Action taken be reported .
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Annexure I
STAFF POSITION
DIST. JAIL, MUNGER

S.No.	Name of Staff.	Sanction Strength	Actual Strength
1	2	3	4
1.	Jail Superintendent	01	---
2.	Jailer	01	01
3.	Astt. Jailer	04	01
4.	Jail Doctor	02	01
5.	Compounder	02	---
6.	Dresser	02	01
7.	Clerk	02	02
8.	Chief Head Warder	01	---
9.	Head Warder	10	03
10.	Warder	100	25
11.	Accountant	01	---
12.	Barber	02	--- (01 Temp.)
13.	Cleaner	10	--- (05 Temp.)
14.	Special Security Force	15	---

Superintendent
 Dist. Jail, Munger
 4.8.08

ANNUAL REPORT ON THE MEDICAL EXAMINATION OF PRISONERS ADMITTED IN

PERIOD: ** 1.01.68 to 30.06.68

Strike out which is not applicable

of the State /UT Dist. Jail Muzaffar (Bihar)

	Undertrials	Convicts	Total
1. Number of Prisoners admitted in jails.	1275	68	1343
2. Number of Prisoners secured.	1275	68	1343
3. Number of prisoners suffering from	1010	53	1063
(a) TB	03	X	03
(b) Heart ailment	04	X	04
(c) Renal problem	65	04	69
(d) Gastro	362	20	382
(e) Skin diseases	180	25	205
(f) Other diseases	086	04	090
(g) Distance other than 1000	310	10	320
(h) with no disease	1000	53	1063
(i) with no disease	265	15	280
(j) Total number of prisoners during this period.	03	01	04

(1) COL 3(h) is meant for prisoners who have distance other than 1000 found in Col 3(a) to Col 3(g). (1) is meant for

prisoners who have been found with no at the time of admission

(2) please ensure that figures shown in col 2 other than

col. 3(a) to 3(i).

प्रतिरत/सि/सि

B/C

विहित प्रदाधिकारी

मजिस्ट्रेट कारा, मुजफ्फर

मजिस्ट्रेट

ANNEXURE III

12. CONDITIONS OF UNDERTRIALS :- As on 04.08.2008

(a) Detention period :	Numbers		Total
	Male	Female	
(i) Upto 3 months	248	08	256
(ii) 3 - 6 months	132	03	135
(iii) 6 - 12 months	42	01	043
(iv) 1 - 2 years	37	01	038
(v) 2 - 3 years	27	03	030
(vi) 3 - 5 years	14	Nil	14
(vii) above 5 years	05	Nil	05
<u>Total</u>	<u>505</u>	<u>16</u>	<u>521</u>

(b) Are undertrials kept separate from convicted prisoners? :- No

असमय कारा मुक्ति हेतु भेजे जाने वाले प्रस्ताव हेतु बंदी वर्णावली

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1. बंदी का नाम एवं पता - मनोज कुमार प्रभुकर @ हुनहुन भादव पे० रू. भागदोश भादव
बंदी का उम्र - 37 वर्ष सा० जलसक्ल मजाना - खडगापुर जिला - मुंगेर
3. सजा की तिथि - 01-03-1996
4. सजा की अवधि - आजीवन कारावास
5. कांड संख्या एवं धारा - सत्रवाद संख्या 90/94 (खडगापुर 37/93) 0/5302 IPC 27/Arms Act

6. कारा में बितायी गई वास्तविक अवधि
- (क) विचाराधीन अवधि - 2 वर्ष 4 माह 2 दिन
- (ख) सजावार अवधि - 12 वर्ष 3 माह 6 दिन
- (ग) कुल अवधि = 14 वर्ष 7 माह 8 दिन

7. अर्जित अवधि (Remission) 6 वर्ष 5 माह 18 दिन
8. परिहार सहित कारा में बितायी गई कुल अवधि 21 वर्ष 26 दिन
9. लंबित अन्य वाद की स्थिति - एक उपलब्ध न अतिरिक्त जिले में चलावत पर है।

10. प्रस्ताव के साथ भेजे गये प्रतिवेदन
- (क) पुलिस अधीक्षक का प्रतिवेदन (अनुशंसा) संलग्न है।
- (ख) प्रोवेंशन पदाधिकारी का प्रतिवेदन (अनुशंसा) संलग्न है।

- (ग) फैसले के प्रति (यदि फैसले की प्रति उपलब्ध नहीं हो तो अपीलीय न्यायालय के फैसले की प्रति) संलग्न है।
11. अपराध का संक्षिप्त विवरणी (जमीन के लिए झगड़े, पुरानी दुश्मनी, नृशंस हत्या आदि) गंग में प्राइमरी स्कूल का निर्माण काम जिला में जिसे वाद में विपरीत प्रारंभ कर
12. असमय कारा मुक्ति हेतु अयोग्य मामलों में आते हैं या नहीं। लिमा रूषी वाद को लेकर भागडा में हत्या हो गई।

