

Report on the visit of Shri Damodar Sarangi, Special Rapporteur NHRC (East Zone-1) to district jail Prothrapur, Port Blair from 27th to 28th April 2009.

I visited Prothrapur district jail, Port Blair on 27.4.09 and 28.4.09 to verify the living conditions of the prisoners and to determine if the human rights of the inmates are being properly respected and adequately protected by the prison and other authorities. Sri P.G. Dutta, IG(Prisons), Md. Hanif, jailor and O.Mohd Hanif, deputy jailor attended to my visit, showed me around the wards, hospital, workshops, school and other units and facilitated my interactions with the inmates. They also helped me in accessing relevant documents and information. Based on my interactions with the prisoners and the prison staff, the scrutiny of available records, and my visit to the various units in the prison, I proceed to record my observations and recommendations as under.

2. History of the district jail

Prothrapur is the only district jail in the union territory of Andaman and Nicobar. Three sub jails, one each at Car Nicobar, Campbell Bay, and Mayabunder are also functional. Earlier the district jail was functioning from the Cellular jail complex. After the complex was declared a 'National Monument' in 1979, the district jail was shifted to its present location which is at a distance of about 10 kms from Port Blair.

3. Prison population

⊙ The sanctioned capacity of Prothrapur district jail is 269. As on 27.4.2009, 251 prisoners (250 male and 1 female) were lodged in this prison. Of them 41, including one female prisoner are serving rigorous imprisonment, 58 are serving simple imprisonment and 152 are under trial prisoners.

126 of these prisoners are foreigners. Most of them are fishermen and have been arrested under the Foreigners Act. The break up of the prisoners based on their nationality is given below.

Description of prisoners	Convict prisoners			Under trial prisoners			Grand total
	Male	female	Total	Male	Female	Total	
Indian	58	01	59	66	00	66	125
Foreigner	38	00	38	29	00	29	67
i) Myanmar							
ii) Indonesia	01	00	01	00	00	00	01
iii) Bangladeshi	00	00	00	06	00	06	06

iv) Thailand	01	00	01	00	00	00	01
v) Srilanka	0	0	0	51	00	51	51
Grand total	98	01	99	105	00	105	251

ii. 353 Myanmar nationals and 01 Thai national, who were earlier convicted and confined in this jail have already completed their sentence but could not be repatriated to their native countries due to logistic and other difficulties. They have all been shifted to a detention centre, commonly known as the 'Open Poachers Camp', also located in Prothrapur. I visited this camp and found 758 foreigners (391 Myanmarese, 01 Thai national and 366 Bangladeshis) confined there in makeshift sheds. They include the 354 foreigners who have completed their sentence, 38 Myanmar nationals and 364 Bangladeshi nationals, all fishermen, who drifted into Indian waters removal of engines from their boats by Thai navy, and 2 Bangladeshi nationals detected in the islands. They are awaiting repatriation to their native countries.

iii. The living conditions in the camp are squalid and unhygienic. The detainees have been herded into improvised sheds almost like animals. Many of them do not have proper and adequate clothes to cover their bodies. Most of them were found with only an old lungi or a pair of trousers on their body. The upper parts of their bodies were found absolutely bare. While officials from Bangladeshi consulates have occasionally visited them, no one from Myanmar administration has ever come here.

iv. Keeping so many persons indefinitely in a detention camp without prosecution and magisterial sanction is not a healthy practice. The reluctance of the governments of their native countries to receive them back is the primary cause for their continued detention. The jail authorities may initiate necessary enquiries and correspondence with the governments of the concerned countries through appropriate channels, well ahead of the dates of the expected release of such prisoners, so that they could be repatriated in time.

v. Earlier I had brought to the notice of the commission the plight of hundreds of Bangladeshi nationals, who are languishing in various jails in West Bengal even after serving full prison terms, waiting indefinitely for their repatriation to Bangladesh. The problem is no doubt complicated and does not offer ready solutions. The commission may consider taking up the matter with the MEA and the MHA for working out the modalities for early repatriation of such foreign nationals to their native countries.

4. Land and Building

The jail is spread over 10 hectares of land. There are seven blocks of barracks of which 6 are used for the accommodation of prisoners. The seventh block is used as kitchen, dining space and stores. One of the blocks with cell accommodation for four prisoners is earmarked for female prisoners.

Separate accommodation for a school, work sheds and the hospital are also available. Adequate numbers of staff quarters are available. Details of available accommodation are given in the following table.

Barrack no.1	Length	Breadth	Verandah
A	1540 cm	750 cm	180 cm
B	2140 cm	745 cm	180 cm
C	2140 cm	745 cm	180 cm
Barrack No. II			
A	1385 cm	775 cm	330 cm
B	1385 cm	775 cm	330 cm
C	1385 cm	775 cm	330 cm
D	2140 cm	775 cm	180 cm
E	2140 cm	775 cm	180 cm
Barrack No. IV			
A	2140 cm	745 cm	180 cm
B	2145 cm	745 cm	180 cm
C	2135 cm	740 cm	180 cm
Barrack No. V			
A	2145 cm	750 cm	180 cm
B	2140 cm	750 cm	180 cm
C	2140 cm	745 cm	180 cm
Barrack No. VI			
1540 cm X 4		750 cm X 4	180 cm X 4
Barrack No. VII			
A	1940 cm	750 cm	180 cm
B	1940 cm	750 cm	180 cm
School Barrack	19 mtr. 35 cm	10 mtr. 45 cm	
Workshed	25 mtr. 65 cm	12 mtr. 20 cm	
Medical Barrack A	28 mtr. 60 cm	06 mtr. 70 cm	
B	15 mtr. 95 cm	05 mtr. 40 cm	
C	24 mtr. 40 cm	05 mtr. 90 cm	

Staff Accommodation

Types	Nos
Bachelor accommodation	10 Nos
Type-I	48 Nos
Type-II	26 Nos
Type-III	04 Nos

Type-IV	02 Nos
Total	80 Nos

ii. Many of the staff quarters are however lying vacant as the incumbents have chosen to stay in their own houses in the town. It is particularly disturbing to find that none of the three officers posted to this jail at present i.e. the Dy superintendent, the jailor and the Dy. Jailor, is residing in the jail premises. Quarters in very good condition, earmarked for them are lying vacant. The superintendent's post is lying vacant and so is the quarter earmarked for him. After the general shift, the prison is left in the charge of a head warder in rotation as the officers retreat to their houses in the township. This is not a happy situation.

The prison officers must be directed to occupy the quarters earmarked for them. Permitting them to reside in the township and draw HRA, when earmarked quarters for them lie vacant, is not in order. This arrangement is against the provision of the Prison Act which expressly requires that the jailors should reside in the prison premises. Besides, such arrangement is bound to affect the quality of supervision of the working of the prison services and the welfare of the inmates.

iii. The jail authorities should also take measures for segregating UTPs and convicts in separate wards. At present some of them are mixed up, particularly in ward no.2.

iv. There is a proposal for increasing the capacity of this prison by another 250, for which 5 hectares of land has been allocated close to the existing premises. A perimeter wall has already been constructed around this land. Construction of additional wards may be taken up early so that the need for transferring foreign prisoners, after completion of their sentence, to the poachers camp would not arise in future.

5. Staff

The sanctioned and actual strength of staff of this jail are as follows.

Sl.no	Name of the post	Sanctioned strength	Filled up strength	No. of posts vacant	Date since when vacant	Action plan for filling up of the posts.
1	2	2	4	5	6	7
1	Group "A" Medical Officer	1	1	-		----
2	Group "B" Superintendent	1	0	1		Vacant since- 1.1.2009.

