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.nil Pradhan, IPS (Retd.)
Special Rapporteur, North-East Zone
National Human Rights Commission
New Delhi



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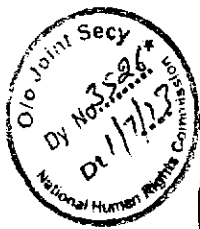
Dear *Shri. Alok,*

Enclosed, please find a report on my visit to the Central Jail, Dimapur, Nagaland. I was accompanied by Shri. L. Lotha, IPS, DG, Prisons, Nagaland and Shri. Kedi Angami, Nagaland Jail Service, Sr. Superintendent of Jail, Central Jail, Dimapur, Nagaland.

With best wishes,

Yours sincerely,

Anil Pradhan
01/07/2013
(Anil Pradhan)



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Shri. Alok Shrivastava, IAS
Joint Secretary (P&A)
National Human Rights Commission
Faridkot House, Copernicus Marg
New Delhi 110001

4/11/2013

Central Jail, Dimapur, Nagaland

1. Introduction:

I visited Central Jail Dimapur along with Shri. L. Lotha, IPS, DG, Prisons, Nagaland, Shri. Kedi Angami, Nagaland Jail Service, Sr. Superintendent of Jail, Central Jail, Nagaland, Dimapur on 11th June 2013. Shri. Nikhaho Sema, NJS, Jailer, received us at the Central Jail, Dimapur.

The Central Jail was established in 1965 with a large land area of 60 (sixty) bighas. Sometime during the 1990's, almost half the land was handed over to Doordarshan. The present land holding is 36 bighas.

2. Past Visits:

This facility was last inspected by Shri. B. Kezo IPS, DG, Prisons on 24th May 2012. Prior to that, a number of dignitaries had visited this place, including Shri. W. Kithan, Parliamentary Secretary, Prisons /Home Guards/Fire and ES, on 9th April 2008.

3. Wards and Capacity:

There are a total of 12 wards in the jail complex. However two of these wards are non-functional owing to non-repair. In the remaining 10 wards, about 18 inmates are kept in each ward.

The capacity of the jail is 600 (Males 550; Females 50). However, in this jail only males are lodged. Females are kept in the Sub-Jail, Dimapur.

4. Daily Routine:

The daily routines of the inmates consist of indoor as well as outdoor games after their ablutions. After 11:00 am, they are free and time is allotted for visitors as well as for visiting NGOs.

5. Staff Strength:

To look after the welfare of the inmates, there are 121 staff members with the majority of them (66 numbers) being warders. The staff strength is at Annexure 'A', while the list of the names of the staff is at Annexure 'B'.

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Central Jail, Dimapur, Nagaland

6. Inmate Population:

The population of the inmates as of 11th June 2013 is 159 (Annexure 'C'). Of them, 84 are UTPs while 60 are convicts. Also 14 are NSA detainees while 1 is awaiting deportation.

The period of custody of the 84 UTPs is at Annexure 'D' with the majority of them being lodged for less than three months. The details of the convicts are at Annexure 'E'. Those of the UTPs, is at Annexure 'F'. A list of the NSA detainees is at Annexure 'G'.

7. Mental Health:

The Chaplin keeps in regular touch with the inmates. However, I was given to understand that a full-time Counsellor as well as a full-time advocate are both necessary. This appears to be required as some of the inmates go into deep depression quite frequently.

8. Family and Friends Visits:

There are no restrictions regarding interviews being granted to the family members and friends of the inmates. However, if the family members insist that some friends not be allowed to meet their inmate owing to addiction to drugs, then visits by such friends to that particular inmate, is disallowed.

9. Education:

I was informed that several attempts were made to get educational programmes from the Indira Gandhi National Open University (IGNOU) started. However, no success has been achieved in this regard.

10. Physical Health:

There is only a part-time visiting doctor available with the pharmacist administering the necessary medicines when required. Prison officials indicated that a full-time Medical Officer is required as the part-time doctor visits only once or twice a week. Further, they are transferred out after two or three months. This necessitates re-telling of the entire medical history of the patient over and over again, at times, resulting in sullen moods.

