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



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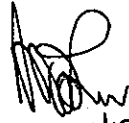
Dear Shri. Kochher,

Enclosed, please find a report on my visit to the Central Jail, Silchar on August 28, 2014. I was accompanied by Shri. M.K. Hazarika, Dr. T. Upadhyai and Shri. M.N. Sharma, Jailor.

N.H.R.C.
PRP&P DIVISION
DS (A) UNIT
22 SEP 2014
Dy. No. 197

With best wishes,

Yours sincerely,


10/09/2014
(Anil Pradhan)

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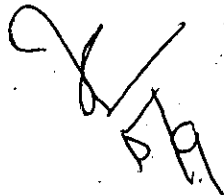
4528/DS(A)
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Shri. J.S. Kochher
Joint Secretary (P&A)
Manav Adhikar Bhawan
Block 'C', GPO Complex
Behind INA Market
New Delhi 110023

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MS SULTAN, RA

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DJA



1. **Date of Visit:** I visited Central Jail, Silchar on August 27th, 2014, around 11:15 AM. I was accompanied by Shri. M.K. Hazarika, Dr. T. Upadhyai and Shri. M.N. Sharma, Jailor.
2. **Introduction:** This jail was established in **1881** just opposite the Police Reserve. It was last visited by Shri. R. Baruah, Chief Judicial Magistrate, Gauhati on 29/07/2014. Prior to that, he had visited this jail almost every month on 25/05/2014 and 30/04/2014. Shri. M.C. Saikia, DIG (Prisons) had paid a visit here on 27/01/2014 and Shri. P.P. Baruah, Inspector General of Prisons on 10/11/2013.

The jail is situated in the heart of the town, close to the offices of the Deputy Commissioner and the Superintendent of Police. There is a very busy road just outside the perimeter wall of the jail.

3. **Prison Population:** This jail is meant to accommodate 435 (M=408; F=27). Today, there are 470 (M=463; F=7). As such, there is over-crowding in this jail in the male section.

The breakup of the inmate population is as follows:

CATEGORY	MALE	FEMALE	TOTAL
Condemned Prisoners	2	0	2
Haflong UPTs	10	0	10
Remand	138	1	139
Sessions (UTP)	17	0	17
SI (Convicts)	5	0	5
RI (Convicts)	236	4	240
Foreigners			
NDPS	25	0	25
Negotiable Instruments Act	2	0	2
Foreign National UTP	3	0	3
Foreigners for Deportation	25	2	27
TOTAL	463	7	470

4. **Staff:** There are 49 staff members in the Central Jail, Silchar. This includes the Senior Medical and Health Officer but not the District Executive Force (DEF) personnel of Silchar district who man the Watch Towers. One post of Chief Head Warder and 15 (fifteen) posts of Warders are lying vacant here. Also, a Nurse from here has been on

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CENTRAL JAIL, SILCHAR, ASSAM

continuous deputation to District Jail, Jorhat since 09/07/2009. The sanctioned strength and actual strength is given below:

Staff	Sanctioned Strength	Actual Strength	Vac.
Superintendent	1	1	
Jailor	1	1	
Asst. Jailor	5	4	1
Female Asst. Jailor	1	1	
Chief Head Warder	1	0	1
Head Warder (M)	3	3	
Head Warder (F)	1	0	1
Warder (M)	29	15	14
Warder (F)	4	2	2
Doctor	1	1	
Pharmacist	1	1	
Nurse	1	1 (deputation)	
Lab. Technician	1	1	
Teacher	1	1	
Driver	1	1	
TOTAL	52	33	19

5. Land and Building: The area of the jail complex is 31.5 bighas. Of this, 8.5 bighas hold the jail complex while the remaining 23 bighas house the employees' quarters, marshy land and cultivable land. There is a temple, a mosque as well as an Id-gah here. I am informed that devoted prisoners built these from their own resources many years ago.

The jail is divided into three parts: 1 part is for the female inmates while the other two parts are for the male prisoners.

There is a high wall enclosing the entire jail complex. A total of 4 iron Watch Towers also exist. A component of the District Executive Force (DEF), man the watch towers.

There are 14 wards here. This includes the hospital and a segregation area for TB patients.

6. **Sanitation:** The overall sanitary condition in the jail premises is satisfactory. However, there is no running water in the latrines inside the wards. This causes discomfort to those incarcerated inside the wards after being locked up for the night.

The main source of water here is through two bore wells. The Municipality and the PHE supply of water are both erratic and inadequate. The inmates are expected to clean the entire place themselves.

7. **Food and Kitchen:** There is one kitchen for the whole jail complex. Food for the female inmates is also cooked here and taken to the Female Ward. However, the kitchen has no running water supply. Also, there is no sanctioned post of Cook. UTPs and Convicts help in the daily cooking of food. Non-veg. food is served to the inmates on Wednesdays and on Saturdays during dinner time. Firewood is used here as cooking gas is not yet installed.

8. **Clothing and Bedding:** There are no uniforms for the convicts who are supposed to wear a convict's uniforms as per Rule 235 of the 'Rules for Management of Jails in Assam' contained in 'Assam Jail Rules' Part III made under the Prisoners Act, 1894, (**Annexure 'A'**). Other pieces of bedding items are issued as per scale.

9. **Education:** There is a school inside the jail premises. Inmates are taught to read and write. There is also a library. The teacher informed that currently 16-18 inmates are undergoing his classes. The classes are held from 8 am to 10 am and again from 2 pm to 4 pm.