3	Deputy Superintendent	1	1	-		Mr Krushnamurthy who was functioning on 'Adhoc basis' has been admitted in a hospital in Chennai since 10 th April 2009.
4	Group "C" Jailor	1	1	-		Md. Hanif is posted since 1988 in the same rank
5	Deputy Jailor	1	1	-		OMD Hanif since 1994
6	Chief Head Warder	4	3	1		-----
7	Head Warder	15	15	-		
8	Head Constable	1	1	-		
9	Constable	10	10	-		
10	Staff Nurse	2	2	-		
11	Pharmacist	1	1	-		
12	Head Clerk	1	1	-		
13	Higher Grade Clerk	1	1	-		
14	Stenographer	1	1	-		
15	Lower Grade Clerk	3	2	1	2004	One post vacant for the last 5 years
16	Weaving Instructor	1	1	-		
17	Craft Instructor	1	1	-		
18	Wood Instructor	1	1	-		
19	Electrician-cum-Operator	1	1	-		
20	Driver(HV)	3	3	-		
21	Driver(LV)	1	1	-		
22	Radio Technician	1	0	1	2001	Post vacant since last 8 years.
23	Radio Operator	2	2			
24	Store Keeper	1	1	-		
25	Record Keeper	1	1	-		
26	Group "D" Warder (Male)	62	60	2	20.9.2007	Filling up the post of warders is under process.

27	Warder (Female)	9	9	-		
28	Barber	2	2	-		
29	Ward Boy	1	1	-		
30	Sweeper	6	6	-		
31	Peon	2	2	-		
32	Mast Laker/Helper	1	1	-		
33	Cook	1	1	-		
	Total	141	134	6		

ii. The sanctioned strength is short of the scale prescribed in chapter IV of the prison manual. There is no sanctioned post of a welfare officer. The jail manual assigns a plethora of duties and responsibilities to the welfare officer, like assisting the prisoners in overcoming problems of institutional adjustments and in dealing with problems faced by their families and dependents, identifying resources for rehabilitation of prisoners, interpreting legal and procedural rights of the prisoners, arranging legal aid for indigent prisoners, preparing petitions and appeals in deserving cases, helping the staff in understanding the problems faced by the inmates etc. As transpired from my interactions with the prisoners, most of their grievances related to the above areas and a qualified welfare officer could have helped in mitigating some of these. The UT administration must take immediate action for sanctioning and filling up the post of the welfare officer.

iii. The sanctioned strengths of technical personnel, including craft instructors and hospital staff are also short of the prescribed scales.

iv. The post of the superintendent is vacant since 1.1.2009. The post of the Dy. superintendent has also not been filled up. Mr. Krushnamurthy, who was functioning on adhoc basis as the deputy superintendent, has been admitted in a hospital in Chennai since 10th April 2009. In the absence of the superintendent and the Dy superintendent, the jailor, Md Hanif is looking after their duties. Sri Hanif is posted in this prison for the last 21 years i.e. since 1988 in the same rank. The deputy jailor Mr O.MD Hanif is posted here since 1994. There are difficulties in effecting periodical transfers of these officials as there are very few posts in the Island in corresponding ranks in their cadre. But at the same time it is not desirable to keep such officers posted in the same rank in the same jail for such long years. Besides dissipating the interest and enthusiasm of the incumbents, such long tenures may lead to the growth of vested interests. The UT administration may devise some ways out of this impasse, like merging of their cadre with those of sister services,

creating posts of supervising officers in the sub jails and inspecting officers in the prison directorate, and improving the scope of deputation of these officers to other wings of the govt.

v. The UT administration, besides sanctioning adequate posts of prison staff in the scale prescribed in the prison manual, should fill of the vacant posts immediately.

6. Food

The diet scales fixed by the UT administration and the scale recommended by the BPR&D in the model prison manual are reproduced below. (Tables A&B respectively)

Table - A

SL No.	NAME OF THE FOOD ITEMS	PER HEAD / PER DAY	
		Labouring	Non-labouring
1	Tea leaves and	2gms	2gms
	Milk powder for preparation of tea for breakfast	4gms	4gms
2	Sugar	12gms	12gms
3	a) Sooji (for preparation of uppma)(thrice in a week)	100gms	100gms
	b) Gram whole (for preparation of sundal) (twice in week)	100gms	100gms
	c) Mutter (for preparation of chatpati)(Twice in a week)	100gms	100gms
4	Rice for mid day and evening meals	400gms	200gms
5	Atta	280gms	200gms
6	Dal	120gms	120gms

7	Hydrogenated oil including mustard oil at the following scales:- a) Five days in week on which days vegetarian diet is supplied b) Two days in a week on which days fish or potatoes in lieu thereof are supplied	60gms 90gms	60gms 90gms
8	Vegetables including onion	240gms	240gms
9	Fish or potatoes in lieu thereof (Twice in a week)	140gms	140gms
10	Chillies	10gms	10gms
11	Turmeric	6gms	6gms
12	Coriander	5gms	5gms
13	Tamarind	6gms	6gms
14	Garlic	6gms	6gms
15	Salt	35gms	35gms
16	Ginger	5gms	5gms
17	Spices (i.e. Jeera, tejpathi and rice etc.)	3gms	3gms

In addition to the above, every prisoner is issued extra diet of 100 grams meat or 100 grams cheese on each of the following festive days.

- | | |
|------------------------|--|
| i) X-Mas | vi) Dussehra Durga Puja (10 th day) |
| ii) Diwali | vii) Onam |
| iii) Gurunanak Jayanti | viii) Holi |
| iv) Pongal | ix) Idul-Fitr |
| v) Id-UI-Zuha | x) Independence Day |
| | xi) Republic Day |

Table- B

SL No.	Scale prescribed by the BPR & D	
	Items of diet	Quantity
1	Cereals (including millet)	600g
2	Pulses	100g
3	Vegetables: a. Green leafy b. Roots & tubers c. Other	250g

4	Fish or meat or Milk Ghee Groundnut	100g 500ml 15g. 100g.	} Twice a week
5	Milk Curd	50ml 100ml.	
6	Grams (Roasted)	60g.	
7	Jaggery	20g.	
8	Oil	30g	
9	Salt	30g	
10	Tamarind	15g	
11	Jeera or Tejpata	5g	
12	Turmeric	2g	
13	Corriander	5g	
14	Chillies	5g	
15	Onion	25g	
16	Coffee (or) tea		
17	White sugar	50g	
18	Pepper	3g	
19	Mustard	2g	
20	Garlic	2g	
21	Coconut	1/20 nos	

ii. One prisoner complained that the scale of rice and atta issued to non-labouring prisoners is inadequate. From the diet table given above it would appear that while labouring prisoners are issued 400gms of rice and 280gms of wheat, only 200gms of rice and 200gms of wheat is issued against each non-labouring prisoner. Such discrimination does not exist in most other prisons in the eastern region. As would appear from table B above, the scale of cereals prescribed by the BPR&D is 600 grams a day for each adult prisoner. There is a case for increasing the scale of cereals for adult prisoners at least to 500gms per day. The prison administration is spending approximately Rs 35/ per day on the diet of one prisoner. As reported by the superintendent the UT administration is sanctioning Rs45/ per day for diet of detainees at the 'Poachers camp'. This disparity is difficult to justify. The prison administration may review the rates taking into consideration the prevailing market prices.

iii. Prisoners are served three principal meals in a day. A cup of tea with milk, and a dish of upama/chhana/matar are served for

breakfast. Rice, chapattis, vegetables and dal is served for lunch. Non-vegetarian food is served twice a week. Specialized diet is served on 11 festive occasions mentioned above. The afternoon meal is ready by four O' clock. The afternoon menu is the same as is for lunch. Prisoners carry the evening meals to their barracks. The gap between the afternoon meal and the next morning breakfast is long (about 13 hours). I asked the prisoners if they do not feel hungry during night. Some said they eat the meals, taken from the kitchen, late. Others said that their body clocks have adjusted to the arrangement. Such a long gap between two principal meals is not quite desirable. The superintendent pleaded that meals have to be served before lockup in the evening and that the inmates are allowed to carry their meals into the barracks to eat at their convenience. In that case the food must be becoming cold.

