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With the approval of the Commission I visited the State of Bihar from 20th June to 04th July, 2014. I took this opportunity to visit Central Jail Buxar, District Jails Arrah and Sasaram, District Jail for Women as well as the Open Jail, Buxar.

Enclosed here with are the reports of my visit to the above mentioned five jails. I shall be grateful if they are placed before the Commission early.

S. Jalaja

Special Rapporteur, NHRC

31-8-2014.

Report of S. Jalaja, Special Rapporteur, NHRC on her visit to Central Jail, Buxar and District Jails, Arrah and Sasaram 1-4 July, 2014.

Jail Profile and History

Central jail, Buxar and the District Jails of Arrah and Sasaram are three of the oldest jails in India. They are located in places of historical importance which once formed a part of extensive Shahabad district. The old colonial structures in these jails are in a state of decadence, and, are now mostly replaced by new constructions. Part of the remaining structures need to be retained and renovated; the rest need to be demolished. However, one can only hope that while doing so, the facades of the main buildings will be preserved so that future generations can perceive a sense of history of these jails.

I visited Central Jail, Buxar, and the District jails of Arrah and Sasaram. In addition I also made a brief visit to Sub jail, Buxar now upgraded as District Women's jail as well as the newly declared Open Jail in Buxar. Some of the general observations pertaining to Central Jail Buxar and District Jails Arrah and Sasaram are given below. Reports on the visit to the Women's jail and the Open Jail, Buxar are also enclosed.

It is noted that the present government has taken a number of steps on jail reforms, including approval of a new Jail Manual, construction of new jail buildings, recruitment of staff, increased remuneration for work etc. However, so much more needs to be

done so that jails in the state become humane and reformative institutions.

It is observed that the three jails, like all other jails elsewhere (there are exceptions), are run generally based on age-old convention—that all prisoners are criminals and that they do not deserve any sympathy or humane treatment. Under-trials are lodged along with convicts, jail authorities not being conscious of the need for their segregation. The jail staff is neither trained nor equipped to deal with the prisoners with sensitivity. Besides, the well-being of prisoners is considered synonymous with their physical well-being only. Hardly any time in the life of an average prisoner is spent in the pursuit of things that give meaning to life. Educational and vocational programs cover only a few prisoners (some prisons do run excellent programs). The quality of these programs is indeed very poor. In these jails prisoners do not produce clothes, blankets, soaps and other materials of their daily use. Except for cooking food or gardening, their services remain under-utilized. Thus the endeavour of the prison authorities should be to improve the overall quality of life of the average prisoner.

- The basic conditions in jails such as living space, water and power supply, provision for drinking water, clean toilets and well-aired bathing places can contribute to the quality of life of the prisoners. Therefore, living conditions of prisoners in all the three jails need considerable improvement. Old buildings are to be pulled

68

4

down and new structures built; hand pumps are to be repaired; toilets and bathing platforms renovated and drains reconstructed.

- All the three jails have huge manpower shortages. In the Central Jail, Buxar out of 379 sanctioned posts 231 are vacant; in District jail, Arrah 115 vacancies are reported against 154 sanctioned posts and in District Jail, Sasaram it is 108 against 157 posts. Although the Police Recruitment Board is stated to have been entrusted with the responsibility to recruit these personnel, no definite time-limit has been fixed for this purpose.

- There was no mandatory segregation of under trial prisoners from convicted prisoners in all the three jails.

- **Over-crowding**

While in Central Jail, Buxar, the actual number of prisoners (827) was less than the sanctioned capacity (1126); in Arrah it is 906 against 664 and Sasaram 639 against 970. Only the District Jail Arrah has more number of prisoners beyond the sanctioned capacity. There is need for harmonising sanctioned capacity and the number of prisoners actually present. Budgetary needs for fulfilment of the basic rights of all prisoners like food, clothing and sanitation have to be carefully assessed in respect of each jail by the jail administration.

- 25 custodial deaths have been reported in Buxar Central jail from 2011-14. All are stated to be due to natural causes. In District Jail Arrah out of 8 cases reported

during the same period only one was stated to be due to unnatural causes-a case of self immolation by a prisoner. The matter is under inquiry by a judicial Magistrate. 05 cases were reported in District Jail Sasaram during the same period. Only one was suspected due to unnatural causes. The case is under magisterial inquiry. It is observed that considerable time is lost on getting the inquiry completed in cases of unnatural deaths. Even after the lapse of more than 3 months, the inquiry on the serious case of self-immolation is not complete. No accountability has been fixed against the jail staff. Large numbers of normal deaths reflect the poor quality of health care in the jails and the lack of timely help extended to the prisoners. Each case of death needs to be analysed separately and action taken.

- The **under trials** constitute more than 50% of the population in all the three jails (about 92% in Arrah); in Buxar at 447(447 male: 0 female); Arrah 830 (799 male: 31female) and Sasaram at 353(349 male: 04 female). It was noted that in District Jail Sasaram 25 male prisoners are in jail for 3-5 years and that there are eleven male prisoners who have been under trials for more than 5 years. There are four prisoners who have been under trials in Buxar Central jail for more than 5 years. A mention may be made about two of the under trails Pradeep Thakur, s/o Babban Thakur and Deepak Rams/o

Dukhi Ram, both of whom have been in Sasaram District jail since 18-9-2004 (**9 years seven months**) and 31-1-2003(**11 years 6 months**) respectively. There is only one prisoner who has been an under trial in District jail Arrah for more than 5 years. It is reported that Vinod Singh, s/o late Ramchandra Singh who is involved in sessions case No.533/06 is continuously in District Jail, Arrah since 22-11-2003 ie.**10 years and 7 months**. Action needs to be taken as per sec 498A of IPC. Necessary legal aid should be given to those prisoners.

Although some feeble attempts have been made to reduce the under trial population in a routine manner, action needs to be speeded up for regular production of witnesses before courts, regular holding of Lok Adalats, sanctioning of legal aid to all deserving prisoners, use of video-conferencing facility, setting up of fast-track courts and other such action needed to facilitate quick decision by courts.

- The video-conferencing, a powerful tool in reducing under trial population, has not been functional in all three jails for long periods. It is largely ornamental.
- The system of Lok Adalat and Legal-Aid Clinics is not functioning well in the jails. The District Legal Services Authority needs to be activated.
- Lodged in Buxar Central Jail are 17 **alleged naxalites** and in district Jail Arrah just 02. In Sasaram the number reported was 32. Virendra Ram alias Virender Musahar

and Dasarath Ram alias Dasarath Musahar alleged Maoists lodged in Arrah jail stated that they were taken to the Thana while working in the field. They were not given any reason for their arrests and were told that they would be released when they reach the Thana. They were however, sent to jail. Of the 32 alleged naxalites in Sasaram jail, 21 of them are booked under the CLA Act and under various provisions of IPC, 06 of them are detained under section 22 of POTA (which already stands repealed) and different provisions under IPC. It is absolutely necessary to review each case separately and ensure that no innocent person is detained and that harsh provisions of law are not applied in cases, without application of the mind.

- **Women prisoners:** - No Priority is being given to **female under trial prisoners** who number (nil in Central Jail Buxar) only 31 in Arrah and 04 in Sasaram District jails in the production before courts.
- Directions have been given by the Apex Court in Upadhyay vs. State of Andhra Pradesh Dated 1-11-2000 regarding the care of women prisoners and children staying with them, especially about their right to health, nutrition and education. These directions have only been partially implemented by providing some of the facilities.
- It was noted that lady doctors and Gynaecologists have not either been posted nor are regularly present to take

care of the health of women and children. The prison hospitals do not have separate wards for women.

- **Mentally ill:**-Prisoners reportedly suffer from a variety of mental disorders including depression, schizophrenia, anxiety besides Alzheimer's, loss of memory and the like. Very few cases of mentally ill prisoners have been reported in these jails. This raises doubt as to whether periodic screening of prisoners for mental illness is undertaken at all in these jails.
- **Health Care:** - Although hospitals have been set up in the three jails, they are not equipped to deal with the health needs of the prison population. There are no operation theatres. Diagnostic facilities are not available in all the three jails. It was again doubtful whether regular screening for TB, Malaria and HIV/AIDs and also for chronic diseases like hypertension, diabetes and cancer is undertaken.
- The quality and quantity of food being provided to prisoners appeared to be satisfactory. The daily cost of food per head has to be fixed on realistic basis.
- Facilities for education, recreation and vocational training were very poor or altogether absent. No classes for male or female prisoners were witnessed during my visit. Some attempt has been made through Prerna Program, but was not enough.
- Recreational facilities, including sports were limited in all the three jails. Prisoners, therefore, are forced to stay

within the barracks most of the time, idling away their time. There were no sport facilities for female prisoners.

