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shri. S. Jalia 4/11/2013

(34)

Enclosure 1. Central Jail, Gaya

Jail Profile and History

The Central Jail Gaya was originally set up as a District Jail in 1851 and was upgraded as a Central Jail in 1922.

Land and infrastructure

The Jail is spread over an extent of 31 acres, with buildings occupying 28 acres. There are altogether 21 barracks in the jail out of one is for female prisoners. In one Block there are six barracks and there are altogether five blocks. The other buildings include a library, a hospital (four Blocks and four cells). Two new barracks have been constructed for staff quarters.

Jail capacity and occupancy

Sanctioned capacity of the jail is 1478 against which there are 1489 prisoners at present. 49 women are lodged in the jail. Segregated data is not available for Sc/ST prisoners.

Category-wise details of prisoners

601 under trials (560 male; 41 female) are lodged in the jail. There appears to be no mandatory segregation between under trial prisoners and convicts. There are only two civil prisoners though. 605 are session-committed, 27 prisoners undergoing simple imprisonment; 237 are RI cases. Three prisoners are facing death penalty. There is one case of a TADA prisoner. Two boys and girls are living inside the prison with their mothers/grandmothers.

No separate data is available about the number of prisoners belonging to SC/ST/Minority categories. It was mentioned that two Sardars too are lodged in the jail.

Manpower

Shri Mushtaq Ansari is the Superintendent of the jail since 4-8-2010. The total sanctioned staff strength of the jail is 261, out of which 183 posts vacant. (Annexure-1)

Many of the important posts including that of Jailor (1), Assistant Jailor (6) Chief cell Attendant (1), Cell Attendant Higher grade (20), Cell Attendants (143), Teachers (02) and others are vacant. Although 4 posts of medical officers have been sanctioned and are in place, the post of pharmacist is vacant.

48 out of 85 sanctioned Home Guards have not been engaged in the maintenance of security of the jail. Out of 110 jawans only 85 are in position. One Section BMP Section is in position.

Under-trial Prisoners

601 under trials (560 male; 41 female) are lodged in the jail.

Naxalite prisoners

Lodged in the jail are 102 alleged naxalite male prisoners who are under trials; there are however no female prisoners of this category. Two of the prisoners are stated to be notorious Maoists namely Surajdev Yadav alias Kirani Yadav and Lalu Majhi (case no: Tikkari 19/92 TADA Bara killings). Three prisoners have been awarded death penalty. Baldeo Rabidas alias Dinaji kanch is an under trial booked under 302 IPC in case no.121/91.

Condition of prisoners.

Women Prisoners

As mentioned 49 female prisoners are there in the jail, including 41 under trials; 4 Sessions cases; 4 Prisoners undergoing RI. I spoke to some of the women prisoners. Tinkku Devi, 25 from Danapuri is in jail with a child. One child is missing. Ratu Devi 25 has two children. Only one child is with her. She is booked for the murder of her husband. Surji Devi 60 is allegedly involved in the poisoning of her daughter-in-law. Puja Mandal and Sangeeta kumari are allegedly involved in running a brothel. Parvaty Devi 70 is in jail with her granddaughter. She is allegedly involved in the killing of her daughter-in-law. Amita devi 35 is in jail along with her five children. She is allegedly involved in a theft case. Her case needs to be taken up on priority. Shanti Devi 65 PS Fatepur is involved in a dowry related case. So was Shanti Devi 75 who is allegedly involved in a narcotics case. Saibun khatun 80, Satna 40 are convicted in a dowry death case. Nanoo Khan has completed 14 years in jail. I have already pointed out the wisdom of arresting older

people past the age of 75 in dowry and narcotics cases, who invariable suffer from psycho-somatic and age-related problems.

Male prisoners

I spoke to some of the male prisoners. Bindeswar Yadav has spent over 20 years in the jail; Nanhjoolah 68 and Sanjeev Srivastava 44 have completed 20 years in jail each.

It was mentioned that the State Remission Board regularly meets under the chairmanship of the Home Secretary. Every time the Board meets remission is allowed in large number of deserving cases.

Mentally ill prisoners

It was stated that screening for mental illness was done in respect of all the prisoners at the time of admission. Two prisoners were stated to be under observation. This gives rise to doubts as to whether regular screening is being carried out in the jail at all. The mentally ill prisoners should be shifted to Mental hospitals for proper treatment.

Custodial Deaths

Only one death was reported in the jail in 2011 and that was stated to be due to natural causes. Although the Jail Superintendent did not state it before me, from the report he had submitted to the district Administration, a copy of which was given to me separately along with other documents by the DM I find that nine custodial deaths have been reported in Gaya Central jail in 2012 (Annexure-2). All but two are stated to be under magisterial inquiry. The deaths in most cases have taken place 6months to one year back. In two other cases the status is not known. This is indeed a serious matter. The causes of death of those prisoners need to be verified by the IG (Prisons) himself.