10. **Prison Industries:** There is no Craft Instructor here but the inmates have learnt to work the 2 (two) handlooms. They produce 'gamochas', a typically Assamese piece of white cloth, roughly 2 feet wide and 4 feet in length with a red designed border used to greet guests as well as to use in and around the house. The Department of Handloom and Textiles, Government of Assam, supply the raw materials.

11. **Interviews:** This facility is granted everyday to the inmates from 10 am to 3 pm with a limit time of 25/30 mins. per inmate. As there is no Interview Room, the office room of the Asst. Jailor is used. The visitor and the inmate speak to each other through a wire-netted window in the presence of a prison official. Visitors are required to submit an application to the Superintendent and obtain his permission beforehand.

12. **Correctional programme:** There are no Counsellors in this Jail. However, spiritual avenues are available to the inmates in the form of a 'mandir' and a mosque. Also, Lions Club, Rotary Club and Lioness Club arrange moral lectures and medical treatment for the eyes to the inmates. Missionaries of Charity and ISKON also organise moral lectures.

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CENTRAL JAIL, SILCHAR, ASSAM

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Besides these, Disha Foundation, an NGO carries out regular de-addiction programmes. Also, a life convict, on eventual release, is given an amount of Rs. 10,000/- (Rupees ten thousand) only from the Social Welfare Department and the Jail Department for starting a new life.

13. Recreational Activities: Indoor and outdoor games like chess, ludo, carom, volley-ball, are available for both male and female inmates. Two Bengali, one Assamese and one English newspaper are available here. Colour TVs are also provided inside the wards.

14. Health and Hospital: The doctor informed that most of the cases he treated were gastro-enteritis owing to the age factor of the inmates. Others were respiratory tract infection and hyper-tension. Besides these, 32 inmates suffered from psychosis (M=29; F=3). For them, a Specialist from Silchar Medical College visited the jail every 15 days. Those inmates requiring hospitalisation were referred to Silchar Medical College.

15. Remission: Remission is practised in the jail as per Rules for convicts only. The IG (Prisons) can grant remission of 60 days, the Superintendent 30 days while the Government grants remission not only for 30 days but also on the occasion of Republic Day. General remission of 2 days is also granted both for good behaviour and for good work. All this information is written in the History Ticket of each convict who are locked away for more than one year.

16. Leave and Parole: This is being practiced here for convicts only. The CJM grants 20/30 days leave on an emergency request after a satisfactory report is obtained from the concerned police station. Earlier, the IG (Prisons) was authorised to sanction this privilege but after 68 or 69 prisoners failed to return to the jail on expiry of their leave or parole period, a more lengthy procedure was put in place.

17. Pre-mature Release: There are 34 (thirty-four) life convicts in the Central Jail who have prayed for pre-mature release after completing more than 20 years in jail, including remission period. Their cases are all pending either with the Government or the CJM or with the local police stations. A list is at **Annexure 'B'**. Twenty-four convicts wrote a joint petition the day I was visiting the Central Jail. In their appeal, they have prayed for premature release after having served their time. Their petition is at **Annexure 'C'**. Also, as Silchar is declared as a Detention Centre for Bangladesh nationals before their deportation to Bangladesh, 19 (nineteen) of them are illegally lodged here as the formalities for their deportation have not yet been completed **Annexure 'D'**. Besides them, 8 (eight) Myanmar nationals are similarly lodged here **Annexure 'E'**. One of the, Sain Pain Laugh has been languishing here since 17/05/2010.

The problem of release from jail after completion of 20 years imprisonment, including remission period, appears to have cropped up after September, 2013. The IG (Prisons), Assam vide Memo No.

PRI.268/2012/71 dt. 06/09/2013, conveyed the following Supreme Court order (**Annexure 'F'**):

"There is a misconception that a prisoner serving life sentence has an indefeasible right to release on completion of either fourteen years or twenty years imprisonment. The prisoner has no such right. A convict undergoing life imprisonment is expected to remain in custody till the end of his life, subject to any remission granted by the appropriate Government under section 432 of the Cr.P.C. The grant of remission is statutory. However to prevent its arbitrary exercise, the legislature has built in some procedural and substantive checks in the statute. These need to be faithfully enforced.

Remission can be granted under section 432 of the Cr.P.C in the case of a definite term sentence. The power under this Section is available only for granting "additional" remission, i.e. for a period over and above the remission granted or awarded to a convict under the Jail Manual or other statutory rules. If the term of sentence is indefinite (as in life imprisonment), the power under Section 432 of the Cr.P.C. certainly be exercised but not on the basis that life imprisonment is an arbitrary or notional figure of twenty years of imprisonment.

Before actually exercising the power of remission under Section 432 of the Cr.P.C. the appropriate Government must obtain the opinion (with reasons) of the presiding Judge of the convicting or confirming Court. Remission can, therefore, be given only on a case-by-case basis and not in a wholesale manner."

In other words, the proposal of the IG (Prisons) to the State Government should contain the view of the convicting or confirming court. This appears to have resulted inordinate delay, thus **violating the human rights of the convicts**. The remedy to this problem may lie in processing the case of such convicts a few months in advance.

