

Report on visit to District Jail, Giridih, Jharkhand on 14-8-2015 -S. Jalaja, Special Rapporteur, NHRC

Profile of the district

Giridih district was created on 6 December 1972 by carving out parts of Hazaribagh district, with Giridih town as its administrative headquarters. In 1999 parts of it were added to Bokaro district.

Giridih District is spread over an area of **4853.56 sq km** and comprises of 13 blocks. It is rich in mineral resources, particularly in mica and coal.

According to the 2011 census Giridih district has a population of 24.45 lakh and is the third most populous district of Jharkhand.. Scheduled castes constitute 13.31% of the population and Scheduled Tribes 9.74 %. The percentage of BPL households in rural area is **63.77%** based on the number of total rural households reported in Census 2011 and BPL Revision Survey of 2010-11. Average **literacy rate** of Giridih district of Jharkhand stood at 63.14 % (male 76.76%; female **48.72%**) as per census 2011.

~~The incidence of crime reported in the district was 2588 in 2011; 3044 in 2012; 4531 in 2013; 4016 in 2014 and 964 (till March) in 2015. The district is currently a part of the Red Corridor. Most parts of the district, especially Pirtand, Dumri, Tisri, Gawan, Bagodar, Birni, Deori and part of the Giridih blocks are extremist-affected. The general profile of the district enables us~~

to understand the nature of crimes committed and their underlying reasons.

Jail Profile and History

District Jail, Giridih was set up as sub jail near the district collectorate during British period. After district of Giridih was notified in 1972, it was upgraded as district jail on 17-4-73. As per notification no: 275 dated 17-1-1997 it was shifted to the present premises at Mohanpur, 8km away from the collect orate.

Land and infrastructure

The jail has an area of approximately 33.84 acres of land; buildings occupy an area of 940x680 ft. Rest of the land is occupied by officers/staff quarters.

The jail building comprises of three blocks of four barracks each for male prisoners and two barracks for women prisoners. Besides, the kitchen and hospital are located in separate blocks.

State Government has started repairing and renovating some of the buildings. Repair of hospital block is reported to be complete. Rs.26 lakhs have been sanctioned for renovation of the prisoner's barracks. The work is said to be in progress.

Manpower

The jail has total sanctioned staff strength of 58, *out of which 29 posts are vacant.* Apart from the post of regular Superintendent of the jail the posts of Assistant Jailor (01),

Senior Warders (16), Woman Warder (02), Pharmacist (01), Dresser(01) and X-ray Technician are vacant. Posts including that of Computer Operator, Video-conferencing Operator, some posts of class 111 and IV have been filled on daily wages/contract basis. *Thus the jail is functional with the assistance of skeletal staff.*

Against two posts of Medical Officers sanctioned, no regular Medical Officer is posted in the jail; a doctor is on deputation. No regular Lady Medical Officer (LMO) is posted. Among the Para -medical staff only a Pharmacist is posted; the post of dresser is vacant. In the absence of adequate staff in the jail, it is seen everywhere that the jail authorities have a tendency to utilize services of prisoners for a variety of functions within the jail, which results in undesirable power hierarchies among prisoners. The state government, therefore, ought to take urgent steps to fill up the vacant posts so that daily management of the jail is not adversely affected.

Jail capacity and occupancy

Against a sanctioned *capacity of 554 (520 male; 348 female), 547 (500 male; 47 women) prisoners* are accommodated in the jail. ~~11 children (05 boys; 06 girls) below the age of 06 are staying with their mothers/grandmothers.~~

Category-wise details of prisoners

Out of 547 prisoners 347 (312 male 35 female) are under trials. 187 (175 male and 12 female) are session committed prisoners. 15 prisoners (14 male; 01 female) are convicts. 15 prisoners are

undergoing rigorous imprisonment (RI) while no prisoner is undergoing simple imprisonment. There are no civil prisoners nor any one detained under CCA Act. 37 naxalite prisoners are lodged in the jail. No case of death penalty is reported. 08 prisoners (07 male; 01 female) are lifers. It was noted *there is no segregation between convicted and under trial prisoners.*

From the data furnished by the jail administration it is seen that as of 31-12-2014 around 246 prisoners (228 male; 18 female) are between the age group of 18-30; 275(251 male; 25 female) between 30-50 and 25 12 male;13 female) are above 50.