- Vocational trainings should have kept the prisoners busy. It was stated that the State Government has raised the rate of remuneration paid to the prisoners for the skilled/semi-skilled and unskilled work they do in the prison and that that is the highest rate being paid to prisoners in the country. It is not clear why the rates have been raised without ensuring that regular vocational trainings are organized for prisoners.
- The jail libraries were in very bad shape and appeared to be in a state of disuse.
- Rights of prisoners to meet their family members are hampered without any proper arrangement for their meetings, though visitor's rooms were stated to be under construction.
- There was very little or no involvement of reputed NGOs, or institutions in running educational and vocational programs in the jails

Recommendations

1. Keeping in view the poor living conditions in the three jails, the State Government should take immediate action to improve the same in all the three jails.
2. A plan of action needs to be drawn up so that activities, funds and functionaries are in place within a set time-frame.

102

10

3. Recruitment and training of staff should be undertaken on priority. The training should focus on the management of modern jails.
4. Segregation of prisoners, under trial and convicted (except Central Jail Buxar) should be taken up without delay.
5. Efforts should be to reduce the **under trial population**, so that the jails are not congested and over-crowded.
6. Custodial deaths due to unnatural causes in all three jails should be investigated within a month and remedial action taken promptly.
7. The Board of visitors to the jail may be constituted immediately
8. Every case of women prisoners need to be scrutinized thoroughly.
9. Women under trials should be given priority for production before court, providing legal assistance etc
10. Review of each case of **naxalite prisoners** should be undertaken. Many times groups of people are arrested by the police without checking on the involvement by individuals. It is absolutely necessary to review each case separately and ensure that no innocent person is detained and that harsh provisions of law are not applied in cases without application of the mind.
11. The **Board of visitors** to the jail may be constituted immediately.
12. Full-fledged jail hospitals with sufficient number of doctors, gynaecologists and specialists, with supporting

staff, diagnostic facilities and supply of medicines should be set up. Pending such action, OPD facilities for both male and female prisoners should be improved without any delay in all three jails. Diagnostic facilities could be set up on PPP mode to avoid delay in setting facilities and improve efficiency. The Central Jail, Buxar ought to have a full-fledged modern Hospital which could be utilized by prisoners from jails in the adjoining districts, in serious cases. AYUSH Facilities need to be provided in all the five jails to take care of prisoners suffering from chronic illnesses.

13. Screening for Malaria/TB/HIV/AIDS and chronic diseases like cancer, hyper tension, diabetes etc should be started immediately.
14. Screening for **mental illness** amongst prisoners should also be done immediately with the help of reputed mental health institutions. Mentally ill prisoners are not to be kept in jail and are to be transferred to the nearest mental health institution for their care and treatment.
15. **Care of women and children** Supreme Court's directions regarding health education, nutrition and other facilities to women and children should be implemented without any further delay. Children should be provided nutritious food and aids for play and learning.
16. Improvement of food quality and hygiene need to be ensured with immediate effect. Special diets for the patients, eligible women and children should be arranged.

There appears to be a need for having a separate kitchen/kitchenette in the women's ward. Kitchens in all three jails need to be modernised.

17. **Vocational trainings** for prisoners should be undertaken with the help of reputed NGOs/Institutions/Agencies. The trades should be carefully selected. Requirements of furniture/stationery etc of various government departments could also be met this way.
18. **Training of prisoners** Prisoners serving long terms could be trained in hand pump/electrical/furniture repairs etc so that there is no difficulty in getting repair works done in jails.
19. **Manual work** The prisoners, by rotation, may take up various items of work in jails like cleaning, gardening, maintenance and running of libraries.
20. **Budget** A careful scrutiny of the budgets of the jails should be undertaken.
21. **Grant of untied funds** (rolling fund) of Rs.5-10 lakhs for Central Jails and 3-5 lakhs for District jails and up to Rs 3 lakhs for Sub Jails could be considered by the State Government so that they do not face any problems in getting petty works done in jails or in making small purchases. This could be administered by a committee comprising of the DM/SP/and the JS, in the case of Central/District jails; SDO/DYSP and Jailor in respect of

Sub-Jails, the JS/Jailor being the Member Secretary of the respective committees.

22. Decentralization

The jails are run in a highly centralised manner. Decentralization and delegation of power should be undertaken without any delay. The delegation should be clear, simple and effective.

23. Facilities for worship for all categories of prisoners may be provided in the jails.

24. Involvement of NGOs:- Reputed NGOs /institutions in teaching/training/running Yoga and meditation classes, counselling etc could be enlisted.

25. Secondment:- Jail Superintendents, before taking over charge of jails, should undergo mandatory secondment with the Tihar /Raipur Jail in Chhattisgarh to gain experience of running jails which are models for other jails and for improving the quality of administration of their own jails.

26. Jail Manual The state Government has already brought out a progressive Jail Manual. Its provisions should be implemented within a definite time-frame.

27. Workshops for senior officers and staff on the implementation of the new Jail Manual need to be organized

28. Use of Non-conventional energy:- Wherever feasible, modern technology should be harnessed for the management of prisons and the prisoners, especially having energy efficiency in electrification and security

58

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systems , technology supported education and health care of prisoners, better sanitation and living conditions, modern kitchens, monitoring of under trial prisoners, better management of cases, etc

A Central Jail like Buxar ought to function as a model Central Jail and District Jails of Arrah and Sasaram as Model District Jails.

{The item-wise details of inspection of the three jails are given below to facilitate follow-up action by the respective jails}.

1. Report on visit to District Jail, Arrah on 1-07-2014

Jail Profile and History

The present jail at Arrah was originally set up as a District Jail in 1885, when Arrah was the headquarters of the old Shahabad district. Even after the bifurcation of Shahabad into Bhojpur and Rohtas districts in 1972, and further division of Bhojpur into Bhojpur and Buxar districts in 1992, it continued to remain as a district jail.

Land and infrastructure

The jail is spread over an extent of 9-10 acres, with buildings occupying 06 acres. There are altogether 03 Prison blocks and another three blocks, one block each for women, youth and the jail hospital. The jail also has 12 barracks and cells each. Out of these 1-6 no. wards are about 100 years old and are in a dilapidated condition; wards 11/1 to 12/4 are somewhat new and are about 10 years old. The block accommodating the old and young prisoners is newly built. The female and hospital blocks are also old, and too are in dilapidated condition. As the old prison wards and the hospital ward are beyond repair, they need to be demolished and new barracks constructed. The other wards require renovation.

It was stated that 3 new blocks of 100x 3=300 capacity have been constructed; but they have not been put to use due to the absence of an enclosure wall as well as two watch towers to ensure security. Funds to the tune of Rs. 1, 00, 84,700.00 (Rupees one crore eighty-four thousand seven hundred only) have been transferred to the Executive Engineer, Building Dept. Bhojpur. If the blocks are made operational, the capacity of the jail would be enhanced by 300, thereby increasing the total capacity of the jail to 664+300=994. Therefore, keeping in view its importance, this work needs to be expedited on top priority basis.

The Administrative Block of the jail accommodates various offices and a computer room. The building is over 100 years old and is presently in a dangerous condition. A new block needs to be built without any further delay. The main gate of the Jail too is old, constructed at the time of setting up the jail. The wooden doors of the gate are unsafe and are a threat to the security of the jail. Besides, its width is too narrow to allow trucks carrying provisions / building materials etc to go through it. It also needs to be re -built along with the Administrative Block. However, while constructing the new buildings, their facades could be preserved, keeping in view their historic importance.

Manpower

Shri Lallan Kumar Sinha is the Superintendent of the jail since 4-8-2010. The total sanctioned staff strength of the jail is 154, out of which 115 posts vacant: only 39 are in position.

Many of the important posts including that of Assistant Jailor (03) Chief cell Attendant (1), Cell Attendant Higher grade (09), Cell Attendants (78), Pharmacists (02) and others are vacant. 02 posts of medical officers have been sanctioned against which contractual appointments of doctors have been made.

Jail capacity and occupancy

Sanctioned capacity of the jail is 664 (639 male and 25 female) against which there are 906 prisoners (872 male and 34 female) at present.

Category-wise details of prisoners

Out of 906 prisoners 107 are convicts and 603 are under trials (575 male; 28 female). *There appears to be no mandatory segregation between under trial prisoners and convicts.* There are no civil prisoners. 190 (187 male; 3 female) are session-committed, 06 male prisoners are undergoing simple imprisonment; 101 (98 male; 03 female) are RI cases. There are no prisoners facing death penalty. There are two alleged extremist and 02 CCA prisoners. Segregated data is not available for SC/ST prisoners. Two children of 1-5 years of age are living inside the prison with their mother/grandmother.

Three female prisoners are detained on the orders of the Railway Court in case no.32/14 u/s 379 IPC. Their names are Chaity Devi w/o Akash Kharwar, Sangeeta Devi w/o Ranjit Kharwar and Vichi Devi, w/o Jokua. The jail authorities ought to provide them necessary legal assistance to obtain bail.

Under trial prisoners

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There are altogether 830 under trial prisoners (799 male and 31 female) in the jail. As per data available as on 1-7-2014, 219 under trials have been in jail for 3-6 months; 212 for 6-12 months; 68 for 1-2 years; 46 for 2-3 years and 25 for 3-5 years. There is only one prisoner who has been an under trial for more than 5 years.