Escape of prisoners

No instance of escape was reported during the last three years.

Basic amenities

Water supply and Sanitation

Water supply is ensured through 25 tube wells, out of which only two were stated to be working; the rest were unsuccessful. Pipe water supply is available. However, it was indicated that there is serious shortage in water supply in the jail. When it was brought to the notice of the DM, Gaya she promised to look into it. The toilet to man ratio in the jail is 25:1, which is a poor reflection of the attitude of the authorities towards the welfare of the prisoners.

Power Supply Power supply to the jail is very poor. It is hardly for 6-8 hours. For back up a generator is available.

Food Supply

I have already commented on the poor quality of the food and the lack of hygiene in the kitchen.

Education

Education of the prisoners is in a totally neglected state. There is one teacher appointed for teaching the prisoners basic education and another for taking care of young children. A literacy campaign by *Prerna* will be started shortly.

Jail Hospital

The hospital inside the jail could hardly be considered as one. Besides being badly maintained, it is barely providing any care to the patients undergoing treatment. The jail capacity sanctioned is only 90. 47 patients are currently admitted there. Six prisoners are said to be having TB. 3 are Leprosy patients. It was stated that milk, meat and eggs are being given to TB patients. I did not find any evidence for it. It was stated that separate wards are maintained for TB and Leprosy patients.

Video-conferencing

A video-conferencing facility is installed in the jail and is not functional for the last one month and a half.

Legal Aid

Legal aid is being provided to prisoners. Last year 30 prisoners were provided with legal aid. This year up to now 8 prisoners have been sanctioned legal aid. The

number of prisoners sanctioned legal aid is very small, when compared to the number of needy prisoners.

Lok Adalats

Lok Adalats are being held by CJM, Gaya. Unless action is taken to give counselling and to provide legal aids to deserving prisoners, the Lok Adalat cannot be of much help to prisoners.

Bail/surety

There are no prisoners waiting for sureties after being granted bail in the jail.

Appeals

Four prisoners have filed Appeals in the High Court against the orders passed by the lower courts. Jail authorities had no information of their progress.

Overstay by Prisoners

Seven prisoners are still lodged in the jail who have completed their terms. The jail authorities have reported the matter to IG prisons vide letters no; 3408, 3409, 3410, 3411, 3412 and 3414 dated 30-11-12 and vide letter no; 3442 dated 4-12-12. However no reply has been received. This matter calls for immediate attention of the IG (prisons) and the Home Commissioner. There is no reason why these prisoners should remain in the jail beyond their jail terms.

Parole

Parole for three days is granted by the DM, Gaya and 15 days by government.

Sports

Sports and cultural activities provide recreation to the prisoners. Volley Ball, Carom, Kabadi are played by the prisoners.

Library The Library though housed in a separate building is in run down condition. Some new books and Almarahs have been dumped there.

Cultural programs Sports and cultural activities provide recreation to the prisoners. Cultural programs are stated to be organized on special occasions. The

frequency of these programs needs to be increased so that the prisoners are able to participate in them, which is essential for ensuring their mental health.

Religious activities A temple and a make-shift mosque are available. Religious activities go on without any hindrance.

Yoga It was stated that one prisoner was trained in yoga.

TV/ News papers TV sets and News papers are being provided for the recreation of prisoners.

Vocational Training

Vocational training is provided to prisoners on a very limited scale that too in obsolete items like soap/Phenyl making etc. it is planned to modernise it with the help of BARC. The DPR is under preparation. Vocational training programs enable the prisoners to develop mental peace by responding to their artistic/aesthetic instincts, help them earn some remuneration, at the same time, motivate them to meet the requirements of various government departments by supplying the products. Therefore, they need to be up scaled with the help of reputed NGOs/Institutions and agencies.

Drug De-addiction program

This program has not been taken up in the jail.

Inspections

It was stated that DM visits the jail once every month. The IG (Prisons had inspected the jail on 6th February, 2013.

Security

8 watch towers have been set up to guard the jail out which only 7 are functional. Ex- military persons are engaged in guarding the prison.

Observations/ Recommendations:-They have been included in the general comments at the beginning of this report.