Data on age-wise commitment of crimes as of 31-12-2014 has also been furnished by the jail authorities. It is seen that out of 15 convicts 13 (12 male and 01 female) were sentenced for murder and 02 (both male) on attempt to murder. 05 convicts for murder (all male) belong to the age group 18-30; 08 (07 male; 01 female) to 30-50 age group and 13 (12 male; 01 female) to the group above 50 years. None of the convicts for attempt to murder belong to the age groups 18-30 or above 50; 02 male belong to the group 30-50. There were no convicts under Local and Special Laws.

SC/ST prisoners

112 prisoners (91 male; 21 female) belong to Scheduled Castes and 108 prisoners (94 male and 14 female) to Scheduled Tribes. Their number is disproportionately large. This could possibly be attributed to several factors like lack of access to formal systems

for redressing their grievances, poverty and illiteracy, alcoholism, lack of legal support to fight cases, influence of extremism etc.

Mentally ill

04 mentally ill prisoners are lodged in the jail out of which 02 are male and two female. All four are under trials. Doctors from RINPAS visit those patients in the jail and provide them treatment. It is necessary to conduct periodic screening of prisoners for mental illnesses. Counseling with the help of NGOs ought to be organized/ up-scaled.

Extremist prisoners

Naxalite prisoners including one woman are accommodated in the jail. I spoke to some of the alleged extremists. Nazir Mallick 65 is allegedly involved in a murder case and has spent two months in jail as under trial. Bashir Da 45 is booked under u/s 17 CLA Act. Rajkumar Yadav is stated to be the Area Commander of extremists and he heads the armed wing of the MCC. He has spent three months in jail. Shyam Lal TuTu alias Netaji-alias Dinesh Murmu is from Jamui. He was initially made the Pracharak of the party. He fought the 2006 Zila Parishad elections from Jamui. He was recruited as the new Subzone commander thereafter. He is booked u/s 17 of CLA Act. Kapil Dev Choudhury 63 is allegedly involved in a murder case. He came to the jail on 4-7-2015. None of them revealed anything about their past.

I. also spoke to Shanti alias Akanksha 30 from Nimia Ghat, Giridih. She has been booked u/s 17 of CLA Act. *She has already spent 05 years as under trial.* There are already other three cases against her. She stated that her family had a land dispute with others. Since the administration did not do anything about it she was forced to take help of extremists in solving the dispute. The opposite party had made the complaint against her. According to police she is dangerous. If one goes by what the police say, the question is raised as to why she has been lodged in the jail for five years. They ought to have collected evidence during investigation and presented before the court. Then she could have been brought to book. *Her case ought to be studied in depth.*

Keeping her as under trial in jail for a long period, isolated from her family appears to be a violation of her basic right to life and liberty. It is unwarranted actions like this that alienate ordinary people from the administrative machinery and prompt them to join extremists out of fear or due to their needs unattended by administration. Cases against alleged extremists among women ought to be studied closely and the conditions which led them to join such movements need to be explored and remedied.

Under-trial Prisoners

As stated there are 347 (312 male and 35 female) under trial prisoners. As per data provided by the jail administration as of 31-12-2014 there were 477 under trial prisoners out of which **285** prisoners (268 male; 17 female) have spent up to **three**

months in jail; 87 prisoners (72 male and 15 female) from 03 to 06 months; 53 prisoners (43 male; 10 female) 6 months to-01 year; 43 prisoners (38 male; 05 female) 1-2 years; 35 prisoners (32 male; 03 females) 2-3 years, 24 prisoners (19 male; 05 female 3-5 years and 05 male prisoners more than five years.

This data is a reflection of the poor handling of cases by administration. A special drive ought to be conducted to reduce under trial population in the jail. Cases of women, especially with children, ought to get priority.

Video-conferencing system should be fully utilized. Petty cases need to be placed before the CJM for disposal. Wherever possible, bail ought to be procured for those involved in petty crimes.