It is reported that Vinod Singh, s/o late Ramchandra Singh who is involved in sessions case No.533/06 is continuously in jail since 22-11-2003 ie. **10 years and 7 months**. The case is pending in the court of Additional Sessions Judge 11. His case needs to be taken up with the concerned court urgently. He should also be provided necessary legal aid.

The District Legal services Authority should take immediate action to get the case expedited. SP Bhojpur should do the needful in this case. It was stated that there was no problem in providing escort for under trials for their court appearances.

Condition of prisoners

Women Prisoners

Women are kept in a separate ward in the south-east corner of the prison which is very old and in a dilapidated condition. There are only 34 female prisoners in the jail. Out of 34 prisoners 31 are under trials and 3 are convicts. No pregnant woman is present.

I spoke to some of the women prisoners. Dharam seela Devi and Sheela Devi are booked in a case of quarrel and murder in their village. Rajmuni Devi aged 45; Saroja Devi 45 and Sakuntala

Devi 55 are sentenced to life imprisonment for murder. Appeals have been filed by their family members before the High Court.

Amongst the female prisoners Taramuni Devi has spent the maximum time in the jail as an under trial. She was admitted on 7-9-2011 in sessions case no.81/012 u/s 304B and 201/34 under IPC. Her husband is also in the same jail for the same offence.

Two children of 0-5 age group-Karan kumar aged 3 and Suraj Kumar aged 1 are housed in the jail along with their mother/grandmother. Lalitha Devi mother of Raj kumar alias Lalli who immolated himself inside the jail, is bringing up his children. One of them is presently with her in the jail. His wife Prabhavati died in a case involving dowry.

It was stated that special attention is given to the children's needs. Crèche facilities are available. Some toys have been given to the children. Children are also provided special diet, which includes milk. However, it is seen that fruits are not included in their diets. They are also provided with suitable clothes. It was confirmed that immunization of children has been carried out.

No separate ward is available in the hospital for female prisoners. No woman prisoner is reportedly suffering from TB/HIV/AIDs/mental health problems. Tailoring is taught to a few female prisoners. The Apex Court in its judgement in Civil Writ Petition No.559 of 94 R.D Upadyay vs the State of Andhra Pradesh dated 13-4-2006 has issued detailed guidelines

52

regarding the care of women and children lodged in the jail. These instructions have been only partially complied with. *The guidelines are to be implemented in a holistic manner.*

Male prisoners

There are 79 old people lodged in the jail. They are kept in a separate ward. Lalu Rai 92 is involved in a murder case and is in jail for the last 12 years. Brijnandan Singh 83 is also involved in a murder case and is in jail for the last 13 years. Ramanand Singh 86 a murder convict is in jail since 1996. He went out for 3 years on the basis of court orders and came back in 2004. Rameswar Tiwari is in jail for the last 5 months for default of a bank loan. Ranjit Ram is involved in a case where he allegedly helped the accused run away. The old prisoners stated that they had no complaints, except some minor health related problems.

There are 17 youth above the age of 18 lodged in the jail. They are kept in a separate ward. They are allegedly involved in IPC crimes, including murder and rape. Two are involved in cases relating to the Arms Act. I spoke to some of them. Arun kumar Yadav claimed that he is of 15 years of age only and was caught for ticketless travel. Manish Kumar Singh claimed to be of 16 years of age stated that he has been twice booked in a case of theft of motor cycle, because of a quarrel with his uncle

Pappu Kumar Singh and Raja also claiming to be 14 years of age have been booked for road crimes because of a quarrel. Rajneesh Chaudhury claiming to be 16 is booked along with his

other family members in a murder case. It is necessary to the SP to get their age and crime verified properly. Petty cases need to be got disposed of quickly. Under- age cases need to be referred to a Remand Home.

Naxalite Prisoners

Only two alleged naxalites are lodged in the jail. Virendra Ram alias Virender Musahar s/o Mangar Musahar is booked under sections 147,148,149, 384,386, 323 and 506 of IPC and 17 Of CLA Act and 10, 13,16,17 of UAPA Act, in case no.198/13 before the CJM, Arrah. He has been in the jail since 26-09-13. Dasarath Ram alias Dasarath Musahar s/o Manger Musahar is also booked in the same case and brought to jail the same day. Both of them stated that they were taken to the Thana while they were working in the field. They were not given any reason for their arrests and were told that they would be released when they reach the Thana. They were however, sent to jail.

It may be seen that both of them belong to the most backward of the dalit community namely *Musahars*. Prima facie the arrests appear to have been made without following the Guidelines issued by the Apex court in D.K.Basu Vs the State of West Bengal. It is essential to carefully scrutinise individual cases to ensure that no innocent person is lodged in jail. Inhuman treatment of prisoners will only reinforce the distrust of alleged extremists in the government.

Mentally ill prisoners

50

Two mentally ill prisoners are lodged in the jail and are under treatment. Doctors from the Mental Hospital at Koilwar visit the patients on a fortnightly basis. It was stated that screening for mental illness was done in respect of all the prisoners at the time of their admission. Prisoners often suffer from a variety of illnesses, including depression, epilepsy and schizophrenia. Older prisoners suffer from many neurological problems, including memory loss. It is difficult to believe that in a prison with a population of nearly 900 only two have been detected with mental illness. As per the standing instructions of the NHRC the two need to be shifted to a mental health institution without any delay. Periodic screening of the prisoners needs to be undertaken.

Custodial Deaths

The Annual Statement on custodial deaths furnished by the jail administration reveal the following regarding custodial deaths:-

Year	No of deaths	Natural /unnatural
2010	5	Natural
2011	1	--do--
2012	4	--do---
2013	1	---do---
2014	2	1 natural: the other under investigation

A case of **self immolation** by one Rajkumar alias Lali, who was in jail in connection with the dowry death case of his wife Madhubala Sinha in case No.28/4 on 28-4-2014 was reported. He was apparently overcome with remorse at her alleged murder and stated to have killed himself with the help of a flaming gunny bag inside the toilet. The jail authorities claimed that in preliminary investigation no smell of kerosene was noticed. Now the matter is under investigation by Shri Nitish Dayal, Judicial Magistrate. Since more than 3 months have passed the magisterial investigation ought to have been completed by now and a report sent to NHRC as per procedure. *Prima facie* the laxity on the part of the jail staff is evident. An administrative inquiry needs to be done quickly to establish their accountability. No case of custodial rape was reported.

Escape of prisoners

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

Production before courts

It was stated that prisoners are regularly being produced before the courts u/s 269 IPC. The rate of production is mentioned as 99.99%.

Video-conferencing

Video conferencing facility is available in the jail. On the average 5 prisoners are being produced before the courts daily.

However, on the day of my visit it was stated to be non-functional. This needs to be repaired without any delay.

Legal Aid

Only 3 prisoners so far have been given legal aid. This is negligible when compared to the population of prisoners. The number and quality of the legal aid need to be improved. Two women lawyers provide legal counselling to prisoners. The SDJM, Arrah inaugurated a Legal Awareness Program for prisoners on 14-6-2014.

Lok Adalats

It was stated that Lok Adalats are **not** being regularly organized in the jail.

Legal awareness

It was mentioned that an awareness campaign was organized in the jail on the auspices of the State Legal Service Authority for the benefit of prisoners in the jail premises on 14-6-2014. The Sub-divisional Judicial Magistrate and two learned legal counsels participated in the campaign.

Parole

No parole application is pending for sanction. Only one petition is now with the DM, Bhojpur.

No application for parole was pending before the authorities.

Remission

According to the Jail Authorities, prisoners are allowed remission as per law. 67 cases were allowed by IG Prisons this year so far. 151 cases were allowed last year. Currently there is no case under section 436A pending for sanction.

Sureties

It was confirmed that there is no case where any prisoner is languishing in jail for want of sureties. It was also learned that no case of appeal is pending.

Basic amenities

Water supply and Sanitation

Water supply is ensured through 51 hand pumps, out of which only 38 were reportedly functional. Pipe water supply is not available. Hand pumps for the use of prisoners in wards no.6, 11, 12 and one of the cell, one general and the one near the hospital need repairs. A pipeline supply is planned to be installed.

Out of 108 toilets only 55 were reported to be functional. Many of the toilets used are in poor condition with their doors and seats broken and water/sewage pipes in rundown condition. Although it was stated that repair work is going on for the last four months, only 50% work has been completed. The PWD should be asked to expedite the work. It also needs regular monitoring. There are very few general toilets in the jail.

46

26

There are altogether only 3 bath rooms and bathing platforms each. Hand pump water is used for drinking purposes. Water quality needs to be tested, and, if necessary, adequate number of water purification systems could be installed.

Power Supply

The jail gets its power supply for about 20 hours. For back up a generator is available for office purposes and security. However, a higher capacity generator needs to be installed. It is reported that the entire electric wiring connecting the main gate, Administrative and Prisoners blocks and the hospital is in a poor condition. The electrical board as well as the supply panel are stated to be in a burnt down and broken condition. They need to be repaired at once.

Food Supply

The food for the prisoners is cooked in the old kitchen with the aid of LPG stoves. The old kitchen is in a dilapidated condition. Although a new kitchen has been constructed, due to want of a pipeline for fitting LPG cylinders, the shifting has not taken so far. Urgent steps need to be taken immediately to shift the kitchen to the new premises.