Central Jail, Dimapur, Nagaland

11. Remission:

The provisions of remission are practiced here. In a month, a convict can earn 5 to 6 days remission from his sentence. This includes two days if he does office work and two days for good conduct. Further, one month remission, in a calendar year, may be earned by an inmate in case of hard labour, like repairing of a ring well. Also, senior supervisory officers, like IG, Prisons, may remit two months in one calendar year on medical grounds. Further, visiting dignitaries may grant 15 days remission to convicted prisoners in one calendar year.

12. Security:

There are 8 watch towers manned by the Nagaland Armed Police (NAP) on a rotational basis. They are part of the company which is responsible for the external security of the jail complex. The internal security is the responsibility of the jail staff. Other aspects of the security system include security lighting, alarm system and CCTV.

13. District Review Committee (DRC):

I was informed that the District Review Committee (DRC), notified on 14th May 1999 had not met in the recent past. The IG, Prisons had made a number of attempts to get the DRC to hold its meeting but to no avail. He had met ADC, Dimapur on 5th April 2012 and DC, Dimapur on 11th April 2012. (Annexure H).

14. Interaction with Inmates:

My interaction with some of the convicts is as follows:

1. Shri. Lavito Sema (Annexure 'E', SNo. 8) – He has been convicted by an Army court for murder. He committed this crime in the last week of his service career spanning 32 years. His request is that all his life savings have been spent during the trial. He now prays for some pensionary benefit when he is released after 20 years (Lifer) on 21/02/2026.
2. Shri. Abdul Kalam (Annexure 'E', SNo. 24) – He is part of 9 (nine) other inmates convicted for murder, bomb blast and

Central Jail, Dimapur, Nagaland

criminal conspiracy. His contention is that when the bomb blast occurred, he was lodged in Diphu Jail and, as such, was not present at the place of occurrence. He was falsely implicated.

3. Shri. Shajan Ali (Annexure 'E', SNo. 21) – He needs reference to the Legal Aid Cell as he claims he had no hand in the murder.
4. Shri. Sultan (Annexure 'E', SNo. 31) – He claims that his sister is more than willing to give him an alibi for the second case. Also, he says that his forced confession to the Investigating Police Officer was used against him.
5. Shri. Tavishe Sumi (Annexure 'E', SNo. 15) – He requests for some representative from the Legal Aid Cell to tell his part of the story.
6. Shri. Mazaikong (Annexure 'E', SNo. 16) – His contention is that he did not commit the rape.
7. The case of Md. Kabir, a foreign national awaiting deportation is the strangest (Annexure 'I'). His story is that he entered the country without any travel documents and passport and also without the Restricted Area Permit (RAP). He was therefore charged with an offence u/s 14, Foreigners' Act. Accordingly, the Civil Judge, Tuensang, Nagaland, sentenced him to 10 (ten) months' imprisonment on 9th October, 2009. Also, the judge allowed the accused to be transferred to Central Jail, Dimapur, to enable the Government to deport the foreign national.

On 9th November 2009, the District Magistrate, Dimapur, ordered his deportation as the sentence of 10 months' imprisonment had expired on 4th November 2009. Accordingly, the D.M. ordered his deportation.

Since then, the accused have been languishing in jail. As of today, he has been held captive for more than 3 years 7 months (04/11/2009 to 12/06/2013). He pleads for shifting to Guwahati Jail so that he may trace out his mother through other convicts

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charged under 14 Foreigners' Act. Even then, his chances of being released appear dim as he claims there is no one in Bangladesh to vouch for him, his father being long dead. Also, he says he has no other relative or even an address in Bangladesh to give to the authorities.

15. Suggestions:

1. A full-time doctor seems a necessity for an inmate population of 84. Only the pharmacist does not seem to be coping up with such a large number.
2. More frequent counselling sessions may be held to combat depression and other dangerous imbalances of the incarcerated people lodged here.
3. A regular Inspection Register and not only a Visitors' Book, is required.
4. The Convicted, the National Security Act detainees and the Under Trial Prisoners, are all kept mixed up here. Attempt may be made to segregate the UTPs from the other two categories.
5. As the inmates have plenty of time at their disposal, more concerted efforts may be made to open a branch of the Indira Gandhi National Open University (IGNOU) here. Else, some facility may be afforded to the inmates to partake of the various courses of study of IGNOU.
6. The District Review Committee (DRC) may be formed at the earliest so that the cases of the inmates are heard.