Data on age-wise category-wise crime relating to under trials was made available by the jail authorities (given in Table below) from it will be seen that more number of crimes are allegedly committed by those in the age groups of 18-30 and 30-50, especially between 30-50 years.

Age-wise category-wise crimes relating to under trials

Category of IPC crime	18-30 years			30-50 yrs			above 50			Total
	M	F	T	M	F	T	M	F	T	
Murder	24	3	27	26	8	34	1	2	3	64
Attempt to murder	11	5	16	26	2	28	0	3	3	47
Rape	15	0	15	6	0	6	0	0	0	21
Kidnapping/abduction	13	1	14	30	0	30	0	0	0	44



Dacoity	20	1	21	21	0	21	1	0	1	43
Robbery	21	0	21	16	0	16	1	0	1	38
Burglary	0	0	0	0	0	0	0	0	0	0
Theft	22	4	26	30	5	35	1	3	4	65
Dowry deaths	37	3	40	12	3	15	1	3	4	59
Total IPC crimes	193	17	210	208	22	230	9	11	20	460

As far as Special and local Laws are concerned under trials are allegedly involved in 72 cases (67 male and 05 female), which include 30 cases (29 male; 01 female) under Arms Act, Excise Act (04 male only), SC/ST (Prevention of atrocities Act (09 male). No cases are pending relating to Dowry Prohibition Act, Prevention of Corruption Act, NDPS Act and ITPA.

Condition of prisoners.

Prisoners are accommodated in wards located in very old buildings. I visited one of the four of the wards located in an old building. It was stated that wards have a sanctioned capacity of 50; occupancy reported was 52.

As far as facilities to prisoners are concerned, no. of toilets was adequate and the toilets were clean. Bathing space is available. Fans and lights in the wards were in working condition. Essential items are reportedly being supplied.

I spoke to some of the boys against whom cases have been filed. Sujit Kumar Renu is allegedly involved in a case u/s 376 IPC. He claimed that he was only 14 years of age. This needs to be

investigated. Salamat Ansari is booked under Arms Act. Santosh Turi is allegedly involved in a kidnapping case. Sagar Raut is allegedly involved in a case u/s sec 394 IPC. Pappu Kumar Sahu 19 also is involved in kidnapping case (these cases are stated to be only elopement cases). Chottu Ram 18 is booked for fighting with others. These cases ought to be placed before the CJM. Barku Kohli 20 is allegedly involved in a case u/s 302 IPC. *Just as I was coming out of the male wards into the open space between buildings, prisoners moving around came to me and stated they had complaints to make. In fact it soon became a prisoner's durbar. The agitated prisoners narrated their harrowing experience inside the jail.*

Prisoners complained about the poor quality of food supplied. One of them said that the food cooked on days visitors come is of better quality. Some of them bitterly complained that guards posted at the gates extract Rs.50-60 per visitor. Moreover, half the items meant for inmates brought by visitors are appropriated by them. Md. Masoom and others complained about shortage of medicines in hospital. Another complained about lack of proper medical facilities.

Shyam Kumar Singh stated that he was suffering from problems with his legs and wanted to be admitted in hospital. Ajay Kumar of ward number 2 *stated that due to overcrowding there was no space for sleeping. Money is extracted by warders/ those in charge of the wards for providing sleeping space. Those who do not pay are condemned to sleep next to the toilet.* Prakash

Mandal 21 booked u/s 420 IPC stated that this was his first experience of a prison and that he was shocked by the conditions inside the jail. Some of the prisoners in ward no: 9 complained that they were beaten up by other prisoners.

Prisoners also had complaints about the cases filed against them. Abdul Kazir and eleven others booked under section 302 for allegedly hitting and killing members of the rival group pleaded that some of them were not involved in the crime. Vimal Das complained that while he was in jail his house was pulled down.

The jail authorities replied that a complaint management system already exists in the jail and that complaint boxes have been installed at prominent places in the jail. If the system as claimed by the authorities was effective such complaints would not have been raised. The complaints made by the prisoners are deeply disturbing and indicates the gap between what one is made to see and what the reality is.