It was stated that apart from tea, chana (gram) and gur (jiggery) are provided for breakfast. Rice, dal, and vegetables are served for lunch and roti, dal and vegetable for dinner. The quality and quantity of food served was satisfactory. Per head expenditure

on food was stated to be Rs.33 only. This needs to be enhanced keeping in view recent inflation in food prices.

Clothes and Bedding

The prisoners are supplied their clothing /bedding in adequate quantities. It was stated that in 2013-14, clothing worth Rs.191845/- were purchased from Central Jail Buxar and distributed to the prisoners and 1000 blankets were purchased from the Central Jail, Bhagalpur and distributed to the prisoners. There were no complaints in this regard.

Education

A literacy campaign called *Prerna* sponsored by the HRD of the State Government for imparting basic education to prisoners was implemented in the jail from June 2013 to November, 2013 under which 72 prisoners were made literate. Six of the volunteers from amongst the prisoners and one male and female teacher each from outside participated in the program. *No allotment has been received under this item for the year 2014-15.* Computer classes for prisoners have been taken up for the first set of 5 young prisoners (boys). Stitching training is being provided to 5 girls.

Jail Hospital

The 25-bedded jail hospital is located in a very old building and 35 patients have been admitted at the time of my visit. The hospital is in a rundown condition. It had no separate isolation

ward for segregating patients suffering from infectious diseases. As stated no regular doctor is posted. However, two doctors have been appointed on contractual basis in the hospital. One lady doctor visits on call. Two posts of Pharmacists are vacant. Two Dressers are available.

It was confirmed that medical screening of prisoners is carried out at the time of their admission. The OPD attendance reported was around 60. The prisoners when ill are taken to the Sadar Hospital, Arrah or PMCH, as the case may be, for treatment. Specialists from Sadar Hospital also visit the jail hospital on regular basis. Every two months a health camp is being organized in the jail.

The hospital has no diagnostic facility; X-ray equipment is also not available. Ambulance facility is also not available with the jail hospital. Every time a need arises, the prisoners are to be escorted to an already crowded government hospital. It was reported that no case of HIV/AIDS was detected after screening which is regularly done in the hospital. However, *it is seen from the report of the Medical Officer of the jail it that at least in two cases prisoners who died in 2012 was infected with HIV/AIDS.* It would appear that proper screening was not done. It is also seen from the same report that most of the prisoners who died in the period from 2009-14 had chronic lung infections. It is therefore difficult to believe that only one case of TB was detected in the screening. Regular screening of the inmates of the jail for TB is a must.

Many of the older prisoners suffer from a variety of diseases, including arthritis, neurological problems, dementia etc. AYUSH facilities need to be set up in the jail.

It was stated that supply of medicines was adequate in the hospital. Allotment of Rs 8, 14,000.00 received in 2013-14 was spent on treatment of patients and purchase of medicines. This year an allotment of Rs.1, 70,000.00 has been received. It is necessary to check the quality of the medicines supplied as also their price and quality. A sample auditing needs to be done by an external team. It is not clear why the jail authorities are purchasing the medicines locally, when they could easily be made available by the District Health Society.

No NGO is involved in the health care of prisoners.

Recreation

Recreational facilities for prisoners, including TV sets, supply of news papers, screening of films etc were found to be satisfactory.

Library

A library has been set up for the use of prisoners in the jail. It is being temporarily run in a small room. The books-227 old and 350 new- are arranged in 5 metal safes. Anil kumar Rai, a convicted prisoner is taking care of the library.

Cultural programs

42

30

A music hall with a variety of instruments including harmonium, tabla and Yamaha guitar are available in the jail. Cultural programs, including dance, drama, musical performances are organized on regular basis as also on special occasions like the 15th August and 26th January.

Sports

A gym is available with equipment. Indoor and outdoor sports facilities are available. Prisoners play volleyball, Kabadi etc. They are also engaged in boxing. A wrestling ground is available. No sports facilities are available for women prisoners.

Religious activities

There are two temples inside the jail building. Make-shift arrangements are made in respect of worship by other communities.

Yoga

Yoga classes are being organized with the help of the Yogashram at Mungyr.

Vocational Training

No industrial training is organized in the jail. However, women are taught tailoring and boys are trained in computer programming.

Works program

The Bihar Government has fixed a daily rate of Rs.80/- for trainers, Rs.87 for semi-skilled workers and Rs.121 for skilled workers. During the year 2013-14 151 prisoners have earned Rs.2636840.00 (Rupees twenty-six lakhs thirty six thousand eight hundred and forty only). The pass Books maintained in the names of two prisoners was verified; Ravinder Yadav has a remittance of RS.27, 200; Chottan Dusath has 35,553 in his account as earnings received for his labour.

Canteen facilities

Canteen facilities are not available in the jail.

Visitors

Meetings with family members are allowed once in a week for under trials and fortnightly for convicted prisoners

Complaints from prisoners

Complaints can be filed by the prisoners in the following manner:-

1. The prisoners are produced before the designated courts and at that time they are free to file complaints, if any, before the courts.
2. Every Monday at 10.30 am in the morning Prisoner's durbar is being organized to hear complaints from the prisoners.
3. Prisoners are free to hand over their complaints to the Superintendent as well as the higher authorities and also to

40

the District and Sessions Judge, CJM and other judicial authorities. DM, SP, SDO and other officials of the district administration also receive complaints from the prisoners.

4. They can use the complaint boxes set up in the jail premises. Two complaint boxes have been installed-one general and another under the auspices of the State Legal Services Authority for receiving complaints from prisoners

Involvement of NGOs

Shyam khadi and Gramodyog Vikas Sangh , an NGO, is involved in programs run by the Central Social Welfare Board. They are also involved in family counselling, and training activities.

Drug De-addiction program

It was stated that drug de-addiction/counselling services are currently not available in the jail. From the list of deaths of prisoners provided by the Medical officer of the Jail it is seen that *out of 17 cases of deaths reported since 2009, at least 5 cases relate to drug addiction.* It is necessary to screen the prisoners for drug addiction and ensure that drugs, if any, available with prisoners are seized forth with.

Inspections

It was stated that regular inspections are being carried out by the CJM, DM and senior officers of the jail administration. Last year 3 inspections were carried out by judicial authorities and 3

by non judicial authorities. The last inspection was by DM, Bhojpur on 10-11-2013.

Security

For the external security of the jail, 2/8 strong BMP team is deployed outside the jail and 27 Home guards are also been engaged. Four watch towers are fully guarded. 3 hand metal detectors are installed. There is no high security cell in the jail.

Solar lighting

No steps have been taken to harness solar energy for heating and lighting purposes in the jail.

Budget

Rs.1.371 crore was received by the jail administration under various budget heads, out of which expenditure on establishment alone comes to Rs.67.31 lakhs.

Modernisation

It was stated that the jail has not planned or taken up any comprehensive modernization plan. Two programs taken up include construction of a visitors Block and construction of the compound wall. The civil works taken up should be monitored regularly to ensure their timely completion.

Observations/ Recommendations:-

They have been included in the general comments at the beginning of this report.

28
7

11. Report on visit to Central Jail Buxar Jail, on 2-07-2014

Jail Profile and History

The Central Jail Buxar is one of the four Central Jails in Bihar. It was originally set up as a Central Jail in 1861.

Land and infrastructure

The jail is spread over an extent of 200 acres, with a covered area of 52 acres. The jail enclosure is stated to be over 150 years. Prison wards of old jail enclosure require repair and renovation.

Manpower

Shri RK Choudhury is presently the Superintendent of the jail. The total sanctioned staff strength of the jail is 379, out of which 231 posts vacant: only 148 are in position. Out of three posts of Medical officers one is vacant.

Many of the important posts including that of Deputy Superintendents (2) Asst. Superintendents (6) Chief cell Attendant (1), Cell Attendant Higher grade (21), Cell Attendants

(167), Pharmacists (03) and others are vacant. All vacant positions need to be filled up urgently.

Jail capacity and occupancy

Sanctioned capacity of the jail is 1126 (1126 male and 0 female) against which there are 827 prisoners (872 male and 0 female) at present.

Category-wise details of prisoners

Out of 827 prisoners 380 are convicts and 447 are under trials. .05 prisoners are **awarded death penalty**; there are 303 are lifers; 373 are sentenced to rigorous imprisonment. There is only one CCA prisoner. There are no civil prisoners. There are four alleged extremists housed in the jail. Segregated data is not available for SC/ST prisoners. There was segregation between under trial prisoners and convicts.

Under trial prisoners

There are altogether 447 under trial prisoners (all male) in the jail. As per data available as on 1-7-2014, **213** under trials have been in jail up to 3 months; **92** for 3-6 months; **46** for 6-12 months; **38** for 1-2 years; **32** for 2-3 years and **10** for 3-5 years. There are four prisoners who have been under trials for more than 5 years.