18. Status of Investigation and Trial pending against UTPs:

There are many inmates whose cases have not been decided by the investigation officers of different police stations. There appears to be a strong need to appeal to the Magistrates concerned to release those inmates who are behind bars for over 60 or 90 days as per provisions of 167 CrPC. This would not only look after the human rights of these inmates but would also de-congest this jail.

19. Appeal: Two appeals are pending in the High Court, Gauhati. One belongs to Assam Convict (AC) No. 9114, Salim uddin and the other to AC No. 7472 Hifjur Rehman. Both are accused of 302 IPC in two separate cases.

20. **Legal aids for inmates:** Almost all the inmates with whom I interacted complained that the advocates assigned to them by the Assam State Legal Services Authority (ASLSA) hardly met them. This is a **gross human rights violation** as these indigent inmates have no other recourse to legal redressal.

21. **Board of Visitors:** The Board of Visitors lapsed in February 2014. It has not been re-constituted, I believe. Earlier also, hardly any visits were made by the Board. Notification No. HMB.89/82/Pt.I/46 dt. 04/02/2014 is at **Annexure 'G'**.

22. **Departmental Inspections:** The Inspection Register has been mixed up with the Visitor's Book. Rule 11 and Rule 12 of the 'Rules for Management of Jails in Assam', contained in 'Assam Jail Rules' Part III made under the Prisoners Act, 1894, contain instructions regarding Inspections of jails by the Inspector-General and its transmission to the Superintendent of the concerned jail (**Annexure 'H'**).

23. **Interaction with inmates:** Most of the inmates I interacted with had just one complaint - their appointed advocates hardly met them. Also, truly pathetic were the cases of old inmates. Their details are:

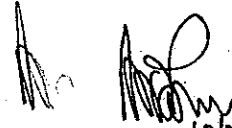
- | | | |
|--------------------------------------|---|-----------------|
| 1. A/C No. 7826 Mustafa Ahmed | - | 86 years |
| 2. A/C No. 9103 Namor Ali | - | 85 years |
| 3. A/C No. 7470 Nabadwip Baisnab | - | 66 years |
| 4. A/C No. 7468 Shyam Charan Baisnab | - | 62 years |

24. **Summary and Recommendations:**

1. The jail is over-crowded and in the heart of the city. It is an ancient structure of 1881 vintage. Most of the wards are in a dilapidated condition. The inmates deserve to be treated with due human dignity. Some other place, away from the town, may be earmarked for a more modern Correctional Home.
2. There are 19 vacant posts here, including 14 posts of Male Warders - the most important wing of the jail administration. These may be filled up early.
3. Water supply to the latrines inside the wards may be improved to obviate the foul smell during the night.
4. The kitchen needs immediate improvement by way of basic renovation, running water supply and a switch-over to gas.
4. Convicts may be issued their proper uniforms. Currently, all the inmates are dressed in casual civilian clothes and all of them are mixed together. In other words, UTPs and convicts mix about freely and there is no segregation.
5. There are no Counsellors assigned to this Jail. There is a special need for them here.
6. The cases of pre-mature release contained in **Annexures 'B'** and their joint petition in **Annexure 'C'** may be decided early. Also, the Bangladesh nationals enumerated in Annexure 'D' and the

Myanmar citizens contained in Annexure 'E', may be deported expeditiously. An element of unlawful detention appears to have crept in here.

7. Police investigation needs to be speeded up. A number of UTPs are detained beyond the prescribed legal period.
8. The cases of the two convicts who have appealed to the High Court, Gauhati may also need attention.
9. Government may like to examine the efficacy of the Assam State Legal Services Authority (ASLSA) as the inmates are not getting any succor. Similar is the case with the Board of Visitors.
10. An Inspection Register as provided for in Rule 11 and Rule 12 of the 'Rules for Management of Jails in Assam' contained in 'Assam Jail Rules' Part III made under the Prisoners Act, 1894 may be maintained.
11. The cases of the 4 (four) inmates who are in their 60's and 80's need immediate attention. They hardly seemed a threat to society, judging by their sallow complexion, worn-out human frame and despair writ large on their faces.
12. The Superintendents of the various jails may begin the task of release of convicts who have completed 20 years in jail, including remission period, a few months in advance. Their proposal of such release to the IG (Prisons) must contain the views of the convicting or confirming court for speedy disposal of the convict's case.



10/09/2014

(Shri. A. Pradhan) IPS (Retd.)

Special Rapporteur, NE Zone

National Human Rights Commission

9

Extract of Rules 235 of the 'Rules for Management of
Jails in Assam' contained in 'Assam Jail Rules' Part III
made under the Prisoners Act, 1894

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ANNEXURE 'A'

Rule 235. **Clothing for Convicts.** Every prisoner sentenced to rigorous imprisonment shall be provided with jail clothing according to the scale laid down in Chapter XXII.

