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## **Enclosure III District Jail, Jehanabad**

The District Jail, Jehanabad was set up as a Sub Jail in 1873 and upgraded as a District jail on 13-9- 2007. It is infamous for the jail-break incident of 2005.the media report stated that

‘The district of Jehanabad has been in the national news mostly for the news related to Naxalite violence. The District Jail, Jehanabad located in the heart of Jehanabad town was in the eye of a storm due to the notorious jail-storming incident in 2005. According to reports, armed naxalites freed 389 inmates of the Jail and killed four persons in their daring storming operation on 13-11-2005 and gunned down nine members of *Ranvir Sena*, an outlawed militia of upper caste landlords, who were kidnapped from the jail. 389 inmates were missing, of whom six were recaptured. While a sentry, a warder and *Ranvir Sena* leader Bade Sharma were shot dead at the jail, a constable perished in the gun battle with the 1,000-strong naxalites who had also raided the police lines. An unspecified number of imprisoned *Ranvir Sena* men were taken away from the jail by the CPI (Maoist) armed cadres”.

### **Land and infrastructure**

The District jail Jehanabad is located in area of 35 *kathas*.18 *kathas* are occupied by buildings leaving very little room for free movements of prisoners. The 7 barracks and 6 Cells in the jail are just a replication of the ones in Gaya, dark and damp and filthy.

A new building is stated to be under construction in a nearby place called Kako. According to the jail authorities, 80% of the construction work of the new jail building has been completed. No definite date has been fixed for shifting to the new premises, which means that the prisoners are forced to live in the same conditions for yet another long spell.

### **Manpower**

Shri Dileep kumar Singh, Superintendent of the jail stated that the total sanctioned staff strength of the jail is 144, out of which 114 posts are vacant at present(Annexure VI). It is not clear how a district jail can function with just 30 officers and staff taking care of the needs of prisoners as well as the security of the

jail. Shri UK Sharan, AIG, stated that the state government has taken steps for recruitment of staff with the help of Bihar Police Recruitment Board. Till such time how the jail administration manages the prison was, however not explained, especially if it plans to shift the jail to the new premises in the near future.

**Jail capacity and occupancy**

Against a sanctioned strength of 230 (224 male and 06 female), the actual number of prisoners is 486 (474 male and 12 female), almost double the capacity. Therefore there is considerable overcrowding in the jail.

**Category-wise details of prisoners**

Details of different categories of prisoners are given at Annexure-11 from which it will be seen that there are altogether 323 under trials (313 male; 10 female). 50 (48 male; 2 female) prisoners are undergoing rigorous imprisonment. No prisoner is undergoing simple imprisonment at present. There are two children, a boy and a girl, staying inside the jail with their mothers.

**Under-trial Prisoners**

323 under trial prisoners are housed in the jail, of which 313 are male and 10 female prisoners. A statement provided by the authorities revealed that 276 male and 09 females are in jail for more than six months; 127 male prisoners for more than one year; 13 male and 1 female for more than 3 years; 10 male prisoners for more than five years. There appears to be no mandatory segregation of under trials and convicts.

The prisoners complained about the delay in court procedures and inordinate delay in deciding the cases. Regular production before courts, holding of Lok Adalats within jails, video- conferencing for production of the prisoners before courts, as well as setting up fast track courts could have quickly eased the situation. A concerted effort on the part of the Jail Administration appears to be necessary in reducing the under trial population in the jail.

**Condition of prisoners.** It is already mentioned that the prisoners live inside over-crowded and unhygienic barracks. There is hardly any air circulation or sunlight in the barracks (though there are old ventilators). Prisoners sleep on the damp ground. The windows on the side walls make the place still colder. The toilet

attached to the barracks for use at night is open. The drains in front of the barracks are clogged and overflowing with a foul smell emanating from them although an attempt has been obviously made to clean them up before the arrival of the visitors. Toilets were far few in number.

I spoke to some of the prisoners. Dilleep Kumar has been booked u/s 379 for alleged theft of electric wires. He is in jail for the last 13-14 months. Shambu Paswan, Ravi kumar, Krishna Tiwari and others complained that their case has remained undecided. Shahnawas 18 and three others who are students have been booked under sec 302 IPC. Ramesh Sharma a Sarpanch was arrested along with arms. He complained of lack of proper treatment for diabetes. One of the prisoners vociferously stated that the jail administration is still following the provisions of the old Jail Manual. He complained about the poor quality of the food provided to the prisoners, as also about the lack of health care facilities within the jail. A few other prisoners are booked for petty crimes.