During my visit to central prison Rongyek, Sikkim I gathered that a packet of biscuits is issued to each of the prisoners for consuming in the night before retiring to bed. The prison authorities may consider issuing some such snacks during the long interval between the afternoon meal and the morning breakfast.

iv. Sweet gourd, laki and gobi are usually served for vegetables. The jail authorities may consider rotating the vegetables.

7. Clothing and bedding

Each convict prisoner is issued 2 half pants, 2 shirts, 1 under wear and 1 towel every six months. There is also provision for issue of clothing to indigent UTPs. 1 dari, 1 blanket, 1 bed sheet, 1 pillow and 1 mosquito net is supplied to each prisoner on admission. Long cloth for the prisoners' uniform is woven in the jail workshop. Uniforms are tailored in the prison itself by the prisoners. There is a condemnation board with powers to write off unserviceable items of clothing and beddings. I found the prisoners' clothing reasonably clean. The quality of uniforms stitched in the jail workshop however has scope for improvement. The clothes used for the uniforms, presently supplied, appeared to be quite coarse.

8. Sanitation

There are in 57 toilets including 1 for the cook house, 2 for the workshop, 6 for the hospital and 2 in the central tower. 46 toilets are available for the use of prisoners in the wards. This is quite adequate compared to the sanctioned capacity of the prison. There are in all 46 bath rooms/bath platforms for the use of prisoners which is also adequate.

ii. There is pipe water supply to the jail by the PWD. A well has also been dug for the purpose. Pipe water supply has however not

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been extended to the toilets inside the wards (night latrines). The inmates store water in buckets for use at night. The prison directorate may consider extending pipe water connections into the toilets.

iii. Each male prisoner is issued 50gms of bathing soap, 30gms of washing soda and 25gms of coconut oil per week and 5gms of tooth powder per day. Female prisoners are issued 100gms of bathing soap, 30gms of washing soda, 100gms of coconut oil per week and 5gms of tooth powder per day. During my interactions with the prisoners, some complained that the quantity of soap issued to them is inadequate and the washing soda too corrosive and spoils the clothes when washed with it. One prisoner requested for issue of after shave lotion. IG prisons may look into these grievances.

iv. 2 posts of barbers and six posts of sweepers are sanctioned for the prison. I found the wards and other units of the prison neat and clean. In the barracks, raised platforms have been constructed for use as beds for the prisoners. Mosquito nets have also been issued to the prisoners for use. The jail premises are laced with greenery and fruit bearing trees. The physical atmosphere is generally congenial.

9. Health and hospital

A ten bedded hospital is sanctioned for this prison. There are in all two wards for the patients. On the date of my visit only 6 beds (3 in each ward) were laid in these wards. The sanctioned strength of hospital is 1 MO, 2 staff nurses, 1 pharmacist and 1 ward attendant. This is less than the scale prescribed in chapter VII of the jail manual as per which the jail hospital should have 1 medical officer, 2 staff nurses, 2 pharmacists, 2 male nursing assistants, 2 laboratory technicians, 2 psychiatrists counselors and 1 attendant. The UT administration may consider sanctioning the balance staff. At present a few convicts are being detailed to work as nursing assistants.

ii. There is no isolation ward in the prison hospital. Nor there is any separate ward for female prisoners. Whenever a female prisoner is admitted in the hospital one of the two wards is vacated of male patients for her treatment and all the male patients are shifted to the other ward.

iii. During the year 2008, 12909 patients were treated in the out door. During the first quarter of the current year 2139 such patients have been treated in this hospital. During the financial year 2008-09, 31 patients were admitted for treatment as indoor patients. Judging from the fact that the average occupancy of the prison is about 200, it is apparent that many prisoners are repeatedly reporting at the hospital (3 to 5 times in a month) for treatment. Most of the patients came

with complaints of gastritis, scabies and other skin diseases. The medical officer, Dr. Damayanti explained that fishermen from Myanmar and Srilanka who are frequently remanded for custody in this prison are the carriers of scabies as they rarely get clean water in the sea for taking bath. The disease being contagious also affects other prisoners. The quality of water was blamed for the prevalence of gastritis. IG prisons may arrange for the chemical and bacteriological examination of the water at least twice a year for verifying its purity and for taking necessary action for curing/disinfecting the water.

iv. There are 8 psychiatric patients in the prison. Their details are given below.

Sl. no	Name of the patients	Age	Diagnosis	Treatment given
1	Raju	42 yrs	Affective disorder	i) Tab. Respidone 4mg 1tds. ii) Tab. Pacilone 2 mg 1tds. iii) Tab. Nuleavath 10mg 1tds. iv) Tab. Quatipsim 110mg 2 Hs v) Tab. B.C 10tds
2	Laxmi Ram	36yrs	Affective disorder & depression	i) Tab. Lithium 300mg 1Hs ii) Tab. Peracelum 800mg 1tds iii) Tab. Olanagepune 10mg 1Hs iv) Tab. Liv 52 tds
3	Niloy Roy	40 yrs	Depression	i) Caps. Doxepin 75mg 3 Hs ii) Tab. Nileavate 1 Hs iii) Tab. B. Complex 1 od
4	Sukra Pradhan	38 yrs	Schizophrenia	i) Tab. Arpigole 15gm 1-0-2 ii) Tab: Quatipium 100mg 1-1-2 iii) Tab. Pacilone 4mg 1tds iv) Tab. Dytide 1od v) Tab. Nileavate 1Hs vi) Cap. B. Complex 1od
5	Devendranath Kaurag	26 yrs	Acute Psychosis	i) Tab. Tab. Pacilone 1tds ii) Respidobe 1mg tds iii) Cap. B. Complex 1 od
6	Prabhash Malli	34 yrs	Schizophrenia	i) Tab. Pacilone 2mg 1 tds

				ii) Respidobe 4mg tds iii) Tab. Nileavate 10mg 1Hs iv) Cap.B. Complex 1 od
7	Eswar Rao	39 yrs	Affective disorder	i) Tab. Olanagepune 10mg 3Hs ii) Tab. Pacilone 2mg 1tds iii) Tab. Nilearate 10mg 1Hs iv) Cap.B. Complex 1 od
8	M. Selvam	45 yrs	Alcoholic hallucination & Schizophrenia	i) Tab. Respidone 4mg 1-1-2 ii) Tab. Olanagepine 10mg 3Hs iii) Tab. Nilearate 10mg 1Hs iv) Tab. Pacilone 2mg 1 tds

There is no separate ward for them. There is a psychiatrist in the G.B Pant hospital before whom these patients are produced for examination and treatment from time to time.

v. Three patients are suffering from tuberculosis. They were given DOT treatment which has since been successfully completed. One patient has been detected HIV+ and is under treatment. The details of these patients are given below.