कार्यालय, अधीक्षक, केन्द्रीय कारा, गया।

Annexure-1

(28)

केन्द्रीय कारा, गया में पदस्थापित पदाधिकारियों /कर्मचारियों के स्वीकृत कार्यरत एवं रिक्त बलों की अद्यतन स्थिति :-

क्र०	पदनाम	स्वीकृत	कार्यरत	रिक्त
1.	अधीक्षक	01	01	-
2.	चिकित्सक	04	04	-
3.	कारापाल	02	01	01
4.	लेखा पदाधिकारी	01	-	01
5.	सहायक कारापाल	07	01	06
6.	मिश्रक	03	-	03
7.	लेखा लिपिक	01	-	01
8.	कारा लिपिक	03	02	01
9.	निम्न वर्गीय लिपिक	01	01	-
10.	मुख्य उच्च कक्षपाल	01	-	01
11.	उच्च कक्षपाल	25	05	20
12.	महिला कक्षपाल	05	04	01
13.	कक्षपाल	200	57	143
14.	शिक्षक	03	01	02
15.	परिधापक	03	-	03
16.	वाहन चालक	01	01	-

कारा में अस्थाई व्यवस्था के तहत पदस्थापित कर्मियों की अद्यतन स्थिति:-

1.	गृह रक्षक	85	37	48
2.	सैप जवान	110	25	85
3.	बी०एम०पी०	08	08	-
4.	बी०एम०पी०हवलदार	02	02	-


अधीक्षक,

केन्द्रीय कारा, गया।

मंडल कारा, जहानाबाद

दिनांक 02.02.13 को कारा में पदस्थापित कर्मियों की सूची

क्र०सं०	पदनाम	स्वीकृत पद	पदस्थापित	रिक्त	अभ्युक्ति
1	अधीक्षक	1	1	0	
2	कारा चिकित्सक	2	3	0	सविदा के आधार पर प्रतिनियुक्त
3	कारापाल	1	1	0	
4	सहायक कारापाल	4	0	4	
5	मिश्रक	2	0	2	
16	परिधापक	2	0	2	एक पुरुष कल्याण कार्यकर्ता सिविल सर्जन के आदेश से प्रतिनियुक्त।
7	कारा लिपिक	1	1	0	
8	निम्न वर्गीय लिपिक	1	0	1	
9	लेखा पाल	1	0	1	
10	मुख्य उच्च कक्षपाल	1	0	1	
11	उच्च कक्षपाल	11	3	8	
12	कक्षपाल	100	16	84	
13	महिला कक्षपाल	2	2	0	
14	भू० पू० सैनिक (कक्षपाल)	15	4	11	
	कुल :-	144	31	114	
	गृह रक्षक - प्रतिनियुक्त	53	21+3	29	
	बी० एम० पी०- 1 st प्रतिनियुक्त	-	जमादार	-	01
			हवलदार	-	04
			आरक्षी	-	16


 अधीक्षक
 मंडल कारा, जहानाबाद
 2.2.13

Annexure - 2

मृत

राष्ट्रीय मानवाधिकार आयोग से संबंधित प्रतिवेदन 2012 में मृत विचाराधीन बंदियों की सूची:-

क्र०	मृत विचाराधीन बंदी का नाम एवं पिता का नाम	N.H.R.C Case No	मृत्यु तिथि	लंबित मामला	की गई कार्रवाई	अभियुक्त
1.	हरी पासवान पे० अक्लू पासवान	652/4/11/2012-J.C.D	19.02.12	मजिस्ट्रीयल जाँच रिपोर्ट एवं भेसरा जाँच रिपोर्ट	1. पत्रांक 515 दि० 19.02.12 एवं 3213 दि० 12.11.12 के द्वारा मजिस्ट्रीयल जाँच रिपोर्ट की मांग की गई है। 2. पत्रांक 3212 दि० 12.11.12 एवं 3441 दि० 04.12.12 के द्वारा भेसरा जाँच रिपोर्ट की मांग की गई है।	ANMMCH, Gaya
2.	अनिरुद्ध सिंह पे० स्व० भान सिंह	578/4/26/2012-J.C.D	09.02.12	मजिस्ट्रीयल जाँच रिपोर्ट	मजिस्ट्रीयल जाँच हेतु पत्रांक 545 दि० 23.02.12 पत्रांक 1707 दि० 06.06.12 पत्रांक 2351 दि० 09.08.12, पत्रांक 2709 दि० 15.09.12 एवं पत्रांक 3227 दि० 15.11.12 द्वारा मजिस्ट्रेट प्रतिनियुक्त हेतु अनुरोध किया गया है।	P.M.C.H, Patna
3.	रामाश्रय यादव पे० स्व० सोहराई यादव	-	23.12.12	-	-	A.N.M..M.C.H, Gaya

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सजावार बंदियों का राष्ट्रीय मानवाधिकार आयोग से संबंधित प्रतिवेदन 2012 में मृत सजावार बंदियों की सूची :-