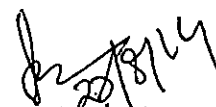
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Annexure 'B'

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List of Convicts whose release proposals sent to the Authority
(As on 27-08-2014)

Sl No	Name of Prisoner (Convict)
1	AC/7369-Sajal Roy
2	AC/8531- Parijat Kusum Nath @ Bidhan Nath
3	AC/7826- Mustafa Ahmed
4	AC/7339- Hasmat Ali Mazarbhuiya
5	AC/7400- Rahmat Ali Mazarbhuiya
6	AC/8485- Nizam Uddin
7	AC/7423- Parbin Ali
8	AC/7424- Kamar Uddin
9	AC/8728-Bhubon Tanti
10	AC/7470-Nabadeep Baishnob
11	AC/7392-Dilip Nayek
12	AC/7224-Jakir Hussain Choudhury
13	AC/7374-Matibur Rahman Borbhuiya
14	AC/8047- Montu Dusad
15	AC/ 7437 Nikhil Nath
16	AC/7471- Sunil Baishnab
17	AC/7472- Hiralal Baishnob
18	AC/7468- Shyam Charan Baishnob
19	AC/7469- Sona Kumar Baishnob
20	AC/8934 Kumud Deka
21	AC/7526 Mohilal Das
22	AC/7523- Rana Deb
23	AC/7670- Taibur Rahman Mazumdar
24	AC/8871- Maklish Ali
25	AC/7592- Kartik Mal
26	AC/8530 Partha Pratim Nath @ Babla
27	AC/7574- Mohanlal Mal
28	AC/7576- Sunil Mal
29	AC/7525- Dipak Nandi
30	AC/7524 - Dilip Nandi @ Dulu
Release proposal not sent	
31	AC/7575 -Duba Mal @ Dilip Mal
32	AC/7666 -Ramu Dushad
33	AC/7668 -Chunilal Rabidas
34	AC/7667 -Paltu Duchad


Superintendent
Central Jail Silchar

So

The Hon'ble Rapporters,

National Human Rights Commission,
New Delhi,

Through the Superintendent, Central Jail, Silchar, Assam,

Sub:- Prayer for taking kind steps for dismissal of the proposal of the Central Govt. - that victim's family should be heard while deciding the remission of life convicts after satisfying the condition of 433-A Cr.Pc 2(i) for our release.

Respected Sir,

We beg most respectfully to ~~state~~ lay before before you the following few facts for favours of your kind consideration & necessary action:-

That Sir, we the undersigned life convicts, have already completed more than 20 years of imprisonment (Minimum 14 years of actual imprisonment + Maximum 6 years of earned remission with good conduct & works in prison) and our proposals for release were sent by the Superintendent, Central Jail, Silchar, Assam, through proper channel for the destination of the Appropriate Authority in the govt.

But Sir, unfortunately none of us have been released from prison since the year 2012. pushing ours as well as our family members' already illfated lives, these family members who have been eagerly waiting for our release from prison all these long 14 years & more with the hope of our going back to them & give them a normal social life like others in the society, towards the zone of further darkness of uncertainty & insecurity.

That Sir, recently we came to learn that a five Judge Constitutional Bench of our Apex Court headed by the Hon'ble Chief Justice Mr. Lodha is going to decide the

submitted to the honorable member N.H.R.C. NE ZONE.

27/5/14

- fate & guideline of release of life convicts in India, presently giving a restrain order on the remission of the life convicts of all the states & union territories in India & in the process, the Central Govt. has laid down its view that the victims family should be heard while deciding the remission of life convicts,

But Sir, the very enmity that between the victim's family & the convict which got gradually buried down in these long 14 years & more will be dug out of its grave by this decision of the Central Govt. and when the victims family come to know that they can decide the fate of the life convict overriding the present law of our country, their decision will naturally be governed by the attitude of revenge again after these long years of imprisonment of life convicts & one can very easily understand the fate of the undersigned convicts & their respective families.

Hence, we pray to you to kindly do something to save us as well as our families from being pushed deep into the darkest zone of the fate by being punished twice for one offence and for that kindness from your kindness, we shall remain ever pray.

Yours faithfully.

Dated: Sikhar,
27th August, 2014.

- (i) MUSTAFA AHMED
- (ii) Parijat Ksum Nath
(PARIJAT KUSUM NATH)
- (iii) (HIRALAL BAISHNAB)
- (iv) RAHMAT ALI MAJHAR BHUIYA
(PARTHA PRATIM NATH)
- (v) PARTHA PRATIM NATH
- (vi) (NABADIP BAISHNAB)

सुनिल बािशव
(XXV) (SUNIL BAISHNAB)

मोहित लाल दास
(XXVI) (MOHIT LAL DAS)

सुनिल मल
(XXVII) (SUNIL MAL)

दिपक नन्दी
(XXVIII) (DIPAK NANDI)

दिलिप नन्दी
(XXIX) (DILIP NANDI)

Jahir Hussain Choudhury
(X) (JAKIR HUSSAIN CHOUDHURY)

नज्जाम उद्दीन
(VIII) (NIZAM UDDIN)

सुब्रह्मण्य राज
(IX) (SAJAL ROY)

हस्मत अली
(X) (HASMAT ALI MAJHARBHOJYA)

मकलिस अली
(XI) (MAKLIS ALI)

राना देब
(XII) (RANA DEB)

मोहम्मद राहमान
(XIII) (MOHAMMAD RAHMAN)

नयक
(XIV) (NAYEK)

पारस अली
(XV) (PARAS ALI)

मानस दुसाद
(XVI) (MANAS DUSSAD)

भुवनेश्वर तान्ति
(XVII) (BHUVANESHWAR TANTI)

कामरुद्दीन बरभुइया
(XVIII) (KAMRUDDIN BARBHUIYA)

निकील नाथ
(XIX) (NIKHIL NATH)

सुनाकर बािशव
(XX) (SUNAKAR BAISHNAB)

ताइबुर राहमान माजुमदर
(XXI) (TAIBUR RAHMAN MAJUMDER)