Women Prisoners

Jail authorities have furnished some data concerning women prisoners as of 31-12-2014, according to which out of 56 women prisoners, only one is a convict-convicted for committing murder; rest of the female prisoners is under trials. The convicted prisoner is above 50 years of age while the under trials belong to age groups between 18-above 50 years. Among the under trials 13 are booked u/s 302 and 303 IPC; 14 for attempt to murder; 12 for theft and 09 for dowry deaths. Under

special and local laws only one prisoner is booked i.e. under provisions of the Arms Act;

33 women prisoners are illiterate; 17 have studied up to class x and 06 have passed matriculation but not graduated. Among SC/ST prisoners 21 SC women are illiterate, whereas, 14 ST women prisoners are illiterate.

14 of the women inmates (UT) were stated to be suffering from mental illnesses.

The data also reveals that out of 55 female under trial prisoners (as of 31-12-2014) 17 have spent up to 03 months in jail; 15 between 3-6 months; 10 between 3-12 months; 05 between 1-2 years; *3 prisoners between 2-3 years; 5 between 3-5 years* and none above 5 years. It is also mentioned that *during 2014, 17 women convicts and 190 under trials were released from prison.*

The female enclosure is quite large located in an old building with women prisoners accommodated in two wards. Female wards have a capacity of 25 and the occupancy is stated to be around 25-30. Wards were found to be clean. Wards had adequate ventilation. As far as basic facilities are concerned it is seen that water supply is directly from the tube well or through pipes. *No RO system has been installed in the female wards.* Toilets were not found to be maintained properly.

01 of the convicted and 05 under trial prisoners have children below 06 years staying with them. 11 children are staying with their mothers /grandmothers. It was mentioned that one of

women prisoners was pregnant; but was released. At present no pregnant prisoners are present.

I spoke to some of the women prisoners. Najma Khatooni 30 has a two year old grandchild with her. She is allegedly involved in the murder of her daughter in law. Her son is also in jail. Kalshi Devi 55 Baswa Devi, Mohini Devi and Maya Devi 24 also are allegedly involved in the murder of their daughters in law. Baswa Devi has a two year grandchild with her. Mohini Devi also has a three year grandson with her. Mamta Devi 22 is allegedly involved in the murder of her relative. She has a one year and six month old child with her. Jhalu Devi 23 and Sukri Devi 55 are booked in dowry death cases. Jhalu Devi has two girls of four and one and half year- old children with her. Sukri Devi has her grandchild-a girl- of about six years with her. Sarita Devi 35 is allegedly involved in kidnapping and murder. She has three children-two boys and a girl with her. Her last child was born in jail. Her brother and husband are also in jail. Radia Devi 60 is allegedly involved in a case of quarrel. Her son also is in jail. Mamta Devi is allegedly involved in the murder of her relative. Bedmia Devi 60, Chinta Devi 50 and Basmatia Devi 45 are also booked in a single dowry death case. None of them came forward to make any complaint.

As stated no regular lady doctor is posted in the jail. Health care of women prisoners and children is inadequate. If no lady doctor is available, an ANM from the nearest health facility ought to be

deputed to the prison on full time basis which could, ease the situation at least to some extent.

Two women teachers are engaged by the DSE under *Sarva Siksha Abhiyan* to teach the women prisoners and their children. *No crèche facilities are available for children.* Planning ought to be made in such a way that at least all convicted women prisoners are made literate before they face the world outside the prison.

According to authorities women are supplied soaps, clothes, oil, sanitary napkins etc. Women prisoners stated that they are supplied adequate quantity of food. *Scale of diet is also exhibited* Children are given milk, fruits clothes shoes and sandals.

It is seen that women prisoners are not engaged in any vocational activities. It appears that no counseling facilities are available for women prisoners. With no activity throughout the day, these women mostly while away their time. Health and educational facilities are at a bare minimum level. Health and educational facilities for children are in adequate. *Directions by the Supreme Court in Upadhyay vs. State of UP are not being followed by the authorities.*

I have already mentioned in many of the reports that *incarceration of women ought to be only in exceptional cases.*

Custodial Deaths /rapes/ violence

Two cases of custodial death were reported in 2014. Both reportedly occurred at RIMS. No case of suicide came to light. No instance of custodial violence or rape was reported.

Escape of prisoners/jail break

No incident of jail break was reported in the jail.

