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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 District Jail, Namchi on September 23, 2014. I was accompanied by Shri. Aaron G. Lepcha, Sikkim Jail Service, Assistant Superintendent of Jails and Shri. K.B. Gurung, DySP, Superintendent of Jails and other jail officials.

N.H.R.C.
PRP&P DIVISION
DS (A) UNIT

best wishes,

2790/JS(P&P)
28/10/14

29 OCT 2014

Yours *sincerely,*

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Anil Pradhan
20/10/2014
(Anil Pradhan)

506/DS(A)
29/10/14

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

An
29/10/14
Ms Gupta, PA

506/DS(A)
28/10
28/10

24. Summary and Recommendations:

1. The 16 vacancies in this district jail may be addressed early.
2. Water supply to the jail may be improved. There is enough storage space for clean drinking water here.
3. Education, prison industries and correctional programmes may be initiated here. Though the inmates are UTPs, they are spending a part of their lives here and deserve to be gainfully engaged in some activity or the other during their incarceration.
4. There are no Counsellors assigned to this Jail. There is a special need for them here.
5. A new Board of Visitors may be constituted here.



20/10/2014
(Shri. A. Pradhan) IPS (Retd.)

Special Rapporteur, NE Zone
National Human Rights Commission

inmates. Outdoor activities are not possible owing to non-availability of space.

14. **Health and Hospital:** There is no hospital inside the jail complex. Inmates are referred to Civil Hospital, Namchi or a doctor is fetched from the town.

15. **Remission:** Only UTPs here.

16. **Leave and Parole:** Only UTPs here.

17. **Pre-mature Release:** Only UTPs here.

18. **Status of Investigation and Trial pending against UTPs:**

The regular monthly visits by the CJM appear to have had a salutary effect on pendency of cases at the police station level.

19. **Appeal:** Only UTPs here.

20. **Legal aids for inmates:** The District Legal Aid Service (DLAS) regularly depute lawyers to this jail.

21. **Board of Visitors:** The Board of Visitors lapsed in March 2010. It has not been re-constituted, I believe. Notification No. 19/HOME/2007 dt. 13/03/2007 is at **Annexure 'A'**.

22. **Departmental Inspections:** The Home Secretary is ex-officio head of the Prisons Department. There is no separate Head of the Prison Department. In the absence of a separate head of department, all prison matters are referred to the Home Secretary. In Rongyek Central Jail, Gangtok, there is no Superintendent; only an SP-level officer. Perhaps, a DIG-level officer could be posted to look after the day-to-day administration of the Prison Department.

23. **Interaction with inmates:** The inmates had no grievances.

5. **Land and Building:** The area of the jail complex is 2.5 acres. However, only 50% of the land houses the jail complex. The rest is meant for quarters for the jail staff.

There are 2 Wards for the male inmates with a capacity of 18 each. For the female inmates, a separate ward is available.

While going round the jail complex, I was shown organic vegetable patches, a rock garden and a compost plant. This was done by the inmates.

There are 4 Watch Towers inside the jail complex. These are manned by the jail staff. The main gate is guarded by battalion constables belonging to the State Police Force.

6. **Sanitation:** The sanitary condition inside the jail premises is satisfactory. However, water supply is scarce as the PHE is unable to provide adequate water.

7. **Food and Kitchen:** There is one kitchen for all the inmates. Food for the female inmates is also cooked here and taken to the Female Ward. It is heartening to note that this district jail has adequate gas supply for cooking purposes. All the gas cylinders are kept in a separate room and the gas is piped into the kitchen for cooking the food.

Non-vegetarian food is served only once a month but in a huge quantity. On National Holidays like Republic and Independence days also, non-vegetarian food is served. Breakfast, brunch (for those attending Court), afternoon tea and supper are all served on time.

8. **Clothing and Bedding:** Clothing is supplied as per scale. There are no uniforms as all the inmates are UTPs.

9. **Education:** No effort seems to have been taken to look after this aspect of the inmates as all of them are UTPs.

10. **Prison Industries:** No effort seems to have been taken to look after this aspect of the inmates as all of them are UTPs.

11. **Interviews:** This facility is granted every day to the inmates from 10 am to 3 pm and an Interview Room is also available. However, owing to the distance from the main town and in the absence of any transportation, the relatives prefer to meet the inmate at the Court premises.

12. **Correctional programme:** No effort seems to have been taken to look after this aspect of the inmates as all of them are UTPs. There are no Counsellors available here.

13. **Recreational Activities:** The wards have TV sets. Also, indoor games like chess, ludo and carom are available for both male and female

1. **Date of Visit:** I visited Namchi District Jail, on September 23rd, 2014, around 11 AM. I was accompanied by Shri. Aaron G. Lepcha, Sikkim Jail Service, Assistant Superintendent of Jails and Shri. K.B. Gurung, DySP, Superintendent of Jails and other jail officials. This jail was last visited by the Chief Judicial Magistrate (South & West Sikkim), Namchi on 30/08/2014, 31/07/2014 and 30/06/2014. I am informed that this practice of the CJM visiting the jail around the last day of the month has been in vogue for the past 3/4 years.

2. **Introduction:** This jail was established in as a Sub-Jail in May, 2007. It was later declared a District Jail. It is meant only for UTPs from the South and West districts of Sikkim. The Central Jail at Rongyek, near Gangtok, houses the convicts.

The jail is situated almost 5 kms away from the town, in a steep incline. The road leading to the jail is a neglected one. A high security wall runs all round the jail.

3. **Prison Population:** This jail is meant to accommodate only 60 inmates (M=36; F=14), plus a quarantine section (M=5; F=5). Today, there are 63 inmates (M=61; F=2). All the inmates are UTPs. The regular visits of the CJM appear to have ensured that no UTP is kept within prison walls beyond 3 months.

4. **Staff:** There are 48 staff members in the Namchi District Jail. This includes the Consolidated Staff (CS) of cooks, drivers, followers, Home Guards and the Ministerial Staff (MS). A total of 16 posts are lying vacant here. The sanctioned strength and actual strength is given below:

Staff	Sanctioned Strength	Actual Strength	Vac.
Superintendent	1	1	
Jailor	1	0	1
Sub Jailor	2	0	2
Asst. Sub Jailor	4	0	4
Warder	6	5	1
Warder (M)	20	14	6
Warder (F)	5	4	1
CS	6	5	1
Home Guards	0	3	
MS	3	3	
TOTAL	48	35	16