It would appear that adequate attention is not being paid on the cases relating to under trials. An efficient video-conferencing facility can do away with long-winding procedures for their production before courts. Preparation of cases to be placed before the CJM who visits the jail can enhance the efficiency of

disposal of petty cases. The District Legal Services Authority ought to be made active.

It was stated that there was no problem in providing escort of under trials for their court appearances.

Condition of prisoners

Women Prisoners

Women prisoners of this jail have been shifted to the Sub Jail Buxar which was recently upgraded as an exclusive District Jail for Women Prisoners.

Male prisoners

I visited ward No.31. Against a capacity of 30, 37 prisoners are kept here. Kannaih Choudhury was admitted 17 days back in an alcohol abuse case. Sadhu Mushahar is also booked in the same case. Inder Dev Ram 55 has been booked in a case relating to land dispute. Dharmanath Chouhan is booked in a theft case and is in jail for 3 months. The prisoners stated that they did not have any complaints. All petty cases need to be placed before the CJM for disposal.

Naxalite Prisoners

It was mentioned that only 04 alleged naxalites are lodged in the jail. Out of these four cases the case of Vikas Sonar s/o Vijay Prasad is of 2010. The other three cases of Azad Paswan, Vonod Paswan and Janardhan Singh are of 2014. All four have been booked u/s 17 CLA act and various provisions under the IPC.

Two of them belong to Buxar district the other two to Bhojpur and Rohtas districts.

In addition to the above cases details in respect of another 13 cases have also been furnished by the jail authorities. Except the cases of Sani Dubey (2013) all other cases are of the year 2014. The alleged Maoists have been booked under various provisions of the IPC and also under the Arms Act. They mostly belong to Buxar and adjoining areas. The age group of the alleged Maoists ranges between 19-21.

It is essential to carefully scrutinise individual cases to ensure that no innocent person is lodged in jail. Inhuman treatment of prisoners will only reinforce the distrust of alleged extremists in the government.

Mentally ill prisoners

Three mentally ill prisoners suffering from Schizophrenia are lodged in the jail and are under treatment. However, it is seen that as per the details provided by the Medical Officer of the jail it seen that there is one case of depression admitted in ward no. 1; 4 cases in ward no.2 and two more cases in ward no.3. All except two patients are convicted prisoners. As per the Guidelines issued by the NHRC all cases of mental illnesses are to be transferred to a Mental Health Institution. It was stated that screening for mental illness was done in respect of all the prisoners at the time of admission. Prisoners often suffer from a variety of illnesses, including depression, epilepsy and

34

schizophrenia. Older prisoners suffer from many neurological problems including memory loss. It is difficult to believe that in a prison with a population of nearly 800 only two have been detected with mental illness. As per the standing instructions of the NHRC the three prisoners being treated for Schizophrenia need to be shifted to a mental health institution without any delay. Periodic screening of the prisoners needs to be undertaken.

Custodial Deaths

The Annual Statement on custodial deaths furnished by the jail administration reveal the following regarding custodial deaths:-

Year	No of deaths	Natural /unnatural
2010	-	Nil
2011	6	Normal
2012	9	--do---
2013	9	---do---
2014	1	-do---

No case of custodial rape or violence was reported.

Escape of prisoners

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

Production before courts

Prisoners are regularly being produced before the courts. It was mentioned that there is no problem of providing escorts to prisoners while taking them for court appearances.

Video-conferencing

Video conferencing facility, although available in the jail, is currently not functional due to a strike by the employees of Beltron (with whom the state Government has an AMC) for non-payment of salary. The State Govt either needs to persuade Beltron to restart the work or revoke its contract with them and appoint another agency.

Legal Aid

Only 3 prisoners so far have been given legal aid. This is negligible when compared to the population of prisoners. The number and quality of the legal aid need to be improved.

Lok Adalats

It was stated that Lok Adalats are not being regularly organized in the jail. The last one organized was on 20-4-14.

Legal awareness

An awareness campaign was organized in the jail on the auspices of the State Legal Service Authority for the benefit of prisoners in the jail premises on 14-6-2014. The Sub-divisional Judicial Magistrate and two learned legal counsels participated in the campaign.

32

Parole

Paroles are allowed as per rules. No parole application is pending for sanction.

Remission

Prisoners are allowed remission as per law.

Sureties

It was confirmed that there is no case where any prisoner is languishing in jail for want of sureties. It was also learned that no case of appeal is pending.

Basic amenities

Water supply and Sanitation

Water supply is ensured through 19 hand pumps and 3 submersible pumps. Pipeline supply also is available.

Out of 108 toilets only 55 were reported to be functional. There are altogether 7 bathing platforms. Water from hand pumps is used for drinking purposes. Water quality needs to be tested and if necessary adequate number of water purification systems should be installed.

Power Supply

The jail gets its power supply for about 20-22 hours. For back up 3 generator sets of 7.5 KV each are available. However, a higher capacity generator needs to be installed.

Food Supply

The food for the prisoners is cooked in the kitchen with the aid of LPG stoves. It was stated that apart from tea, *chana* (gram) and *gur* (jiggery) are provided for breakfast. Rice, *dal*, and vegetables are served for lunch and *roti*, *dal* and vegetable for dinner. The quality and quantity of food served was satisfactory. Per head expenditure on food was stated to be Rs.52 only. This needs to be enhanced keeping in view recent inflation in food prices.

Clothes and Bedding

The prisoners are supplied their clothing /bedding in adequate quantities. Soaps are supplied for washing and bathing purposes.

Education

A literacy campaign called *Prerna* sponsored by the HRD of the State Government for imparting basic education to prisoners is being implemented in the jail. Literacy classes are being organized regularly. Four volunteers from amongst the prisoners participated in the program. No NGO is involved in the implementation of the program.

Jail Hospital

The 80-bedded jail hospital is located in a very old building and 35 patients have been admitted at the time of my visit. The hospital is in a rundown condition. It had separate isolation ward for segregating patients suffering from infectious diseases. Out

of 3 posts of Medical officers only two have been filled up. One doctor is appointed on contract basis. Although 03 Dressers are posted, there is no Pharmacist posted.

It was confirmed that medical screening of prisoners is carried out at the time of their admission. The OPD attendance reported was around 50. The prisoners when ill are taken to the Sadar Hospital or PMCH, as the case may be, for treatment. Specialists from Sadar Hospital also visit the jail hospital on regular basis.

The hospital has no diagnostic facility; X-ray equipment is also not available. Ambulance facility is available with the jail hospital.

Patients suffering from various chronic diseases are accommodated in ward No. 1, 2 and 3. TB patients are admitted in ward no.4 and are kept in isolation. It is seen that patients suffering from Malaria and dysentery are also admitted to the wards where patients with chronic diseases are kept. They too need to be kept in a separate ward. It was reported that no case of HIV/AIDS was detected after screening which is regularly done in the hospital. AIDs awareness programs are being organized in the jail. It is difficult to believe that only 4 cases of TB were detected in the screening. Regular screening of the inmates of the jail for TB is a must.

I visited the Isolation ward where TB patients are kept. It was mentioned that a special diet is being provided to them. I also visited the patients in the General ward. Mukti Singh is more

than 80 years old. He is booked in a case u/s 307 IPC. He suffers from weakness. Rameswar Ram wears a pace maker. He is 80-82 years old. Sital Singh Yadav 82 has heart problem. Beni yadav 80 has undergone a prostrate operation. Teja Yadav 92 is in jail in connection with a murder case. Many of the older prisoners also suffer from a variety of diseases, including arthritis, neurological problems, dementia etc. AYUSH facilities need to be set up in the jail.

It was stated that supply of medicines was adequate in the hospital. No NGO is involved in the health care of prisoners.

Recreation

Recreational facilities for prisoners, including TV sets, supply of news papers, screening of films etc were found to be satisfactory.

Library

A library has been set up for the use of prisoners in the jail. There are altogether a collection of 3116 books in the library.

Cultural programs

Cultural programs, including dance, drama, musical performances are organized on regular basis as also on special occasions like the 15th August and 26th January.

Sports

A gym is available with equipment. Indoor and outdoor sports facilities are available. Prisoners play volleyball, cricket and foot ball. No sports facilities are available for women prisoners.

Religious activities

There is a temple available inside the jail building. Make-shift arrangements are made in respect of worship by other communities.

Yoga

Yoga classes are being organized with the help of the volunteers.

Vocational Training

Training is organized in Tailoring/carpentry/smithy work/and other trades

Works program

Different types of production units have been set up which include Phenyl/ caustic/carbolic soap making/clothing and dying/carpet and tent making/carpentry/black smithy/wheat grinding/blanket weaving etc. 92 convicts are working in these units. Bihar Government has fixed a daily rate of Rs.80/- for trainers, Rs.87 for semi-skilled workers and Rs.121 for skilled workers. Pass Books maintained in the names of two prisoners were verified; Mutur Rai has a remittance of RS.1938; Ishrar

Ahmed has Rs.1942.00 in his account as earnings received for his labour.

Canteen facilities

Canteen facilities are not presently available in the jail. A canteen is planned to be started shortly.

Visitors

Meetings with family members are allowed once in a week. A waiting room for visitors is under construction. No Public Telephone Office (PCO) is available inside the jail premises.