कार्तिक मल
(XXII) (KARTIK MAL)

मोहन मल
(XXIII) (MOHAN MAL)

श्याम बािशव
(XXIV) (SHYAM BAISHNAB)

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Annexure 'D'

8

BANGLADESHI NATIONAL LODGED IN DETENTION CENTRE AS ON 27-08-2014

Sl. No	Name & Father's Name	Address	Date of admission
1	Md. Kamal Uddin @ Nizam S/O Lt. Bati Mia	Vill-Kumarshail, P.S & Dist-Sylhet Bangladesh	16-05-2013
2.	Anowar Hussain @ Munna S/O Saddique Hussain	Vill: Khadiman P.S: Jokiganj Dist: Sylhet Bangladesh	12-11-2013
3.	Abdul Latif S/O Late Roshan Ali	Vill: Luluwa P.S: Pancdwara Dist: Balanagar Kulas Bangladesh	14-11-2013
4	Musst. Jasrana Begam W/O Sobar Ali	Vill : Fatepur P.S : Kotwali Dist : Jessore Bangladesh	02-01-2014
5	Rofique S/O Late Motosin Ali	Vill : Irani Nagar P.S : Borlekha Dist.: Moulabi Bazar Bangladesh	21-02-2014
6	Kabi Usman S/O Kala Mia	Vill : Nawakhali P.S : Begramganj Dist : Nawakhali Bangladesh	10-03-2014
7	Rayaj Uddin S/O Abdul Noor	Vill : Bachisigul P.S : Borlekha Dist: Moulabi Bazar Bangladesh	10-03-2014
8	Abdul Rahim S/O Late Isak Ali	Vill : Demai P.S : Borlekha Dist : Moulabi Bazar Bangladesh	20-03-2014
9	Devdas S/O Kangal Rabidas	Vill : Badra (Muchipara) P.S : Badra Dist : Sylhet Bangladesh	20-03-2014
10	Ahmed Uddin S/O Abdul Ali	Vill : Mastapur PS : Sadhan Dist : Sylhet Bangladesh	01-04-2014
11	Abdul Hekim S/O Abdul Hamid	Vill : Hazipur (Pasehimpara) PS : Gopalganj Dist : Sylhet Bangladesh	09-04-2014
12	Babloo Rai Ghatwar S/O Lt Prabhat Rai Ghatwar	Vill : Pachim Tilla (Nirjapur Bazar) PS : Srimongal Dist : Maulabibazar Bangladesh	26-04-2014

13	Sablu Ahmed S/O Abdul Rozak	Vill : Sunacha PS : Jakiganj Dist : Sylhet Bangladesh	30-06-2014
14	Anisur Rahman S/O Md Almas Mia	Vill : Kailkapur PS : Bancharampur Dist : Bindtabarin Bangladesh	12-07-2014
15	Enam Uddin S/O Motosin Ali	Vil: Ayor P.S Jokiganj Dist Sylht Bangladesh	19-07-2014
16	Ali Hussain S/O Abdul Hannan	Vill. Motor Groung P. S Jokiganj Dist Sylht Bangladesh	19-07-2014
17	Jamal Uddin S/O Motaheir Ali	Vill: Bhulagram P.S Kanaighat Dist Sylht Bangladesh	08-08-2014
18	Musstt Jahida Begam D/O Mamon	Vill: Colacanda P.S & Dist: Moulabi Bazar Bangladesh	15-08-2014
19	Abdul Noor @ Rana S/O Late Abdul Hekim	Vill: Mesta P.S Mithamoin Dist: Kesharganj Bangladesh	22-08-2014

[Handwritten Signature]
20/8/14
Superintendent
Central Jail, Sylhet

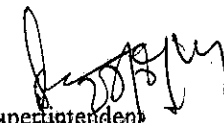
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Annexure 'E'

6

MYANMAR NATIONAL LODGED IN DETENTION CENTRE AS ON 27-08-2014

Sl. No	Name & Father's Name	Address	Date of admission
1	Sian Pain Langh S/O Lt. Khupaza Langh	Vill: Teedin P.S: Gawang Dist: Chin , Myanmar	17-05-2010
2.	Md Jamal S/O Md Sukkur	Vill: Keito (Badarpur) P.S Keito Dist: Faida, Myanmar	29-07-2012
3.	Makbul Khan S/O Late Jafar uddin	Vill: Keito (Badarpur) P.S Keito Dist: Faida, Myanmar	29-07-2012
4.	Jamal Hussain S/O Ahmed Hussain	Vill : Keito (Badarpur) P.S : Keito Dist : Faida, Myanmar	29-07-2012
5.	Md Inus S/O Md Mahumud	Vill : Keito (Badarpur) P.S : Chaptak (Keito) Dist: Faida, Myanmar	29-07-2012
6.	Md Sabir Ahmed S/O Kabir Ahmed	Vill : Buma P.S : Chaptak Dist : Faida, Myanmar	29-07-2012
7	Rahim Uddin S/O Md Nizam Uddin	Vill : Keito P.S : Keito Dist : Faida, Myanmar	29-07-2012
8.	Md Salam S/O Md Illias	Vill : Keito P.S : Keito Dist : Badarpur,, Myanmar	29-07-2012


Superintendent
Central Jail, Silchar
12/24/14

GOVERNMENT OF ASSAM
OFFICE OF THE INSPECTOR GENERAL OF PRISONS, ASSAM



No. PRI.268/2012/71

Dated Guwahati the 06/09/2013

OFFICE MEMORANDUM

Government of India; Ministry of Home Affairs (CS Division) has issued advisory vide No. V-17013/2/2013-PR dated 01/02/2013 to all State Governments in respect of granting of remission which is quoted below:-

Section 433-A of the Cr.P.C. reads as follows:-

433-A. Restriction on Powers of Remission or Commutation in certain cases.