13. कारा अधीक्षक का प्रतिवेदन (अनुशंसा सहित) - असमय कारा मुक्ति हेतु प्रस्ताव है। अनुशंसा की जाती है। केपी का व्यवहार आचरण उत्तम है तथा अपना आवंटित काम बखूबी निभाते हैं। काम अद्यतन रखते हैं एवं मेहनती हैं। असमय कारा से मुक्ति हेतु अनुशंसा की जाती है।

अधीक्षक
मुंगेर
24/11/95

3 से. 5 वर्ष

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ANNEXURE IV

क्र०	बंदी का नाम एवं पिता का नाम	घर का पता	वाद संख्या	धारा	कारा प्रवेश तिथि	अभ्युक्ति
1.	आनन्दी तौंती पिता- स्व० गिरधारी तौंती	सा०- सुथुरखाना, थाना- मुफ्फसिल जिला - मुंगेर	मुफ्फसिल - 140 / 05	25(I-A), 25(I-AA) 25(I-B) AC 26(i) (ii) (iii) Arms Act	29.06.2005	
2.	विनय सागर पिता- भृगुनन्दन यादव	सा० - रामनगर थाना - रामनगर जिला- मुंगेर	नयारामनगर 104 / 05	147, 341, 323, 326, 302, IPC	28.07.2005	
3.	विजय कुमार साव पिता- कारू साव	सा० - मुंगरौड़ा थाना- ईस्ट कॉलोनी जिला- मुंगेर	ईस्ट कॉलोनी 18 / 05	304(B) 34 IPC	27.05.2005	
4.	गोरे लाल सिंह पिता - गुरुदेव सिंह	सा० - खेरा थाना - तारापुर जिला- मुंगेर	तारापुर - 103 / 04	304(B) 201, 34 IPC	21.09.2004	
5.	शंभु प्रसाद यादव पिता- अनुपलाल यादव	सा०-नया टोला, माताडीह, थाना- धरहरा जिला- मुंगेर	धरहरा- 18 / 04	376 IPC	06.04.2005	
6.	अर्जुन सहनी पिता - बनारसी सहनी	सा० - लल्लू पोखर थाना - कासिम बाजार जिला- मुंगेर	कासिम बाजार 55 / 05	20, 22 NDP. Act 120 B IPC	05.07.2005	
7.	प्रकाश यादव पिता - सियाराम यादव	सा० - कैथवन थाना - धरहरा जिला- मुंगेर	धरहरा - 114 / 03	364, 34, 302, 120 IPC	02.08.2005	
8.	उमेश मांझी पिता - नन्दु मांझी	सा०- श्यामपुर थाना- खड़गपुर जिला- मुंगेर	नयारामनगर 72 / 99	302, 34 IPC	25.10.2004	

3 से 5 वर्ष

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Annexure IV (contd)

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9.	अजय कुमार फुलवा पिता - स्व० आनन्द कुमार	सा० - पुरानीगंज थाना - कासिमबाजार जिला- मुंगेर	कासिम बाजार 26/05	365, 366, 34 IPC	30.05.2005	
10.	सतीश सिंह पिता - सदानन्द सिंह	सा० - न्यू पुलिस लाईन थाना- कोतवाली जिला- मुंगेर	कोतवाली 364/04	498 A, 304(B) 201, 34 IPC	20.07.2004	

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Answer IV (Contd)

3.

क्र०	बंदी का नाम एवं पिता का नाम	घर का पता	वाद संख्या	धारा	कारा प्रवेश तिथि	अभ्युक्ति
1.	पंकज रविदास पिता - सोमन रविदास	सा० - मानिकपुर थाना- तारापुर जिला- मुंगेर	तारापुर 10/99	302, 34 IPC	06.11.2002	
2.	कैलाश यादव पिता- चामु यादव	सा० - मैतौफिर थाना- मुफ्फसिल जिला- मुंगेर	मुफ्फसिल - 56/03	364, 34 IPC	14.09.2003	
3.	भोलरा यादव पिता- बानो यादव	सा० - मैतौफिर करारी टोला थाना- मुफ्फसिल जिला- मुंगेर	मुफ्फसिल - 56/03	364, 34 IPC	22.05.2003	
4.	अजय विन्द पिता - काशी विन्द	सा० - करुनावाचक हलसि जिला- लखीसराय	खड़गपुर - 186/03	364, 420 34 IPC	16.09.2003	