### Women Prisoners

List of Women prisoners is at Annexure VII. There are altogether 12 female prisoners (2 convicts and 10 under trials). As mentioned, two children below the age of six are staying with them. Here also the under trials and the convicts are kept together. Their barrack was also unhygienic, dark and damp. Toilet and sanitation facilities were poor. The bathing space provided to them is badly in need of repairs.

I spoke to some of the female prisoners. Lakhpatia Devi is 85 years old. She has been booked recently in a Dowry-death case. Prabhavaty Devi 57 is an Anganwadi Sevika. She admitted that her husband is a naxalite. He is also in jail. She stated that she has been falsely implicated and brought to the jail to secure confession from her husband. The SP clarified that a sum of Rs.27 lakhs was recovered from their house premises allegedly to be used for extremist activities. Her case may be examined in the light of latest Supreme Court ruling about a woman lawyer whose husband is an alleged extremist. Pramila Sinha 60 is in prison for her alleged involvement in a dowry related case. As mentioned in the general observations, a higher percentage of women prisoners are allegedly involved in Dowry related cases. Munni Devi 28 is allegedly involved in a murder case. According to the SP

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She with the assistance of some others allegedly killed her 70 year old husband and hid the body in the house after cutting it into pieces. She has a 4 year old child with her. Soubra Khatoon has a 2 year grandchild with her. She and her son and were arrested in a bride burning case. It would be necessary to investigate these cases relating to women in detail, as many times, in Indian conditions, women are forced, coerced or cajoled to support their husbands/male family members in all their actions whether right or wrong.

The Supreme Court in its order dated 1-11-2000 in R.D Upadhyay Vs State of Andhra Pradesh has given comprehensive instructions on the treatment to be meted out to women prisoners and their children lodged in the jails and the facilities, including diet, health care and education to be provided to them. It is doubtful whether these directions are being carried out by the jail administration. The details of women prisoners are at Annexure-111

### **Mentally ill prisoners**

Mental illness is reported to be common amongst prisoners. Psychic disorders reported generally include Schizophrenia, depression, anxiety and aggression. Older prisoners usually suffer from psycho- somatic problems as also Alzheimer's, memory loss etc. Therefore when it was reported that only one prisoner is undergoing treatment for schizophrenia and two other prisoners are kept under observation, despite periodic screening being carried out, surprised me. Periodic screening by any reputed institution is very much needed.

### **Custodial Deaths**

It was stated that no custodial deaths were reported in the last one year in the jail. The jail authorities appear to have taken no action to give counselling to prisoners, in order to prevent inflicting violence to themselves as well as on others.

### **Escape of prisoners**

No incident has been reported so far. Because of the past history of a major jail break and vulnerability of the jail located in an extremist affected district, constant vigilance is required.

### **Basic amenities**

### Water supply and Sanitation.

The twelve tube wells installed in the prison are stated to be in working condition. Pipe water supply is also being provided by installing a motor for lifting water from tube-wells.

Man to toilet ratio is stated to be 30:1 which is unacceptable.

### Power Supply

It was stated that power supply is available for 24 hours. A 7.5 KV capacity generator has been installed as back up.

### Food Supply

Food is cooked on coal. At the time of my visit Roti, dal and a vegetable have been prepared and kept ready for distribution. Quality of food on the day of my visit appeared to be slightly better than what was being provided to prisoners in Central Jail, Gaya. However, it was noticed that no separate diet for patients or children were being prepared.

### Education

There is nothing much done for imparting basic education to the prisoners at present. It was indicated that the *Prerna* program is to be started shortly. The jail authorities could have trained and engaged the more educated among the prisoners themselves to teach others. In the new jail provisions for computer training needs to be introduced from the very beginning.