Notwithstanding anything contained in section 432, where a sentence of imprisonment for life is imposed on conviction of a person for an offence for which death is one of the punishments provided by law, or where a sentence of death imposed on a person has been commuted under section 433 into one of imprisonment for life, such person shall not be released from prison unless he had served at least fourteen years of imprisonment.

The Supreme Court decided that:-

"There is a misconception that a prisoner serving life sentence has an indefeasible right to release on completion of either fourteen years or twenty years imprisonment. The prisoner has no such right. A convict undergoing life imprisonment is expected to remain in custody till the end of his life, subject to any remission granted by the appropriate Government under section 432 of the Cr.P.C. which in turn is subject to the procedural checks in that Section and the substantive check in Section 433-A of the Cr.P.C. The grant of remission is statutory. However to prevent its arbitrary exercise, the legislature has built in some procedural and substantive checks in the statute. These need to be faithfully enforced.

Remission can be granted under section 432 of the Cr.P.C. in the case of a definite term sentence. The power under this Section is available only for granting "additional" remission, i.e. for a period over and above the remission granted or awarded to a convict under the Jail Manual or other statutory rules. If the term of sentence is indefinite (as in life imprisonment) the power under Section 432 of the Cr.P.C. can certainly be exercised but not on the basis that life imprisonment is an arbitrary or notional figure of twenty years of imprisonment.

Before actually exercising the power of remission under Section 432 of the Cr.P.C.

the appropriated Government must obtain the opinion (with reasons) of the presiding Judge of the convicting or confirming Court. Remission can therefore be given only on a case-by-case basis and not in a wholesale manner.

As per advisory issued, State Governments has directed to take action in conformity with the advisory of the Government of India vide letter No. HMB/85/2005/Pl-II/187 dated 04/09/2013. All the Superintendents are to obtain application from the convicts or from their relatives when necessary, at least three months before completion of actual imprisonment of 14 years and sentence of 20 years including remission earned. In doing so, the Superintendents should apply their mind and process every individual case on merit, supported by proper records including remission cards. Further, Superintendents should obtain the opinion of the Presiding Judges from the convicting courts and enclose their opinion along with the proposal submitted to the Inspector General of Prisons, Assam. In case the convict has been in Jails away from the jurisdiction of the convicting court, the Superintendent of Jails where the convict has been detained should route the proposal through the Superintendents of the Jail located in the jurisdiction of the convicting court to obtain views from the presiding officers of the convicting courts. In case, it is required to obtain views from the presiding officer of the confirming court, Inspector General of Prisons, Assam shall take steps for obtaining views in such cases. After the processing and considering all the aspects stated in the Government of India's advisory, the Inspector General of Prisons, Assam shall submit the proposal to Government for issue of orders for remission.

sdt
Inspector General of Prisons, Assam.

Dated Guwahati the 06/09/2013.

Memo No. PRI.268/2012/71-A

Copy to:-
1) The Secretary to the Government of Assam, Dispur for information and necessary action.

2) All the Dy. Inspector General of Prisons of Range and headquarter for information.

3) All Superintendents of Jails for information. Dist. Jail/Central Jail.

Haitanand

Inspector General of Prisons, Assam,
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 DEPUTY COMMISSIONER
 CACHAR, SILCHAR.

ADCL (Mogun)
 GOVERNMENT OF ASSAM
 HOME (B) DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 4th Feb/2012

No.HMB.89/82/Pt.I/46 : Under Rule 20 read with Rule 25 of the Assam Jail Manual, the Governor of Assam is pleased to constitute the following Boards of Visitors for Jails in Assam for a period of 2 (two) years with immediate effect.

1. Superintendent Central Jail, Silchar

- | | |
|--|----------|
| 1. District Magistrate, Silchar | Chairman |
| 2. Chief Judicial Magistrate, Silchar | Member |
| 3. Sri Alok Sankar Dutta, Nag-Naha Lane, Silchar | " |
| 4. Sri Atindra Mohan Sinha, Kali Mohan Road, Silchar | " |
| 5. Sri Dibyajyoti Barua, President, Cachar Zila Parishad, Koombhar T.E., Silchar | " |
| 6. Smti Trishna Nandi, College Road, Silchar | " |

2. Superintendent District Jail, Diphu

- | | |
|---|----------|
| 1. District Magistrate, Diphu | Chairman |
| 2. Chief Judicial Magistrate, Diphu | Member |
| 3. Sri Anil Ch. Hazarika, Barbilgaon, Hawraghar, Diphu | " |
| 4. Sri Kahai Bey, Dongkamakam, Baithlangso, Diphu | " |
| 5. Sri Praloy Kr. Choudhury, M.G.Road, Opp.Latika Cinema Hall, Diuphu | " |
| 6. Smti Sika Beypi, Rukasen, Diphu | " |