Sl. no	Name of the patient	Age	Diagnosis	Treatment given
1	V.Raju	42 yrs	Defaulter case of Pulmonary Tuberculosis	DOTs- category-II, started on 10.11.07 Treatment completed on 07 /08
2	Pankrasus Ekka	29 yrs	Rt side plural effusion	DOTs- Category -I started on 23.10.08 Treatment completed on 23.4.09
3	A. Ravi	42 yrs	Pulmonary Kochs	Dots- Category -III. Started on 05.11.08 Treatment completed on 28.4.09
4	Yan. Aung	45 yrs	HIV ⁺ Positive	Tab. Duovir 1 Bds Tab. B. Complex 1 Bds

vi. The superintendent is authorized to refer patients for treatment in G.B Pant and other hospitals outside the prison on the recommendations of the medical officer. There is no ambulance in the prison. In emergencies ambulances are called from G.B. Pant hospital.

vii. Besides sanctioning and posting adequate staff for the hospital as per the norms laid down in the prison manual the administration may take the following steps urgently for improving health services in the prison.

1. A separate isolation ward may be created.
2. One room with at least two beds may be provided for the treatment of female indoor patient.
3. A separate ward for psychiatric patients should be provided. The psychiatrist from GB Pant hospital should periodically visit the patients in this ward instead of the patients being taken to GBH except when they are required to be admitted there.
4. A laboratory with sanctioned posts of technicians should be raised in the hospital for simple pathological and diagnostic tests like blood tests for ESR, DC, TLC, Haemoglobin, Sugar, MP, Blood grouping tests and tests in stool and urine.
5. An ambulance with two drivers may be sanctioned for the prison hospital.

10. Custodial Death

The superintendent maintains a register to record cases of custodial deaths and escapes. Between 31.12.1991 and 24.8.2005, 14 persons died while in custody in this jail. No deaths were reported in the years 2001 to 2003. One prisoner died in the year 2004 and two in the year 2005.

The custodial death register is silent about the progress of enquiry/ investigation into these deaths. I attempted to analyse the facts and circumstances of the three custodial deaths that took place between 2004 and 2005.

i) Convict no 9971, Dom Lakra, S/o- Andrew Lakra, aged about 38 years died in custody on 20.5.04. As per the preliminary report submitted by the superintendent, the prisoner committed suicide by hanging in the toilet of the workshop with the help of cane wires used in the workshop. As per the report of post mortem, held on 21.5.2004, the subject died due to Asphyxia following suicidal hanging. Copies of

MER and inquest report are not available in the prison files. The superintendent pleaded that the SDM who held the enquiry had submitted his report directly to the Andaman Nicobar administrator. The incident was reported to the Commission by Fax no. 3-155/Jail/2004/416 dated 20.5.2004 and is presently being dealt in the Commissions case file no 3/26/2004-2005-CD. Copies of MER and inquest reports should be collected from the administrator's office and sent to the Commission's office early, for scrutiny, to verify if there was any negligence of the jail staff behind the suicide or if atrocities of any nature drove the subject to commit suicide.

ii) Prisoner Venkat Rao, S/o- Late S. Ponaiah was admitted to this prison on 10.5.2005 in connection with GR case no 1104/2005 u/s 32 Reg III 1876. Between 17.5.2005 and 10.6.2005 he repeatedly reported at the jail hospital with complaints of fever and nausea. It was only on 11.6.2005 at 1050 AM that he was referred to GB Pant hospital where he expired in less than four hours time i.e. at 1430hrs. SDM South Andaman, held inquest and a board of doctors at GB Pant hospital conducted the post mortem. Separate magisterial inquiry does not appear to have been held. Inquest and PM reports could not be showed to me during my visit. The superintendent later reported that these have been sent to the Commission directly by the district magistrate under his memo no. 1-13/AC (SA)/2005/2205 dated 13.7.2005. Prima-facie this case appears to involve medical negligence. The patient was sent to GB Pant hospital very late. It was clear by the end of May that the patient was not responding to treatment at the jail hospital. He could have been referred to GB Pant hospital much earlier.

The prisoner was hale and hearty at the time of admission as per the prison records. He died in less than 32 days of admission. The jail hospital did not make any serious effort to diagnose his ailments and continued to treat him as an outdoor patient for fever and vomiting.

The Commission may take these points for consideration before final disposal of the case.

iii) Life convict 8299 Jagdish Tigga, s/o- Dhan Sai Tigga was admitted to this prison on 17.2.1998. On 29.8.2005 he fell down unconscious in front of his barrack. He was sent to GB hospital and from there to Appollo hospital Chennai. Rs1,50,000/- was sanctioned for his transfer to Chennai by air on 31.8.2005. The patient however expired on 30.8.2005. It was within the realm of possibility to save his life if he could have been shifted to Vellore prior to his death. Inquest was held by SDM South Andaman and postmortem conducted by a medical board. The inquest and PM reports have been sent to the Commission directly by the district magistrate under his letter no. 1-

13/AC (SA)/2005/5486 dated 28.10.2005. The superintendent did not have copies of these documents with him at the time of my visit.

In future the prison authorities should keep a copy each of the inquest, post mortem and magisterial enquiry reports in the prison files along with other papers connected with the case. It should also be understood that magisterial inquest is no substitute for the mandatory magisterial inquiry, which has since been entrusted to judicial magistrates by an amendment of the CRPC. Subject Jagdish Tigga reportedly died of Cerebro Vascular attack.

11. Prison Industry

The following industrial units are functioning in the prison at present.

- a) Weaving unit
- b) Cane and bamboo unit
- c) Furniture unit
- d) Handicraft unit

Raw materials for the units at sl.no b), c), and d) above are mostly received from the forest department. Thread for the weaving unit is purchased from the market. On the date of my visit I found six prisoners working in the weaving unit. 13 prisoners in the cane and bamboo unit, 6 in the furniture unit and 5 in the handicraft unit. Subsequently the superintendent filed a report in which it has been shown that in all 16 prisoners are employed in the cane and bamboo section, 9 in the wood and handicraft section, 2 in the weaving section, 3 in the press section and one in the tailoring section. The working hours are from 0600 to 1000hrs in the morning and again from 1130 hrs to 1430 hrs in the afternoon. Both convicts and UTPs are engaged in these units.

ii. The wages prescribed are Rs24/- per day for skilled and Rs 18/- per day for unskilled labourers. In practice, however only convicts serving long sentences are being paid @ Rs 24/- per diem while convicts serving shorter sentences and UTPs are being paid @ Rs 18/- per day irrespective of they being skilled or otherwise. As per the superintendent's report 3 UTPs are not being paid any wage at all. This practice is irregular and should be discontinued. IG prisons may review the situation and ensure that prisoners are graded skilled and unskilled purely on the basis of their capabilities and paid the prescribed wages based on such categorization. Separate rates of wage may be prescribed for apprentices.

iii. Individual bank pass books have been introduced for depositing the wages of the prisoners. Some of the workers however did not appear to know the exact balance standing to their credit. It is desirable that a monthly statement showing the number of days the

prisoners have been engaged and the wages paid to them/ credited to their account is displayed in the notice board.

iv. I interacted with the prisoners working in these units. They have no serious complaint regarding the payment of wages to them except for the discrimination in rates. During open interactions with the prisoners, some of them suggested that other units like mobile phone repairing unit, motor garages etc should be opened and the inmates trained in these trades so that they could be gainfully employed after their release. Others complained about the shortage of raw materials for the furniture unit. Of the three instructors sanctioned for the workshop only one i.e. craft instructor Sashi Adhikari was present during my visit.