क्र०	मृत बंदी का नाम	N.H.R.C Case No	मृत्यु तिथि	लंबित मामला	की गई कार्रवाई	अभियुक्ति
1.	चन्दर सिंह पे० यमुना सिंह	1701/4/11/2012-J.C.D	23.5.12	मजिस्ट्रीयल जाँच रिपोर्ट	पत्रांक 1569 दि० 23.5.12, 3072 दि० 25.10.12 एवं 3203 10.11.12 के द्वारा मजिस्ट्रीयल जाँच रिपोर्ट की मांग की गई है।	Death ANMMCH, Gaya
2.	संजीव कुमार राय पे० जयप्रकाश राय	2038/4/11/2012-J.C.D	01.06.12	मजिस्ट्रीयल जाँच रिपोर्ट	पत्रांक 1665 दि० 01.6.12, 3073 दि० 25.10.12 एवं 3182 दि० 08.11.12 के द्वारा मजिस्ट्रीयल जाँच रिपोर्ट की मांग की गई है।	-do-
3.	सोहराई चौधरी पे० एतवार चौधरी	2001/4/11/2012-J.C.D	10.06.12	मजिस्ट्रीयल जाँच रिपोर्ट	पत्रांक 1741 दि० 10.6.12, 3100 दि० 30.10.12 एवं 3182 दि० 08.11.12 के द्वारा मजिस्ट्रीयल जाँच रिपोर्ट की मांग की गई है।	-do-
4.	परमानन्द शर्मा पे० नन्दकेश्वर शर्मा	2175/4/11/12-J.C.D	15.6.12	मजिस्ट्रीयल जाँच रिपोर्ट	पत्रांक 1797 दि० 15.6.12, 3102 दि० 30.10.12 एवं 3203 दि० दि० 10.11.12 के द्वारा मजिस्ट्रीयल जाँच रिपोर्ट की मांग की गई है।	Death ANMMCH, Gaya
5.	मदन शर्मा पे० स्व० अम्बिका शर्मा	2174/4/11/2012-J.C.D	16.06.12	मजिस्ट्रीयल जाँच रिपोर्ट	पत्रांक 1814 दि० 16.6.12, 3101 दि० 31.10.12 एवं 3223 दि० 15.11.12 के द्वारा मजिस्ट्रीयल जाँच रिपोर्ट की मांग की गई है।	Death ANMMCH, Gaya

6.	रामचन्द्र यादव पे० देवचन्द्र यादव	2089/4/26/2012-J.C.D	17.06.12	मजिस्ट्रीयल जाँच रिपोर्ट	मजिस्ट्रीयल 1828 दि० 16.6.12, पत्रांक 3022 दि० 15.10.12, 3204 दि० 10.11.12 एवं 3609 दि० 21.12.12 के द्वारा मजिस्ट्रीयल जाँच रिपोर्ट की मांग की गई है।	Death P.M.C.H, Patna
7.	गोंगा मांझी पे० मतलू मांझी	2269/4/11/2012-J.C.D	03.07.12	मजिस्ट्रीयल जाँच रिपोर्ट	पत्रांक 1975 दि० 03.07.12, 3203 दि० 10.12.12 एवं 3064 दि० 20.10.12 के द्वारा मजिस्ट्रीयल जाँच रिपोर्ट की मांग की गई है।	-do-
8.	बिनोद शाह पे० विजेन्द्र शाह	2853/4/11/2012-J.C.D	31.08.12 01.09.12	भेसरा एवं मजिस्ट्रीयल जाँच रिपोर्ट	1. भेसरा जाँच प्रतिवेदन पत्रांक 3114 दि० 31.10.12 एवं 3440 दि० 04.12.12 2. मजिस्ट्रीयल जाँच प्रतिवेदन पत्रांक 3065 दि० 20.10.12, 2560 दि० 01.9.12 एवं पत्रांक 3205 दि० 10.11.12 के द्वारा मांग की गई है।	Death ANMMCH, Gaya
9.	विफल मांझी पे० शिवा मांझी	-	07.12.12	-	-	Death ANMMCH, Gaya

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अधीक्षक

क्रि. नं. 457
29.12

राष्ट्रीय मानवाधिकार आयोग से संबंधित प्रतिवेदन 2011 में मृत विचाराधीन बंदियों की सूची:-

क्र०	मृत विचाराधीन बंदी का नाम एवं पिता का नाम	N.H.R.C Case No	मृत्यु तिथि	लंबित मामला	की गई कार्रवाई	अभियुक्ति
1.	त्रिभूवन साव केसरी पे० मथुरी साव केसरी	1918/04/26/2011-J.C.D	28.08.11	मजिस्ट्रीयल जाँच रिपोर्ट	पत्रांक 2323 दि० 07.08. 12, 3226 दि० 15.11. 12 एवं 211 दि० 28.01. 13 के द्वारा मजिस्ट्रीयल जाँच रिपोर्ट की माँग की गई है।	P.M.C.H, Patna

अधीक्षक

राष्ट्रीय कारा, गया
29/11/13