Complaints from prisoners

Complaints can be filed by the prisoners in the following manner:-

1. The prisoners are produced before the designated courts and at that time they are free to file complaints, if any, before the courts.
2. Every Monday at 10.30 am in the morning Prisoner's durbar is being organized to hear complaints from the prisoners.
3. Prisoners are free to hand over their complaints to the Superintendent as well as the higher authorities and also to the District and Sessions Judge, CJM and other judicial authorities. DM, SP, SDO and other officials of the district administration also receive complaints from the prisoners.

4. They can use the complaint boxes set up in the jail premises. Two complaint boxes have been installed-one general and another under the auspices of the State Legal Services Authority for receiving complaints from prisoners.

Involvement of NGOs

NGOs/ social activists are not presently involved in various activities.

Drug De-addiction program

It was stated that drug de-addiction/counselling services are currently not available in the jail.

Inspections

It was stated that regular inspections are being carried out by the CJM, DM and senior officers of the jail administration. In the last one year three inspections were carried out by judicial authorities and four inspections by non-judicial authorities. The last inspection was by IG (Prisons) on 18-6-2014. Besides, DM Buxar as well as the Civil Surgeon has also inspected the jail.

Security

For the external security of the jail 2/8 strong BMP team is deployed outside the jail. For security 1/5 BMP force is posted at the gate; additional force of 1/5 has also been sanctioned. Of the 35 Home Guards sanctioned, 21 are in position and 27 Home guards are also been engaged. Four watch towers are fully

guarded .3 hand metal detectors are installed. CCTVs are also available to keep a watch on the prisoners. There is no high security cell in the jail.

Solar lighting

Steps have been taken to harness solar energy for heating and lighting purposes in all Central jails.

Budget

Modernisation

It was stated that the jail has not planned or taken up any comprehensive modernization plan. Modernization of the Cells is taken up. The civil works taken up should be monitored regularly to ensure their timely completion.

Observations/ Recommendations:-

The Central Jail at Buxar is at present more like a District Jail. Facilities and activities need to be upgrades so as enable it to function as a full-fledged Central Jail. Other observations have been included in the general comments at the beginning of this report.

24

111. Visit to Sub Jail, Buxar

I made a brief visit to the Sub Jail, Buxar, after visiting the Central Jail, Buxar.

Background

As per available information the jail was set up in 1925 with a capacity of accommodating 66 male and 03 female prisoners. I was told that action has been initiated for upgrading it as the District Jail for women prisoners. An amount of Rs.15, 39, 47, 00.00 has been sanctioned and administrative sanction issued for repair and renovation of the jail on its up-gradation as a district Jail. The work has been assigned to the Bihar State Police Building Construction Corporation. The work on the plastering of the compound wall is over.

Transfer of male prisoners

After obtaining orders of the CJM Buxar , 40 male prisoners have been transferred to Central Jail, Buxar. Presently the jail accommodates only 12 women prisoners.

Cases

Of the 12 cases, the case of Shiv Kumari Devi, w/o Chandeswar Tiwari relates to 2009; the case of Manju Devid/o Bhagwan Khawar to 2011; that of Hiramuni Devi, w/o Bharat Singh to 2012 and the cases of Rudly Devi w/o Pradip Turha and Sanju Devi d/o Mana Paswan to 2013. Rest of the cases are recent(2014). No children are residing in the jail.

Accommodation

The women prisoners are accommodated in two rooms of the former Mahila block. An adjoining room is used as kitchen. Drinking water facilities are adequate. Two new toilets have been added.

Manpower

Out of 55 posts sanctioned 24 are in place and 32 are vacant. The Superintendent of the Central Jail Buxar is holding additional charge of this jail. One post of Deputy Superintendent is yet to be filled up. Vacant positions include that of two posts of Asst. Superintendents. One Medical Officer is working on regular basis.

Recommendation

The jail has to go a long way in becoming a full-fledged jail for women. More number of women convicts from adjoining districts could be transferred to this jail. The Guidelines issued by the Apex Court in RD Upadhyay vs. the State of AP should be strictly followed. The jail ought to have a full-fledged hospital. Educational and training program should be taken up with the help of reputed NGOs. Facilities for children should be planned.

The logic of setting up an exclusive jail for women with a capacity of just 12 inmates is not clear. The state has to bear additional expenditure on staff and maintenance. Only transfer of convicted female prisoners from jails in the adjoining district

22

would make this jail viable. Perhaps the open jail in Buxar could have been declared a jail for female convicts (with some restrictions regarding going outside the jail for work), which could have provided them and the children residing with them more operational freedom.

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IV. Open Jail, Buxar

The Open Jail, Buxar is the only Open Jail in Bihar. It is located on the southern side of the Central Jail, Buxar and has a total area of 42 acres. The jail was inaugurated by the then Chief Minister on 23-5-2012.

Capacity

The jail can accommodate 104 convicts and their families. Altogether 104 one bedroom flats are constructed in 13 separate blocks. Presently there are 86 prisoners in the open jail.

Eligibility

Flats are allotted to those convicts who has spent more than the sentenced period in jail and whose conduct throughout has been good.

Selection

(51)

21

A State Level Committee is involved in the selection of eligible prisoners.

Manpower

Out of total sanctioned strength of 36, only 11 are in place; 25 posts are vacant. The Superintendent of the jail is working on deputation basis. The post of Asst Superintendent is vacant. One post of Medical Officer is filled up.

Accommodation

Each flat can accommodate 4 persons, including the prisoner and 3 family members. The flats are modern, with regular power supply, backed up by a generator. A solar power unit is under construction. Pipe water supply is made with the aid of a submersible pump and overhead tank. The flat system also includes a Gym and a community hall.

Work program

The prisoners are able to work under MNREGA within the campus. A large pond is under construction. Besides, tree plantation is also taken up under the scheme. The prisoners are allowed to go out and work outside the jail within a radius of 5 kms. Remission is allowed for good conduct.

Benefits

I found the atmosphere of the open jail quiet and free. The inmates were relaxed and happy.

Recommendation

This is a unique experiment started by the state Government. Perhaps a similar jail for women convicts, especially those with children, would be very welcome (with necessary modifications), as the children will be able to live and grow in comparatively free conditions.

IV. Report on visit to District Jail, Sasaram on 3-07-2014**Jail Profile and History**

The District Jail, Sasaram is located in Sasaram, a place of historical importance and head quarters of Rohtas district in Bihar. According to some of the old records of the year 1962 pertaining to the district, the jail originally was a Sub Jail located in the heart of Sasaram. It was shifted to the new

building in the present premises, as District Jail, Sasaram, on 30-11-1998.

Land and infrastructure

The jail is spread over an extent of 20 acres, with a covered area of 8 acres. The jail enclosure is stated to be over 150 years. The Administrative building is stated to be 26 years old.

There are altogether 28 wards, including the female ward and the jail hospital ward. Wards No 1-8, 13-16 and the female ward are reported to be 26 years old, while Prisoners wards No 9-11, 25-31 are about 12 years old. Wards 17-24 are comparatively new and are about 09 years old. Wards 1-4 are in a dilapidated condition and are in disuse at present. Old prison wards 1-8 & 13-16 are beyond repairs. They need to be demolished and new barracks constructed. Those which were constructed 12 years ago need repair and renovation. All wards accommodate prisoners exceeding their sanctioned capacity.

Manpower

Shri Vijay Kumar Arora is presently the Superintendent of the jail. The total sanctioned staff strength of the jail is 157, out of which 108 posts are vacant: only 49 are in position. Posts of Deputy/Asst. Superintendents have been filled up. Out of two posts of Medical officers one is regular and the other is on contractual basis. No lady Medical Officer is posted; only that one is available on call.

Many of the important posts, including that of Asst. Superintendents (4) Chief cell Attendant (1), Cell Attendant Higher grade (09), Cell Attendants (74), Pharmacists (02) and others are vacant. All vacant positions need to be filled up urgently.

Jail capacity and occupancy

Sanctioned capacity of the jail is 970 (960 male and 10 female), against which there are 639 prisoners (627 male and 12 female) at present. 02 children are staying with their mothers.

Category-wise details of prisoners

Out of 639 prisoners 286 are convicts and 353 are under trials. 173 are session- committed. There are no prisoners who are awarded death penalty or life imprisonment; 02 are sentenced to simple imprisonment while 77 are undergoing rigorous imprisonment. There are only two CCA prisoners; there are no civil prisoners. 32 alleged extremists are housed in the jail. Segregated data is not available for SC/ST prisoners. There is no segregation between under trial prisoners and convicts in the jail.

Under trial prisoners

There are altogether 353 under trial prisoners (349 male: 04 female) in the jail. As per data available as on 1-7-2014, 64 under trials (02 female) have been in the jail for 3-6 months; 108 for 6-12 months (04 female); 108 (6 female) for 1-2 years; 48 male prisoners for 2-3 years and 25 male prisoners for 3-5

years There are eleven male prisoners who have been under trials for more than 5 years.