Wages granted to the labouring prisoners prima-facie appear to be rather low. The minimum wages for skilled workers in the Islands is around Rs120/ per day. Even after discounting for expenses on the diet and clothing of prisoners, the rates of wages are still considered low.

v. A comparative analysis of expenditure on the purchase of raw materials for prison industries and the revenue raised from sale proceeds during the last three financial years is given below.

Financial year	Cost of raw material purchased	Revenue collected
2006-07	Rs77,080.00	Rs1,25,915.00
2007-08	Rs2,40,574.00	Rs1,34,282.00
2008-09	Rs1,25,797.00	Rs4,67,923.00
Total	Rs4,43,451.00	Rs7,28,120.00

These figures broadly suggest that the jail industries have the potential of generating handsome profits. This further strengthens the case for increase of wage of the labouring prisoners. The UT administration may consider enhancing the rates at least to Rs35/for skilled and Rs 28/ for unskilled workers. Apprentices may be granted Rs 20/ per day.

12. Remission, parole, leave and premature release

Three types of remissions i.e. ordinary remission, special remission and state government remission are granted to the prisoners. The superintendent is authorized to grant ordinary remission upto six days in a month, 3 days for good work and 3 days for giving labour in the work shops and else where. It is the responsibility of the prison administration to provide work to all eligible prisoners. If for any reason the prison administration fails to

do so, the prisoners who are otherwise eligible for remission for work should also be eligible to be granted remission as per their entitlement.

- ii. Special remission is granted under the following circumstances
- a) Saving the life of a government employee, a prison visitor or an inmate,
 - b) Protecting a government employee or prison visitor or inmate from physical violence or danger,
 - c) Preventing or assisting in prevention of escape of prisoners, apprehending prisoners attempting to escape, or giving material information about any plan or attempt by a prisoner, or a group of prisoners, to escape,
 - d) Assisting prison officials in handling emergencies like fire, outbreak or riots and strike,
 - e) Reporting of, or assisting in, prevention of serious breach of prison regulations,
 - f) Outstanding contribution in cultural activities or education,
 - g) Specially good work in industry, agriculture or any other work programme, or in vocational training.

Special remission can be granted by the superintendent upto 30 days a year and by the IG for 60 days in a year. The UT government is authorized to grant remission at such scale or quantum as is fixed by them from time to time. Remission granted can be forfeited for future misconduct.

- iii. The prisoners are eligible for furlough leave in the following manner and circumstances

Sentence	When due for first release on leave	When due for second release	When due for subsequent release	Duration for leave per year
Not exceeding five years	On completion of one year actual imprisonment - to be counted from the date of admission to prison as convict.	After completion of six months of actual imprisonment - to be counted from the date of his last return from leave.	After completion of six months of actual imprisonment - to be counted from the date of his last return from leave.	21 days
Exceeding five years but not more than 14 years	On completion of two years actual imprisonment - to be counted	After completion of one year of actual imprisonment	After completion of six months of actual imprisonment -	21 days during the first five years of confinement and 28 days

	from the date of admission to prison as convict.	- to be counted from the date his last return from leave.	- to be counted from the date his last return from leave.	for the rest of term.
Prisoners sentenced to life or imprisonment exceeding 14 years	On completion of three years actual imprisonment - to be counted from the date of admission to prison as convict.	After completion of one year of actual imprisonment - to be counted from the date his last return from leave.	After completion of six months of actual imprisonment - to be counted from the date his last return from leave.	21 days during the first five years and 28 days for the rest of term.

iv. Special leave may be granted to the extent of 30 days at a time in special situations such as death or serious illness of father / mother/brother/sister /spouse /children and marriage of brother/sister/children.

v. The list of convicts granted parole and furlough leave during the period from April 2006 to March 2009 is reproduced below.

Sl.no	Name & no. of the convict	sentence	Parole	furlough
1	Convict- M.Chockalingam, P/No-10117	Life imprisonment	Nil	19.6.06 to 8.7.06 6.7.06 to 02.08.07 22.7.08 to 18.8.08
2	Female Convict- T. Sushama P/No-8113	Life imprisonment	Nil	27.2.07 to 26.3.07 15.11.07 to 12.12.07 16.12.08 to 12.1.09
3	Convict- Kashinath Biswas P/No-8651	Life imprisonment	Nil	3.1.07 to 30.1.07 29.1.08 to 25.2.08 26.11.08 to 23.12.08
4	Convict-Amit Chandra Dayal P/No-11019	10 year imprisonment	13.2.08 to 13.3.08	1.6.07 to 21.6.07 1.11.08 to 21.11.08
5	Convict- Sunil Kumar P/No-8112	Life imprisonment	Nil	20.6.06 to 18.7.06 29.3.07 to 27.4.07 28.1.08 to 26.2.08
6	Convict- K.Subramani P/No-8627	Life imprisonment	Nil	7.9.06 to 6.10.06 5.9.07 to 5.10.07
7	Convict- Abdul Majeed P/No- 8222	Life imprisonment	16.01.08 to 14.2.08	2.9.06 to 1.10.06 11.6.07 to 10.7.07 19.9.08 to 16.10.08
8	Convict -	Life	Nil	10.4.08 to 9.5.08

	Pijus Mondal P/No- 6954	imprisonment		
9	Convict- Jitendar Singh P/No-8016	Life imprisonment	16.11.06 to 21.11.06	17.10.06 to 13.11.06 6.9.07 to 3.10.07 27.9.08 to 24.10.08
10	Convict- V.Chanran P/No-10926	Life imprisonment	Nil	29.4.08 to 19.5.08
11	Convict- Devdas P/No- 6930	Life imprisonment	Nil	23.6.07 to 20.7.07 26.4.08 to 23.5.08
12	Convict- Leous Xalxo P/No- 6966	Life imprisonment	Nil	5.4.08 to 2.5.08
13	Convict- Kohru P/No- 10161	Life imprisonment	Nil	21.9.07 to 20.10.07

As would appear from the above list only three convicts were released on parole during the said period, whereas 13 convicts including the above three were granted furlough leave. Judging from the fact that there are 59 convicts who are Indian national in this prison who qualify to be released on furlough leave as per the provisions of rule 17.05 of the prison manual, those actually granted such leave appear to be few and far between.

vi. Of the prisoners sentenced to life imprisonment only one has served more than 14 years of actual imprisonment. Convict 6826 Guruswamy was sentenced to RI for life on 23.11.1994. Prior to his conviction he was detained as an UTP from 11.02.1989 to 14.06.1989 i.e. for 4 months and 4 days. In effect he has already served 14 years and 9 months in prison. As per the prison records his conduct in the jail has been satisfactory. He has not been granted any parole or furlough leave during his prison term. He is fit to be considered for premature release. His case has been sent to the Sentence Review Board for consideration. The UT administration may consider his case sympathetically for early release.

13. Interview

There is no separate room for interview. Interview is held in the passage between the inner and outer jail gates. Two rows of chairs are set for the use of the visitors and the prisoners during interview. There is a waiting room in the right flank of the prison outside the boundary wall where the visitors have to wait before the Interview. This room has been provided with two benches, light and fans. Toilet

and drinking water facilities are however not available. The prison administration may provide the same early.