3. Superintendent Sub Jail, Hamren

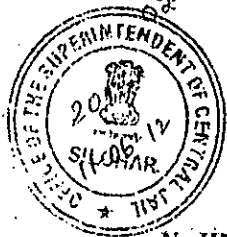
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|---|----------|
| 1. Sub-Divisional Officer, Hamren | Chairman |
| 2. Sub-Judicial Magistrate, Hamren | Member |
| 3. Sri Richard Hause, Hamren | " |
| 4. Smti Rika Timungpi, Dongkamakam, Baithalangsho | " |

4. Superintendent Central Jail, Tezpur

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|---|----------|
| 1. District Magistrate, Tezpur | Chairman |
| 2. Chief Judicial Magistrate, Tezpur | Member |
| 3. Dr.Manoj Mirdha, Ward No.5, Ramsing Roiad, Tezpur | " |
| 4. Sri Batharam Mahanta, Rangamati Bihaguri, Tezpur | " |
| 5. Sri Ashok Basu, Balipara Town, Tezpur | " |
| 6. Smti Ranjana Chakravarty, Advocate, Dhekiajuli, Tezpur | " |

5. Superintendent District Jail, Marigaon

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|---|----------|
| 1. District Magistrate, Marigaon | Chairman |
| 2. Chief Judicial Magistrate, Marigaon | Member |
| 3. Samsul Haque, Bluragaon, Marigaon | " |
| 4. Habibur Rahman Siddique, Nagabandha, Marigaon | " |
| 5. Sri Babul Das, Jhargaoon, Jagiroad, Marigaon | " |
| 6. Smti Smriti Rekha Gohain, Gohaigaon, Ward No.5, Marigaon | " |



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6. Superintendent Central Jail, Nagaon

1. District Magistrate, Nagaon
2. Chief Judicial Magistrate, Nagaon
3. Sri Bijoy Chakravarty, Jogijan, Nagaon
4. Md. Faizul Haque, Gopal Nagar, Hojai
5. Sri Bipradas Paul, Lanka, Nagaon
6. Smti Abida Begum, Islam Nagar, Hojai

Chairman
Member

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7. Superintendent District Jail, Mangaldoi

1. District Magistrate, Mangaldoi
2. Chief Judicial Magistrate, Mangaldoi
3. Md. Fazlul Haque Saikia, Ward No.2, Mangaldoi
4. Sri Jyoti Prasad Saharia, Bhuktabari, Sipajhar
5. Md. Fazrul Rahman, Buri Gaon, Kharupetia
6. Mrs. Preetilekha Barua, Upahupara

Chairman
Member

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8. Superintendent District Jail, Biswanath Chariali

1. District Magistrate, Sonitpur
2. Chief Judicial Magistrate, Sonitpur
3. Smti Bijoya Devi, Golia, Panibharal, Sonitpur
4. Sri Uma Basumatary, Lao Dalani, Sonitpur

Chairman
Member

"
"

9. Superintendent District Jail, Karimganj

1. District Magistrate, Karimganj
2. Chief Judicial Magistrate, Karimganj
3. Sri Satu Ray, President DCC, Karimganj
4. Sri Ketaki Prasad Dutta, Ex-M.L.A, North Karimganj
5. Dr. Kamaluddin Ahmed, Retd, Principal, Karimganj College
6. Mrs. Anjali Dutta Choudhury, AP Member, R.K. Nagar

Chairman
Member

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10. Superintendent District Jail, Goalpara

1. District Magistrate, Goalpara
2. Chief Judicial Magistrate, Goalpara
3. Proh. Ranjoo Choudhury, Retd. Principal
4. Proh. ASR Ahmed, Vice Principal
5. Abdul Based, Retd, Addl. S.P.
6. Shri Prahlad Das, Ex- Chairman, SC

Chairman
Member

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11. Superintendent District Jail, Sivasagar

1. District Magistrate, Sivasagar
2. Chief Judicial Magistrate, Sivasagar
3. Shri Anil Ch. Dutta, Advocate
4. Shri Sankar Agarwala, Social Worker
5. Shri Rajani Chankakanti, Retd. Manager
6. Mrs. Hiranmoyee

Chairman
Member

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12. Superintendent District Jail, Barpeta

1. District Magistrate, Barpeta
2. Chief Judicial Magistrate, Barpeta
3. Shri Arjun Ch. Das, Public Utility
4. Smt. Prity Das, Advocate
5. Shri Harun Ojha, Advocate
6. Shri Ranjit Das, Advocate

Chairman
Member

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13. Superintendent District Jail, Hailakandi

- 1. District Magistrate, Hailakandi
- 2. Chief Judicial Magistrate, Hailakandi
- 3. Shri Nurul Huda Laskar, Advocate
- 4. Shri Ujjal Kr. Das, Advocate
- 5. Shri Basun Kr. Singha, Retd. Professor
- 6. Smti Yasmin Choudhury, Social Worker

Chairman
Member
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14. Superintendent District Jail, Nalbari

- 1. District Magistrate, Nalbari
- 2. Chief Judicial Magistrate, Nalbari
- 3. Shri Dahren Das, Retd. Lecturer
- 4. Sshri Kishore Hazarika, Advocate
- 5. Shri Rangeela Dutta, Retd. HM
- 6. Smti Bharati Deka Patgiri, Advocate

Chairman
Member
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15. Superintendent District Jail, North Lakhimpur