It would appear that adequate attention is not being paid to the cases relating to under trials. An efficient video-conferencing facility can do away with long-winding procedures involving their production before courts. Preparation of cases to be placed before the CJM who visits the jail can enhance the efficiency of disposal of petty cases. Fast-track courts can ensure speedy trials. The District Legal Services Authority ought to be made active.

It was stated that there was no problem in providing escort of under trials for their court appearances.

Among the under trials Mahendra yadav, s/o Nathuni yadav booked under sec 396, 412 IPC has been in jail for more than 5 years; Brij Kishore Pandey⁴¹ s/o Ramnath Pandey also has been in jail for more than 5 years. He is booked under sec.302, 201 IPC; Govind Ram 50 s/o Samudra Ram with a case registered against him u/s 147,148,149,302,and 323 IPC and 27 Arms Act is held for more than 6 years in jail. Laxmi Narayan kumar 25 s/o Govind Ram, booked under sections 147,146,149,302,323 IPC and 27 Arms Act is also in jail for **more than 6 years.** Baliraj Singh 45 booked under sec 302, 201, 34 IPC has spent 7 years in jail as under trial; Omprakash Giri 27, s/o Kapil Giri with a case registered under sec 364 IPC is in jail for the **last 8 years.** Their cases are pending before the Adhoc ADJ. 03 Rohtas, Adhoc ADJ 3rd SSM, Adhoc ADJ 2nd SSM, Adhoc ADJ 02 Rohtas and Adhoc ADJ 2nd SSM. It is reported that Pradeep

Thakur s/o Baban Thakur with Sessions case No.471/05 u/s 302 IPC booked against him is in this jail since 18-9-2004. He has thus spent 09 years and 7 months in jail awaiting his fate. Similarly Deepak Ram s/o Dukhi Ram facing trial in Sessions case No.271/2005 u/s 364A, 307, 34 IPC and 27 Arms Act is in jail since 31-1-2003. Their cases are pending in the court of Addl. District and Sessions, Rohtas. The matter has been taken up with the concerned courts. The under trials ought to be provided necessary legal aid. The District Legal services Authority should take immediate action to get the cases expedited. SP Rohtas should do the needful in these cases to get the cases expeditiously disposed of by the courts.

Condition of prisoners

Women Prisoners

The women prisoners of this jail are accommodated in a separate ward on the eastern side of the tank inside the jail. On the day of my visit 12 female prisoners (as against sanctioned strength of 10) were present.

Sunita Devi 24 years of age has a girl child named Kavita Kumar aged 2 years with her; similarly, Suman Verma 21 years also has a baby girl named Pariniti aged 04 months. According to the jail authority's facilities for special care, education and recreation of children of 0-6 age group staying with their mothers have been provided for. Crèche and primary education facilities have also been provided. The jail authorities stated that the two children are supplied seasonal clothing, special vessels,

toys and diet consisting of milk, biscuits, and vitamins etc. The older girl is given a tri-cycle to play with. The children are also being given timely vaccination.

It was stated that facilities for vocational training of women prisoners (tailoring) have been provided. Samakhya, a NGO is involved in the running of Crèche and in teaching reading and writing to women prisoners; it also gives training in tailoring.

I spoke to some of the woman prisoners. All women prisoners have been in jail for a period from 6 months to one year only. Suman Verma was booked under the Arms Act. As mentioned she has a baby girl with her. Her husband too is lodged in Aurangabad jail.

Laxmina Devi w/o Iner Paswan is 71 years old. A case is registered against her under sec.366A IPC. Suman Verma 21 w/o Sujit kumar Verma, Shanty Kuer 62 w/o Shiv Nandan Ram, Badhuri Devi 45 w/o Radheyshyam Oraiya, Savita Devi 31 w/o Suresh Singh Kushwaha, Anjali Munda 37 w/o Juli Munda, Asha Devi 28 w/o Sunil Shah are booked in cases involving serious IPC crimes. Bhadra Devi stated that she is implicated in a rape case. While the others have been let off, she continues to be in jail.

Four female prisoners namely Manju Devi 40, Sunita Devi 27, Reshma Kuer 42 and Pinki Devi 24 are booked under NDPS Act and are in jail for more than one year. Sunita Devi is in jail for

14

the last 2 1/2 years. As mentioned, she has a child of 4 years with her. This case needs to be reviewed.

No woman prisoner is presently eligible to avail remission u/s Sec 436A of IPC.

Health of women prisoners was stated as generally satisfactory. It was confirmed that no female prisoner is suffering from TB or any psychiatric problems.

Male prisoners

It was seen that wards No.5,7, and 8 had only 14,15 and 04 prisoners respectively while wards no 19,11,14,24,26 and 29 had a minimum of 30 prisoners.

I spoke to some of the prisoners. Mahender Ram is allegedly involved in a kidnapping case and is in jail for the last 21 months. He denied his involvement in the case. Sudama Singh is 75 years old and is in the jail hospital suffering from serious heart ailment. The prisoners stated that they did not have any complaints. All petty cases need to be placed before the CJM for disposal.

Naxalite Prisoners

It was mentioned that only 32 alleged naxalites are lodged in the jail. All of them are male prisoners. While 21 of them are booked under the CLA Act and under various provisions of IPC, 06 of them are detained surprisingly under section 22 of POTA and different provisions under IPC. It was not clear as to why

provisions of POTA have been invoked, as POTA stands already repealed. Besides, without adequate justification, it may not be appropriate to apply harsh provisions of legislations meant to be used only in rarest of cases. The Commission may like to call for a detailed report in the matter.

I spoke to some of the alleged Maoist prisoners. Sudama Oraon was arrested in connection with the murder of a DFO. He stated that Maoists were active in his village and neighbourhood for the last 25 years. Out of fear of the Maoist the villagers including himself provided them food and other facilities and used to attend their meetings. He pleaded that he is innocent.

In my visits to many of the extremist affected jails I have come across villagers who are caught between the fear of hardened extremists on one hand, and the police on the other, and, who have been detained as naxalites. Their plea is that they are forced to provide food and shelter to the extremists under threat to their lives and that of their family members. Ordinarily they are not sympathisers of the extremists. The police, therefore, have a duty to ensure that villagers are booked only after proper inquiry and that no innocent person is detained under the garb of extremism. It is also essential to carefully scrutinise individual cases to ensure that no innocent person is lodged in jail. Inhuman treatment of prisoners will only reinforce the distrust of alleged extremists in government.

Nakru Kharwar an alleged Maoist stated that he surrendered as per the announcement made by the state Government offering

12

(10)

compensation. *However, he has not received any benefit so far even after his surrender 3 years ago.* His case should be looked into immediately. Otherwise cases like this will eventually be a setback for the State Government as well.

Mentally ill prisoners

Two mentally ill prisoners are lodged in the jail and are under treatment by specialists in the Sadar Hospital/PMCH, Patna. According to the information furnished by the jail authorities, four prisoners- Pintu Paswan 23, Inderjit Kumar 26, Narendra Bind 35 and Bigu Chaudhury 61 --(not two as orally stated), are undergoing treatment for mental illness in the jail hospital. As per the Guidelines issued by the NHRC all cases of mental illnesses identified in jails are to be transferred to a Mental Health Institution.

It was stated that screening for mental illness was done in respect of all the prisoners at the time of admission. Besides, patients are referred to Sadar Hospital Sasaram and PMCH, Patna on the recommendation of the jail Medical Officer for treatment. Prisoners often suffer from a variety of illnesses, including depression, epilepsy and schizophrenia. Older prisoners suffer from many neurological problems, including memory loss. It is difficult to believe that in a prison with a population of nearly 650, only four prisoners have been detected with mental illness. Periodic screening of the prisoners needs to be undertaken.

Custodial Deaths

The Annual Statement on custodial deaths furnished by the jail administration reveals the following:-

Year	No of deaths	Natural /unnatural
2010	2	Natural
2011	3	--do--
2012	1	--do---
2013	0	---do---

One custodial death, suspected to be of unnatural cause was reported in May, 2014 and is presently under is under magisterial inquiry. The inquiry report ought to have been obtained without any delay. This needs to be expedited.

It is seen that all cases of custodial deaths have been reported to NHRC as per the Commission's directions on the subject. At least two of the diseased belong to SC community. In the case relating to the deaths of Gopal Giri s/o Shivpujan Giri (19-4-2010) and Inderdev Mahto s/o Bhutai Mahto (24-2-2012) compensation to the tune of Rs.3, 00,000.00 and Rs1, 00,000.00 respectively has been given to their families.

No case of custodial rape or violence was reported in recent years.

Escape of prisoners

62

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

Production before courts

Prisoners are regularly being produced before the courts. It was mentioned that there is no problem of providing escorts to prisoners while taking them for court appearances. Production rate before courts is stated to be 99.99%

Video-conferencing

Video conferencing facility, although available in the jail, is currently not functional since 14th April, 2014. The State Govt needs to ensure that necessary repairs are carried out and the system is set right in all the jails which have this facility.

Legal Aid

On the average only 10 prisoners are given legal aid every month. This is negligible when compared to the population of prisoners. The number and quality of the legal aid need to be improved.