A large number of foreign nationals are lodged in this prison. The jail manual permits consular visits to them with the prior approval of the IG (Prisons). But as has already been mentioned at para 3 of this report, except for officials from the Bangladesh High commission other consulates have not shown much interest in them.

14. Board of visitors

The board of visitors was last constituted in October 2003 with the District and Sessions Judge Port Blair as its chairman. As per the order issued by the UT Administration, the board is required to visit the prison once in three months 'either all together' or with a quorum of at least six members. The superintendent of the prison who is the member secretary is required to convene the meeting. It is unfortunate that not a single visit has been paid to this prison by the present board after 15.8.2004.

15. Inspections

As has already been mentioned, there is only one sanctioned post of superintendent in the entire Islands. Even that post is lying vacant. The prison administration is headed by an IG. There are no posts of AIG or DIGs in the Island. Thus the only officer available in the Islands who could inspect the district or sub jails is the IG himself. The district jail has not been formally inspected in recent years. There have been occasional visits by various dignitaries who have left cryptic notes in the visitors' book which hardly meet the purposes for which formal inspections are prescribed. IG prisons may hold a formal inspection of this jail early. The Island Administration may consider creating the post of one officer in the rank of AIG/DIG in the prison directorate for holding such inspections besides performing other administrative duties that could be assigned to him.

16. Education, Recreation and cultural activities

Television and radio sets have been provided in every ward of the prison. Facilities for indoor games like chess, caroms, ludo etc are available. There is no sanctioned post of school teacher. Educated convicts give instructions to fellow inmates. One UTP i.e. R.V. Santhan Raj has appeared in the graduation examination conducted by Annamalai University for Distance Education with the support and assistance from the jail administration. The island administration may consider sanctioning one post of teacher cum librarian for this prison. Separate prisoners' panchayats have been formed for associating the prisoners with various welfare and other services like education, discipline, grievances redressal, sports, lungar, food

distribution, cleanliness and cultural activities. Dry and Wet canteen services are available. A prisoners welfare fund has also been created.

17. Appeal

The superintendent could furnish the details of only 7 appeal petitions of which only four are pending and the rest three have been disposed of. The oldest appeal petitions were filed only last year ie in 2008. But this does not appear to present the correct position. During my interactions with the prisoners quite a few of them complained that they have no clue regarding the status of the appeals filed by them. Some are not even sure if such appeals have formally been filed by their lawyers, mostly provided by the legal aid authorities. The superintendent may personally interact with every convict prisoner, and based on information collected from them and available records, draw a fresh list of all the convicts whose appeal petitions are either lying with their lawyers or have been formally filed in the court. He should also take measures for updating the case histories of other convicts and the UTPs.

As has already been highlighted in course of this report, one of the major functions of the welfare officer is to monitor the progress of trials and appeals and to assist and advise the prisoners in pleading their cases either with the help of their own counsels, or lawyers provided by the state. The absence of a sanctioned post of welfare officer appears to have severely affected this important aspect of welfare of the prisoners. I have already recommended for the early sanction of the post of welfare officer. Till one is posted, the superintendent must look after the duties assigned to the welfare officer in the manual, in addition to his own duties.

18. Interactions with prisoners

i) UTP J. Ramsingh

He had been sent to the JM(S) court on the date I interacted with the prisoners and had left a signed petition listing his grievances for my perusal. As per his petition he is being repeatedly implicated falsely in theft and robbery cases, at the behest of Havildar M.A Raseed of the local police station. He claims to have helped the police in arresting a habitual offender Ashik Ali who was enjoying the protection of Havildar M.A. Raseed. He had earlier complained to the authorities against the Havildar M.A. Raseed. Some enquiry was held and Raseed was called upon to explain his misconduct, but he was let off without any punishment.

From the records of his case it was found that he was first admitted to this prison on 6.5.08 for his alleged complicity in GR Case no. 5/08 u/s 20(6)(11)(A) NDPS Ac, 125/08 u/s 380/34 IPC, 1229/08 457/380/411/34 IPC and 1531/08 u/s 392 IPC. He was released on

22.7.08 but was repeatedly arrested in five other cases and readmitted to the prison on 1.9.08, 12.10.08, 21.11.08, 11.1.09 and 22.1.09 and in most cases he has been rearrested in less than one month of his release and in a few cases in less than a fortnight. It is not within the scope of my visit to get into the merits of these cases. It is for the competent courts to verify his complicity or the lack of it. His allegations against the Havildar may however be forwarded to the superintendent of police for a proper enquiry.

ii) UTP Ratan Lal, S/o- Mangal Swamy

He was arrested on 12.7.2002 by Heiddi Police, on the strength of a warrant issued in case no 536/353/99/2000 u/s 324 IPC. Heiddi police handed him over to Aberdin police station where he was tortured in order to extort a confession for his alleged complicity in a murder case. Driven to despair by custodial torture he inflicted bleeding injuries on his abdomen and was sent to the local hospital for treatment. On 18.7.02 he was forwarded to the CJM's Court. The police managed to get him released on bail in collusion with one of their pocket lawyers and after release took him direct to the police station. On 19.7.2002 he was taken to the court. He was not produced before the magistrate, but the police managed to get him in remand in a murder case. He was again tortured in custody and on 22. 7.2002 forwarded to the CJM Court along with a co-accused. He pleaded to the magistrate that he was innocent but was sent to Prothrapur Jail for judicial custody. While in jail he was shown arrested in case no 1500/2000 u/s 332 IPC which is blatantly false. On 4.12.2002 when the 'Judge Sahib' from the High Court had visited the prison he had presented his grievances to him. He has not received any relief till today.

He pleads to be innocent. He has left behind his old parents and minor children back home. His father is a TB patient. He demands re investigation into the cases in which he has been remanded to prison, by the CBI. The allegations he has raised against the police are extremely serious and include false implications and custodial torture. These allegations may be referred to the IG police for verification and appropriate action

iii) UTP R.P Raj

He was remanded to this jail on 8.5.08 in GR case no 467/08 u/s 364/376/302/511/201/34 IPC and 468/08 u/s 364/302/376/201/34 IPC. He requests for speedy trial or bail during the pendency of trial. The cases against him are extremely serious and are fairly recent. As per his own statement charge sheets have already been submitted in both the cases. He should wait for the completion of trial. He is at liberty to submit his prayers before the trial court for speedy trial.

He further requested that the commission's representatives should visit the prison at least once every six month. The necessity for visits to the jail by supervising officers of the prison department, members of the Board of visitors, judicial officers and by officers of the commission can not be over emphasized. The state government has constituted a Board of visitors, but visits by the Board have been few and far between formal inspections by officers of the Prison Directorate have been rare. This matter has already been discussed in course of this report.

iv) UTP Sakilur Rehman

He was admitted to this prison on 9.10.08 in connection with case no 743/08 u/s 109 Crpc. He was released on 30.10.08 but was booked in case no 3357/08 u/s 392/34 IPC and remanded to this jail again on 21.11.08. He has left behind his wife and minor son reading in class VIII back home. He pleaded that the police repeatedly implicates him in nonailable cases out of malice and he is persuaded by the magistrates to plead guilty, promising that he will be let off with minor punishments. In each case he requests the magistrate for a fair trial and examination of witnesses quoted against him, but is finally forced to give in to the desire of the court and plead guilty to get early release as bail is repeatedly refused to him.