- 1. District Magistrate, Lakhimpur
- 2. Chief Judicial Magistrate, North Lakhimpur
- 3. Shri S L Baruah, Retd. Engineer, PWD, NLP
- 4. Shri Arup Borah, Advocate
- 5. Shri Hemanta Kr. Baruah, Retd. Principal
- 6. Smti Rekha Phukon, Retd. Principal

Chairman
Member
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16. Superintendent District Jail, Haflong

- 1. Sub-Divisional Officer, Haflong
- 2. Sub-Judicial Magistrate, Haflong
- 3. Shri T. Changsan
- 4. Shri Tihangllai Daulagupu

Chairman
Member
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17. Superintendent District Jail, Majuli

- 1. Sub-Divisional Officer, Majuli
- 2. Sub- Judicial Magistrate
- 3. Shri Josheswar Hazarika, Lecturer
- 4. Sshri Arup Borah, Advocate

Chairman
Member
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"

18. Superintendent District Jail, Tinsukia

- 1. District Magistrate, Tinsukia
- 2. Chief Judicial Magistrate, Tinsukia
- 3. Shri Mantosh Dutta, Advocate
- 4. Shri Kartick Dutta, Advocate
- 5. Smti Sangeeta Sharma, Advocate
- 6. Ahri Santanu Das, Retd. Principal

Chairman
Member
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19. Superintendent District Jail, Abhayapuri

- 1. Sub-Divisional Officer, Abhayaouri
- 2. Sub-Judicial Magistrate, Abhayaouri
- 3. Shri Bijoy Bhagabati, Retd. Principal
- 4. Mrs. Marami Barthakur, Eminent poet

Chairman
Member
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20. Superintendent Central Jail, Jorhat

- 1. District Magistrate, Jorhat
- 2. Chief Judicial Magistrate, Jorhat
- 3. Shri Prafulla Rajguru
- 4. Shri Jagat Ch. Barthakur
- 5. Shri Bhaba Goswami
- 6. Smti Binita Dutta

Chairman
Member
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21. Superintendent District Jail, Dhemaji

1. District Magistrate, Dhemaji
2. Chief Judicial Magistrate, Dhemaji
3. Shri Sabeswar Chuti
4. Dr. H M Dewri
5. Smti Binita Garidia Choudhuri
6. Shri Dev Das

Chairman
Member
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"

22. Superintendent District Jail, Dhubri

1. District Magistrate, Dhubri
2. Chief Judicial Magistrate, Dhubri
3. Smti Manja Goswami
4. Shri Tezmel Haque, Social Worker
5. Shri Binoy Bhattacharjee, Social Worker
6. Shri Pares Ch.Das, Social Worker

Chairman
Member
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Sd/- G.D.Tripathi,
Secretary to the Govt. of Assam
Home Department

Memo No.HMB.89/82/pt.1/46-A

Dated Dispur, the 4th Feb/2012

Copy to:-

1. The P.S. to the Hon'ble Chief Minister, Assam.
2. The P.S. to Hon'ble Minister, Jail for appraisal of Hon'ble Minister.
3. The Inspector General of Prisons, Assam, Khanapara, Guwahati-22.
- ✓ 4. The District Magistrate, Silchar
5. The Chief Judicial Magistrate,
6. The Sub Divisional Officer (Civil),
7. The Sub Divisional Judicial Magistrate,
8. All Superintendents of above named Jails,
9. All Members above named.
10. The Superintendent, Assam Govt. Press, Bamuninaidam, Guwahati-21 for publication of the notification in the next issue of Assam Gazette.

By order etc.,

[Signature]
Joint secretary to the Govt. of Assam
Home Department

Memo.No.CAJ.9/99/4b -A Dated Silchar the 8th June, 2012
COPY to -

1. The Superintendent, Central Jail, Silchar for information necessary action.

[Signature]
Addl. District Magistrate,
Cachar, Silchar.
4/6/12

Extract of Rules 11 and 12 of the 'Rules for Management of Jails in Assam' contained in 'Assam Jail Rules' Part III made under the Prisoners Act, 1894

Annexure 'H'

11. **Inspection of jails by Inspector-General** - (1) He shall inspect all departments of every jail at district headquarters and at Shillong at least once a year and of every jail at sub-divisional headquarters and at Tura, Kohima and Aijal at least once in two years.

(2) During each inspection he shall personally see every prisoner then in confinement in the jail, he shall give every prisoner a reasonable opportunity of making any application or complaint and shall investigate and dispose of such as relate to jail discipline.

(3) He shall inspect the yards, wards, cells, worksheds, and other enclosures, shall examine the garden, enquire into the character of the water-supply, the conservancy arrangements, and the medical administration, shall see the food and ascertain that it is of proper quality and quantity, and generally satisfy himself that the building and premises are in proper order.

(4) He shall inspect all journals, registers and books maintained in every department of the jail, and initial or countersign them in token that he is satisfied that they are maintained in accordance with rules. He shall satisfy himself that the orders of Government regarding the arrangement and periodic destruction of records are observed.

(5) He shall inspect the warder establishment, satisfy himself as to its proficiency in drill and musketry, inspect its arms and accoutrements, and test the ability of each jail officer of the upper subordinate establishment to drill the guard.

12. **Memorandum of inspection to be supplied to Superintendent** - Immediately after the inspection the Inspector-General shall furnish the Superintendent with a memorandum embodying his opinion of the manner in which the jail is administered, the extent to which the officers appear familiar with their duties, together with any suggestions or order for the guidance of the Superintendent.