Lok Adalats

It was stated that Lok Adalats are being regularly organized on the last Saturday of every month in the jail. Although it was claimed that 3-4 cases are disposed of in every sitting, it was, however, seen from the information furnished that between 2012 and 2014 only 13 cases were disposed of in the Lok Adalat.

Legal awareness

It was stated that the Legal Aid Clinic run by the District Legal Service Authority stands closed since last year. Keeping in view the utility of the program, immediate action needs to be taken for re-starting the program.

It was mentioned that a legal awareness program was organized on the auspices of the District Legal Authority in the jail in January, 2014.

Parole

Paroles are allowed as per rules. Normally 3 days parole is allowed on occasion like marriage/death etc. No parole application is currently pending for sanction.

Remission

Prisoners are allowed remission as per law. 67 cases were sanctioned this year.

Sureties

It was confirmed that there is no case where any prisoner is languishing in jail for want of sureties. It was also learned that 20-30 cases of appeal are pending. These cases need to be monitored closely. Legal aid may be sanctioned in deserving cases. Legal counselling may also be provided to the needy prisoners.

Basic amenities

Water supply and Sanitation

Water supply in the jail is ensured through pipe water supply (installed in 1956), with the help of an overhead water tank as well as 15 hand pumps. Only 9 hand pumps were functional. Water from only 5 tube wells is stated to be portable. It is seen that every ward is provided with hand pumps and toilets based on sanctioned capacity of prisoners in each ward. Out of 102 toilets only 96 were reported to be functional. There is need for additional toilets. The hand pumps and toilets which are not functional need immediate repair/renovation.

Water from the tube wells is also used for drinking purposes. Water quality needs to be tested and if necessary adequate number of water purification systems should be installed.

Bathing platforms are available.

Power Supply

The jail gets its power supply for about 15-20 hours. For back up, one generator set of 7.5 KV is available. However, a higher capacity generator needs to be installed. It was stated that energy-saving LED lights are being used in the jail.

Food Supply

The food for the prisoners is cooked in the kitchen with the aid of LPG stoves. The kitchen is too small when compared to the number of prisoners who are to be fed. Two exhaust fans are found working in the kitchen. A submersible pump is installed in the kitchen.

It was stated that apart from tea, chana (gram) and gur (jiggery) are provided for breakfast. Rice, dal, and vegetables are served for lunch and roti, dal and vegetable for dinner. The quality and quantity of food served appeared to be satisfactory. Per head expenditure on food was stated to be Rs.50 only.

It was seen that the prisoners do not have a designated place for taking their meals. In the absence of feeding platforms they find it difficult to take their food both in summer and during rains. It was reported that the Home Department has made available Rs.21, 47,570.00 to the PWD for construction of a modern kitchen and feeding platforms. Correspondence is still going on between the jail authorities and the PWD. The work needs to be expedited and monitored closely.

Clothes and Bedding

The prisoners are supplied their clothing /bedding in adequate quantities. In 2013-14 clothing worth Rs.250132/-were purchased from Central Jail, Bhagalpur and distributed amongst 250 prisoners. Similarly 500 blankets, also bought from Central Jail, Bhagalpur, were distributed to 500 prisoners. Soaps are supplied for washing and bathing purposes.

Education

A literacy campaign called Prerna sponsored by the HRD of the State Government for imparting basic education to prisoners is being implemented in the jail. Literacy classes are being organized regularly through four centres. Volunteers from

6

among the prisoners are manning the centres. This year literacy programs have been started for women. However, no computer training has been introduced so far. It should be started both for young men and women immediately

Jail Hospital

Prisoners suffering from various illnesses are admitted in an 18-bedded ward in the jail hospital named Dhanwantari. It has three bathrooms and two toilets. For keeping prisoners having contagious diseases, a separate ward with 4 beds named after Mother Theresa has been ear-marked. 18 patients were seen admitted at the time of my visit in the general ward and four prisoners in the isolation ward. However, it is seen that no ward has been set apart for women prisoners.

Two Medical officers namely Dr. Prabhu Dayal and and Dr. Om Prakash Sing were present Dr. Dayal functions against a regular post and Dr. Singh is appointed on contract basis. However, no Lady Medical Officer is available; one is stated to be available on call. Two dressers are newly appointed in the hospital.

It was stated that the patients under special circumstances are also sent to the Sadar Hospital for treatment. Specialists also regularly visit the hospital. When need arises, on the recommendation of the Civil Surgeon the Medical Board chaired by DM, Rohtas also refers the patients to PMCH for treatment. Based on the recommendation of the State Level Medical Board

serious cases are also referred to AIMS, New Delhi. Besides, health camps are also being organized from time to time.

It was confirmed that medical screening of prisoners is carried out at the time of their admission. The OPD attendance reported was around 50. The hospital has no diagnostic facility; X-ray equipment is also not available. Ambulance facility is available with the jail hospital. It was stated that supply of medicines was adequate in the hospital.

It was reported that no case of HIV/AIDS was detected after screening which is regularly done in the hospital. AIDs awareness programs are being organized in the jail. Only 2 cases of TB were detected in the screening

I visited the isolation ward where TB patients are kept. It was mentioned that a special diet is being provided to them. Regular screening of the inmates of the jail for TB is a must.

I also visited the patients in the General ward. Many of the older prisoners also suffer from a variety of diseases, including arthritis, neurological problems, dementia etc. AYUSH facilities need to be set up in the jail.

It was confirmed that the children staying in the jail have been vaccinated.

Out of 22 cases of prisoners admitted to the hospital some are suffering from chronic diseases, others have contagious diseases like TB; a few have fractures in different parts of the body; yet

4

(62)

others have only symptoms of weakness. It was seen that no special diet is provided to the patients.

It was stated that no NGO is involved in the health care of prisoners.

Recreation

Recreational facilities for prisoners, including TV sets, supply of news papers, screening of films etc were found to be satisfactory.

Library

A library has been set up for the use of prisoners in the jail. There are altogether a collection of 670 books in the library. Since the library has ceased functioning it is being used for running a school by NIOS; Middle and upper Middle School classes are run here for the benefit of prisoners.

Cultural programs

Cultural programs, including dance, drama, musical performances are organized on regular basis as also on special occasions like the 15th August and 26th January.

Sports

Indoor and outdoor sports facilities are available. Prisoners play volleyball, carom and foot ball. No sports facilities are available for women prisoners.

Religious activities

There is a temple available inside the jail building. Make-shift arrangements are made in respect of worship by other communities.

Yoga

Yoga classes are being organized with the help of the volunteers.

Vocational Training

No facilities for vocational training are available in the jail.

Works program

No industrial production units have been set up in the jail to gainfully employ the prisoners. Bihar Government has fixed a daily rate of Rs.80/- for trainers, Rs.87 for semi-skilled workers and Rs.121 for skilled workers. However, this opportunity is not being utilized by the jail authorities for the benefit of the prisoners. Some of the prisoners whose services are utilized in cooking and other activities are getting paid. Pass Books maintained in the names of two prisoners were verified; Ranjit Singh has a remittance of RS.14, 286/-; Manjhi Singh has Rs.48988.00 in his account as earnings received for his labour.

Canteen facilities

Canteen facilities are not presently available in the jail.

Visitors

Meetings with family members are allowed once in a week for under trials and on fortnightly basis for convicts. A waiting room for visitors is under construction. Public Telephone Office (PCO) is available inside the jail premises.

Complaints from prisoners

Complaints can be filed by the prisoners in the following manner:-

1. The prisoners are produced before the designated courts and at that time they are free to file complaints, if any, before the courts.
2. Prisoner's durbar is being organized to hear complaints from the prisoners.
3. Prisoners are free to hand over their complaints to the Superintendent as well as the higher authorities and also to the District and Sessions Judge, CJM and other judicial authorities. DM, SP, SDO and other officials of the district administration also receive complaints from the prisoners.
4. They can use the complaint boxes set up in the jail premises. Two complaint boxes have been installed-one general and another under the auspices of the State Legal Services Authority for receiving complaints from prisoners

Involvement of NGOs

NGOs/ social activists are not presently involved on a large scale in various activities. However, moral education classes are

conducted by James Missionaries. Samakhya, a NGO, is involved in women's educational programs.

Drug De-addiction program

It was stated that drug de-addiction/counselling services are currently not available in the jail.

Inspections

Regular inspections are to be carried out by the CJM, DM and senior officers of the jail administration. It was, however, stated that *in the last one year no inspections were carried out either by judicial or by non-judicial authorities.*

Security

Security arrangements were reported to be adequate

Solar lighting

Steps have been taken to harness solar energy for heating and lighting purposes in all Central jails of Bihar. However, there appears to be no such plans in respect of District Jails.

Budget

No information was provided under this item by the jail authorities. Expenditure under different items, including that of civil works needs to be closely monitored. Regular auditing also ought to be conducted.

Modernisation

It was stated that the jail has not planned or taken up any comprehensive modernization plan. The civil works sanctioned should be monitored regularly to ensure their timely completion.

Observations/ Recommendations:-

They have been included in the general comments at the beginning of this report.