For the last six months he is in jail. He has been granted bail this time, but has not been able to provide surety. Trial in his case has not started as the police has not submitted charge sheet till now. He has married a Hindu woman and as such his relatives have disowned him. In the slum, where he and his family stays, vices like alcoholism, gambling etc are rampant. The police does not take any action against the antisocials indulging in such activities and his 17 years old son may very soon be influenced by the vile environment. His uncle and cousins want to evict him from his hut forcibly and have enlisted the support of the police in implicating him in false cases. In his absence, his wife is being harassed by his relatives. Requests for some work in the prison so that he can earn some wages and arrange for his bail. He further alleged that the jail staff are pilfering ration meant for the prisoners.

The jail code permits engagement of willing UTPs in labour. The superintendent may employ the subject gainfully and pay him wages as are admissible. Regarding the allegation of pilferage of ration, IG(Prison) may get the same enquired into for necessary remedial actions. His complaint regarding anti social activities in his hamlet and harassment of himself and his family members by his relatives and neighbours, in collusion with the police may be referred to the superintendent of police for disposal.

v) Convict no. 12743 B. Pandi

He was sentenced to 7-years RI in a case no.38/2001 u/s 307 IPC. He has filed an appeal petition. He is unable to contact his lawyer Sri Krishna Rao for filing a bail application. The superintendent will arrange for telephonic interactions with his lawyer and facilitate the filing of the bail petition by the subject.

vi) Convict no.12724 Md Hanifa Ali

He has been sentenced to 1 year RI in case no.660/2008 u/s457/380 IPC in September 2008. Prior to that he was detained for 3 ½ months as an UTP. He works in the prison garden. As stated by him, he is not being granted any remission in his sentence. I checked the prison records. He has already been granted 36 days remission. He was detained as an UTP only for 2 months and not 3 ½ months as claimed by him. He is due to be released by the first week of June 2009.

He also pleaded for increase in the wages of prisoners. He himself is getting Rs18/- per day. There is a case for increase in the wages of labouring prisoners. The issue has already been discussed at para 11 of this report. The subject also pleaded for diversification of trades in which the prisoners could be employed. In particular he suggested the opening of a motor garage unit for repairs of auto mobiles.

vii) Convict 12735 Raju

He appears to be suffering from psychiatric disorders. He was sentenced to RI for life in case no 29/2002 u/s 302IPC. He has already spent 7 years in prison of which 5 years was spent as an UTP. He works in the hospital and gets Rs18/- as daily wage. He has filed an appeal petition in his case but does not know if the same is being heard. None of his relatives or friends visits him. The superintendent should verify the present position of his appeal and inform him about the same. His family members should be encouraged to interact with him through letters and interviews.

viii) Convict no12372 Vimalanathan

He was admitted to prison on 23.2.2008, convicted in case no50/2001 u/s 376 IPC. Prior to that he was in judicial custody as an UTP for nearly 3 years. His wife with two minor children has allegedly been destituted following his detention in prison. Their residential house stands on a plot of land own by Mrs. K. Jayaram who has served them a notice to vacate the same. He requests for 2 months furlough leave to go home for arranging some shelter for his family. As per the prison manual he will be entitled to such leave only after two years of his admission.

ix) Convict no.8651 Kashinath Biswas

He complains of shortage of raw material in the furniture section. Also requests for opening a motor garage and an electronic repairing shop for training and gainful employment of the prisoners. This matter has already been discussed at para 11 above. He also requested for some loan from the canteen fund. Superintendent may consider his prayer subject to the rules relating to the administration of this fund.

x) convict 12809 Sk. Rasid

He was wanted in a case u/s 307 IPC in 2007. He got bail and left for the main land and subsequently jumped bail. A warrant was issued against him. He was arrested and put to trial and convicted in January 2009. He has a two room house. One of these rooms was rented to a tenant. Taking advantage of his detention in prison the whole house has now been forcibly occupied by his tenant. The local police is not assisting him in the matter. His wife and two minor children are practically on the roads. The superintendent may get in touch with the local authorities with a request to verify his complaint for necessary redress.

xi) Convict no.11565 Dhiren Majumdar

He has been sentenced to 12 years RI and a fine of Rs5000/- in case no.05/2000 in which he was falsely implicated, as alleged by him. He is already 70 years old and finds it difficult to withstand the rigors of prison life. His lawyer, one Tulsi, provided to him by the government for his defense has taken away the copy of the judgment but has not filed any appeal till now. He had earlier applied to the Dy. Superintendent to help him in the filing the appeal without any result. IG (Prison) may look into his grievances and ensure that appeal in his case is filed without further delay.

xii) UTP Sudhir Mandal

He was admitted in the prison on 15.10.2007 for his involvement in a case registered u/s 302 IPC. Of the 47 witnesses, 26 have since been examined. As per his statement, the prisoners are served only three chapatis and one katora of rice for lunch, which is quite inadequate. The morning breakfast also does not suit him as it leads to gas formation in his stomach.

The issue regarding the scale of cereals to be issued for non labouring prisoners has already been discussed in some detail at para 6 of this report. As regards his problems with the breakfast, the prison doctor may examine him and prescribe an alternative menu if required.

xiii) UTP Sajjad Hussain

He is admitted in this prison since 26.9.2008 for his alleged complicity in GR case no.2906/08 registered u/s 392/34 IPC. Earlier he was arrested in a theft case on 14th January 2008. He was bailed out on 19.9.2008. Only two days after, he was rearrested in the instant case by Aberdin police. The police severely tortured him for his alleged complicity in a drug trafficking case. But after learning that at the relevant time he was in custody, falsely implicated him in a robbery case. He was granted bail by the court but is rotting in prison for the last six months as he is unable to furnish sureties. He has been provided a lawyer by the state under the legal aid scheme. Prays for his early release. The allegations of false implication and torture may be referred to the local SP for disposal.

xiv) UTP Harman Topo

He is in custody since 30.11.2006 for his alleged complicity in a rape case. Prays for early completion of trial.

Of the 17 witnesses, 14 have been examined. He has been provided with a lawyer at state cost. The date for arguments has already been fixed. Hopefully the trial will be over soon.

xv) UTP Pravash Mali

He was admitted to this prison on 7.3.2005 for his complicity in a murder case. He has been provided with a lawyer at government cost. All the prosecution witnesses in his case except for the I.O have been examined. There was no hearing on three previous dates. Requests for early disposal of trial. The superintendent may request the concerned SP for ensuring early appearance of the I.O.

He also requests for the issue of fans to the prisoners' barracks. Port Blair is hot and sultry for six months of the year. The jail administration should issue fans for the prisoners barracks. The possibility of fans being used for committing suicide should not be an excuse for not supplying fans to the prisoners.

xvi) UTP Kamala Kannan

He was admitted to this prison on 15.4.2009 for alleged complicity in GR case no.1054/09 registered u/s 364/302/376/201/34 IPC. He was bailed out only on 2.4.2009 but rearrested on 15th April 2009. He admits having committed petty thefts in the past but pleads that he has been falsely implicated in five of the 10 cases in which he has been booked by the police. Requests for fair investigation. His grievances may be referred to the local SP for disposal.

xvii) UTP K. Mahalingam

He has been admitted to this prison only yesterday for his alleged complicity in GR case no.1158/09. For long 23 years, starting from his juvenile days he has been moving in and out of the prison at regular intervals. The police have booked him in 40 cases so far of which he accepts to have been involved in 10.