(Shri. A. Pradhan) IPS (Retd.)
Special Rapporteur, NE Zone
National Human Rights Commission

1.	Sr. Superintendent	1
2.	Jailor	1
3.	Assistant Jailor	4 (2-Regular/ 2- Ad hoc)
4.	Chief Head Warder	1
5.	Head Warders	8 (7- Male/ 1- Female)
6.	Warders	66 (60- Male/ 6- Female)
7.	H/A	2
8.	U.D.A.	1
9.	L.D.A.	2
10.	Pharmacist	1
11.	Visiting Doctor	1
12.	Office peon	2
13.	Water Carrier	5
14.	Driver	4
15.	Handy man	2
16.	Sweeper	6
17.	Music Instructor	1
18.	Tailor	1
19.	Carpenter	1
20.	Ad Hoc	11


 Sr. Superintendent of Jail,
 Central Jail, Dimapur.

From sk tewari <tewarisk@yahoo.com>
 Date Thursday, May 23, 2013 3:40 pm
 To sgnhrc@nic.in

Dear Dr Sahu

When Member (SCS) visited the Lucknow District Jail on 16 May, I accompanied him. During the visit I interviewed some relatives of prisoners. The information thus gathered could not be submitted to the Member in writing. The same is now furnished in the form of the attached note.

Regards
 Sincerely,
 Sktewari

May 16. int. w/ H.M (SCS) on file.

Alm Sah
 23-5-13

~~JSCPA~~

~~JSCA~~

~~Key~~
 24/5/13

4859/DS-A
 27.5.13

S.M.
 24/5

RRD

Member (SCS)'s Visit of Lucknow District Jail [16 May 2013]

Information gathered from Relatives of Prisoners etc

1. Illegal Levies: The following persons alleged that an illegal levy called *Hata Jama* [literally, Enclosure Deposit] had to be paid at rates ranging from 900/ to 2200/. The money is made available by the relatives to the prisoner who pays it to someone inside the jail [possibly, a head warder]. Another levy is charged by the warder who accompanies the prisoner to the interview hall. If the interviewer (relative or other) deposits money for the use of the prisoner, this warder takes a cut of about 10 per cent.

Names of Prisoners Whose Relatives Complained

- a) Pappu s/o Saheb Din
 - b) Rohit alias Beni
 - c) Ashok Tiwari s/o Shri Krishna Tiwari (Late)
 - d) Shahabuddin
 - e) Mohammad Salim
 - f) Munna s/o Tapesar
 - g) Rajendra s/o Chandra Prakash
2. Juveniles in Jail in violation of the JJ Act

- a) Rohit alias Beni s/o Dorilal
- b) Amir Ahmad
- c) Aman Gupta

[There may be more. This information was gathered without entering the prison barracks]

3. Engagement of Prisoners for Unpleasant Jobs:

According to the Superintendent some prisoners are engaged in cleaning latrines "on the basis of their caste" This is an abominable, not to say illegal, practice. The only way this labour can be regarded as voluntary is if the prisoners concerned apply for the jobs and are paid market wages

(Rs. 200-250/day). Also, the work must not involve any demeaning activity [necessary equipment, gloves etc to be supplied by the authorities].

4. A large number of prisoners are engaged for administrative duties [as *Numberdars*] or to work as peons and other staff. They are not paid any wages.
5. Most prisoners who work are paid Rs. 25/, the lowest wages. Only two get Rs. 40/ the highest wage (meant for a skilled person). The definition of skilled, semi skilled and unskilled is unclear. The wage rates are too low in any case. They need to be revised upwards as follows: Skilled-Rs 150/; unskilled Rs 100/ and semi skilled Rs 120/. The three categories should be clearly defined to avoid arbitrariness.

From sk tewari <tewarisk@yahoo.com>
Date Thursday, May 23, 2013 5:45 pm
To sgnhrc@nic.in

In re email sent earlier today, it may be added that my comment on the practice of engaging prisoners to work for cleaning latrines concerns a statement made to the Member by the Jail Superintendent and information on labour and wages is collected from the records of the jail which were examined by me on the Member's request,
Sktewari

I had sent this earlier mail to be put up on file. Pl. add this thereto.

John Sah
23-5-13

JS(PDA)
✓

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DSC(A)
24/5/13
S. G. S.
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P. R. L. D.