### Jail Hospital

I was surprised to note that there is no hospital within the jail premises. I was told that three doctors pay regular visit to the jail. No lady doctor is posted in the jail. The services provided by the nearby the District Hospital are being utilised for medical care of the prisoners. 2 prisoners are stated to be suffering from TB. It was stated that screening is regularly done for detection of TB and HIV/AIDS. I did not notice any separate isolation wards for TB patients and others suffering from contagious diseases. Lack of hospital facilities inside the jail is a violation of basic human rights of the prisoners. A jail that too a district jail located in an extremist-

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affected area cannot be one without any medical facilities for prisoners and should not depend only on the nearby Government hospitals which are also generally over crowded. Unless plans are made early, this will be a serious lacuna when the jail is shifted to its new premises.

### Video-conferencing

Video conferencing is an important instrument in the hands of the jail administration in reducing the under trial prison population. It cuts short the need for finding police escorts and the time wasted on production of prisoners before court. Therefore adequate attention ought to have been given to setting up and utilising this facility on a regular basis. The state government is perhaps approved this facility; its installation ought to be expedited.

### Legal Aid

I was informed that only 10-12 prisoners have been provided legal aid in the last one year. Since the jail is accommodating more than 480 prisoners and that most of them are aggrieved about the slow progress in their cases, legal aid could be provided to more number of prisoners in deserving cases. The jail administration should take proactive steps to provide legal aid in all deserving cases.

Lok Adalats It was stated that The Chief Judicial Magistrate visits the jail regularly and that Lok Adalats are being organized regularly. On my visit I found that a number of prisoners involved in petty theft cases still are languishing in the jail. Such prisoners need to be given an opportunity to appear before the Lokk Adalat without any further delay.

### Appeals/Surety

No case relating to appeal filed by any prisoner was noted. No case of any prisoner remaining in jail after getting bail for want of sureties was also brought to my notice.

### Parole

The Superintendent of the jail confirmed that Prisoners are allowed parole as per provisions of the Jail Manual. This needs to be reviewed by the DM regularly.

Recreation

Library

A library is set up in the jail for the benefit of the prisoners. I was told that an effort is being made to modernise the jail libraries in Bihar. IG Prisons, Bihar has ordered the purchase of new racks and cupboards, safes and books. The present state of the library though is dismal. Services of the prisoners themselves could be utilised for cleaning the library, sorting weeding and arranging the books. In fact some of them, especially the more educated amongst them, including women prisoners, could be productively used in the running of the library.

Cultural programs

It was stated that cultural programs are organized on special occasions like 15<sup>th</sup> August and the Republic Day. However, music, art, drama, painting by prisoners ought to be encouraged as regular rather than occasional activities in the jail. At least in the new set up these could be taken up.

Sports

It was observed that most of the prisoners remain huddled inside their barracks or are sleeping or whiling away their time inside the jail. Perhaps due to want of suitable space only indoor games are being organized. There is no avenue to channelize the energy of prisoners, especially the younger ones.

Religious activities

No temple or mosque is set up within the jail although it was mentioned that make-shift arrangements are made. Community celebration of all festivals should be a regular feature of jail life.

Yoga

I was surprised to note that at present no yoga classes are being organized in the jail. The state government may like to have a tie-up with any of the reputed institutions in the country to run yoga classes for prisoners. Some of the convicts themselves could be trained as yoga teachers. This could also offer them a livelihood when they leave the jails after completion of their terms.

**TV/News papers**

It was confirmed that TV sets and news papers are being provided for the recreation of prisoners.

**Vocational Training**

Vocational training is essential for the improvement of mental faculties of prisoners. They can also send a part of the earnings to their families. It was a matter of concern that currently no vocational training is being organized in the jail.

**Drug De-addiction program**

This program is also not taken up here. No attempt appears to have been made to screen the prisoners for drug addiction. The IG of prisons needs to issue necessary instructions in this regard to the jails in the state.

**Inspections**

It was stated that regular inspection of the jail is being carried out by the CJM. I was told that IG of Prisons and the DM also have visited the jail. It would appear that the instructions/directions given by them have not been carried out by the jail administration.

**Security**

I was informed that security for the jail is provided by BMP-1 comprising of one Jamadar, 4 Havalgars and 16 policemen. Apart from this against a sanctioned strength of 53, 21+3 Home guards have been deputed. However, keeping in view its experience in the past and the high risk nature of the prison, a close watch is needed. Periodic joint reviews ought to be taken jointly by the DM and SP.

**Observations/ Recommendations:-**

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

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