Whenever a major case of theft is reported, the police picks him up for interrogation and then forwards him to court showing him arrested in one or more old cases. He wants to earn an honest living and has found a job as a cleaner in a private bus. But the police will not permit him to do that. The superintendent may take up his grievances with the local SP.

xviii) UTP Suresh Charan

He was admitted to this prison on 21.3.2009 for his alleged involvement in GR case no.838/09, registered u/s 326/323 IPC. He is a poor man and earns his livelihood by rearing goats. One of his neighbours had been beating and injuring his goats repeatedly. When he protested he was badly assaulted by him. The police arrested his tormentor but he was immediately released on bail, after which he continued harassing him. Finally he was forced to retaliate. Though the injuries on the person of his tormentor were minor, the police deliberately booked him u/s 326 IPC to prevent his release on bail. Prays for bail pending disposal of the case. It is for the competent court to take a view on his prayer for bail. The allegations, that the police booked him u/s 326 IPC though the injuries on his tormentor were simple in nature, may be referred to the local SP for disposal.

xix) UTP J.Ravi

He is in prison from 15.11.2006 for his complicity in a murder case. He requested for issue of after shave lotion and enough soap for washing clothes. The soda supplied by the jail authority damage clothes. Oil issued by the jail authorities for applying on the body is too little. IG prisons may look into these grievances.

xx) Sanjeet Biswas

Vijay Dey, S/o- Khagendranath Dey

Rakib Sarkar, S/o- Himayat Sarkar

Bibhuti Borai, S/o- Late Bishnupada Borai & Dilip Borai S/o- Dutta Roy Borai.

These young men, aged between 18 and 22 are all Bangladeshis and are facing prosecution under the Foreigners Act for having entered into India illegally without any travel documents. The first three are detained here since August 2008 pending trial and the other two since January 2009. All of them accept that they are Bangladeshis and are prepared to plead guilty and request for early

completion of trial against them. The superintendent may help them in providing necessary legal aid.

19. Grievances of the staff

During my interactions with them, the prison officers highlighted the disparities of pay scales of police and prison officers and complained that the pay and grade pay of police officers of corresponding ranks were substantially higher than those granted to them. They also complained about the bleak promotion prospects available to them. It was brought to my notice that following the recommendations of the 6th Pay Commission the Pay Scales of officers of the ranks of Dy jailor, jailor, Dy superintendent and the superintendent have been brought under the same band i.e. Rs9300-34800 and that their grade pays have also been equalized.

These grievances particularly those relating to the grade pay may be addressed by the UT administration for suitable redress. The disparity in the pay scales of police and prison officers is a grievance common to most states of the country. Some states have already brought parity in these scales.

The roles of prison officers in the just and effective functioning of the criminal justice system, and the correction and rehabilitation of deviants are no less important than those officers working in other wings of the said system, and require proper appreciation by the state and union govts.

20. Conclusions and recommendations

The living conditions of the prisoners were found to be generally satisfactory. The prisoners have some grievances regarding delay in trials and hearing of appeals. Most of them are very poor and unable to engage their own lawyers. They have been provided with lawyers at the cost of the state, by the Legal Aid Authority. Some of the prisoners were in the dark regarding the present position of trials and appeals and complained that their lawyers are not in contact with them. Some complained that in their absence their dependents are being harassed by their opponents. Yet others complained of false implication in cases in which they are not involved, by the police, sometimes in collusion with their opponents and in some cases in their eagerness to solve crimes about which they have no clue. Some pleaded passionately for helps in the rehabilitation of their dependents and the education of their minor children.

I have already suggested, in course of this report, what action the prison administration could take in improving the living conditions of prisoners, and other ancillary services related to their welfare. Some of these recommendations are summarized below.


- i. The jail manual stipulates that each custodial institutions in the state shall have a qualified welfare officer for assisting the prisoners in overcoming problems of institutional adjustment, in dealing with problems faced by their families and dependents, identifying the resources for rehabilitation of prisoners, interpreting legal and procedural rights of the prisoners, arranging legal aid for indigent prisoners, preparing petitions and appeals in deserving cases, helping the staff in understanding the problems faced by the inmates, etc. This is the largest jail in the state. The fact that the post of welfare officer has not been sanctioned for this prison highlights the serious gaps between the declared intentions of the UT administration and the situation obtaining in the ground. The UT administration must take immediate action for sanctioning the post of welfare officer for this prison.
- ii. Ceiling fans should be provided to the prisoners' wards. If necessary these may be caged.
- iii. Convicts and UTPs must be separated. At present they are mixed up in some wards, particularly in ward no 2.
- iv. Vocational units in the prison should be further diversified by opening mobile phone repair units, radio and TV repair units, motor binding units and a garage. The supply of raw materials for the furniture manufacturing unit should improve.
- v. The diet scale, particularly in regard to rice and atta issued to non-labouring prisoners should be reviewed. It is interesting to note that while the detainees in the poachers camp are sanctioned Rs45/- each per day for their diet, the prison administration spends around Rs35/-per day per prisoner.
- vi. Facilities for elementary diagnostic and pathological tests should be developed in the prison hospital and trained technicians posted to run these units.
- vii. Psychiatrist patients should be kept in separate hospital wards for proper follow up of their treatment. The psychiatrist should pay periodical visits to them in the hospital.
- viii. Isolation wards for the treatment of patients with infectious/contagious diseases should be provided in the prison hospital.
- ix. An ambulance with two drivers should be sanctioned for the hospital early.

- x. The promotion prospects of jail officers and staff are quite bleak. There is only one post of superintendent in the entire state. Only one post of Dy.Suptd, 1 post of jailor and 1 post of Dy jailor are sanctioned for this prison. As a result, officers are forced to spend almost their entire service career in one rank. This is highly demoralizing. The UT administration may address this problem early. Creation of common cadres for related services, in situ promotions and introduction of time scales of pay may be of help.
- xi. There is a case for increase in the wages of labouring prisoners. The minimum wage in the UT is around Rs120/- per day as reported by the superintendent. The wage for a skilled labour is only Rs24/- per day. Even if we add to it the expenditure on food, clothing and hygiene provided to the prisoners, the total will fall far short of the minimum wage. The UT administration may consider enhancing the wages of skilled workers to Rs 35/ per day. Those for unskilled workers and apprentices may be fixed at Rs 28/ and Rs20/ respectively per day.
- xii. Parole and leave may be granted more liberally. Some under trial prisoners continue to remain under detention even after being granted bail for their failure to provide surety. The jail administration may explore the possibility of motivating some NGOs/public spirited persons to stand surety for them. In some states institutions like the Ramkrishna Mission have come forward to help such indigent prisoners.
- xiii. The board of visitors must visit the prison at regular intervals. The UT administration may consider creating the post of an AIG/DIG in the prison directorate for strengthening the inspection system.
- xiv. The supervising officers of the prison must be made to occupy the quarters earmarked for them.
- xv. The UT administration may take measures for sensitizing the police force of the Islands to the human rights of the persons taken by them to custody, in view of the allegations of unlawful detention, malicious implications in false cases and torture in custody, highlighted during my interactions with the prisoners.
- xvi. The post of a primary school teacher should be sanctioned for the prison early.
- xvii. Proceedings for the repatriation of foreign prisoners should be initiated well ahead of the completion of their prison terms so that

they do not have to be dumped into the poachers' camp after serving the sentence awarded to them by the courts.

xviii. Samples of water supplied by the PWD and drawn from the prison well should be sent for chemical and bacteriological examination twice a year and measures taken for curing the same based on the test results.

xix. The prison officers, particularly those in the supervising ranks, should be periodically transferred.


16/6/07
Damodar Sarangi