Basic amenities

Water supply in the jail is maintained with the help of two deep tube wells. Two additional tube wells have been planned. No RO system is installed. It is therefore necessary to test the quality of water supplied to prisoners. Bathing facilities are available.

There are altogether 46 toilets in the jail, including those inside the wards. On inspection the toilets most of them were found to be in good condition and appeared to be clean.

Power Supply

It was stated that power supply is available for 18 hours daily. Two generators of 30 KV and 15 KV capacities are available as back up.

Food Supply

Kitchen is located in a separate block in an old building with asbestos roof (this is a health hazard and ought to be replaced). Drains around the kitchen were full and dirty. Ventilators/ exhaust fans are available. Cooking is done with the help of

LPG. Water supply is made with the help of a deep boring. The place around it was not hygienic. Food is supplied on calorie basis. Tea is served twice daily. For breakfast gram and *jaggery* (*gur*) are served. For lunch Rice, *dal* and a vegetable are provided. For dinner Roti, *dal* and vegetable are served. A diet chart is exhibited prominently in all wards. Dining space is available. Food quality needs improvement.

Education

According to data provided by the jail authority's 81% of the prisoners are literate and 19% illiterate. Out of 547 prisoners 294 (261 male; 33 female) are reported to be illiterate. This includes 06 convicts (05 male; 01 female) and 288 (256 male; 32 female) under trials. 176 prisoners have been educated below class x (159 male; 17 female). 77 prisoners (71 male; 06 female) are educated above class x but below graduation.

112 prisoners (91 male; 21 female) belong to Scheduled Castes and 108 prisoners (94 male and 14 female) to Scheduled Tribes.

One male and two women teachers are reported to be deputed by the DSE. The latter takes classes for female prisoners and their children. 2-4 prisoners have registered with IGNOU.

To make the entire prison population literate ought to be the mission of the jail authorities. Those who desire to go in for higher education ought to be encouraged to do so regardless of their being under trial prisoners. Women also need to be encouraged to study further.

Jail Hospital-

The Jail has a 20 bedded hospital housed in an old building. 18 patients have been admitted at the time of my visit. Two patients were referred to RIMS for treatment. No regular Medical Officer is posted in the jail; instead a Medical Officer is posted on deputation basis. It is understood that MO posted is in additional charge of the jail. The MO visits the jail for two hours daily. As stated no regular Lady Doctor is posted in the jail. This arrangement is totally inadequate. A regular medical Officer ought to be posted full time. In case gynecologists are not available, as pointed out, an ANM ought to be tagged from the nearest health facility to take care of the health of women prisoners and their children. It was stated that three specialists visit the jail once a week. A pharmacist and dresser each are posted.

Isolation wards have been set up in the hospital. It is set up next to the general Ward and opens to it. 2-3 beds have been arranged. I found one patient Fagu Das 32 from Vengabad suffering from HIV/AIDs. He has been under treatment for last 14 months. He is allegedly involved in a case u/s 376 IPC. Kaleswar Marandy 20 is booked in a murder case. He is epileptic. Sunil Mandal 36 is allegedly involved in the murder of his neighbor's child. He is a psychiatric case and is undergoing treatment. Dhanraj Kumar is allegedly involved in a dowry death case u/s 304B. He is also undergoing psychiatric treatment.

The wards were clean; toilets were clean too. Lights and fans in the wards were in working condition.

Video-conferencing

It was stated that there is no video-conferencing facility available in this jail.

Lok Adalats/ Legal Aid

Lok Adalats are held once a month by the CJM. It was stated that District Legal Services Authority is providing legal services to prisoners. A Legal Aid Clinic provides legal advice to the inmates. It was reported that as of 23-7-2014 in 15 cases legal aid was sanctioned. Going by the number of cases in which legal aid was sanctioned it would appear that the Authority is not active in the jail. Jail authorities ought to do the ground work and ensure that no deserving case (SC/ST, women, aged prisoners/ disabled/mentally ill).

Appeals /legal assistance/surety

According to jail authorities there are no cases wherein prisoners who obtained bails from courts are still languishing in jail for want of sureties.

Parole

Paroles are granted only with the permission of IG (Prisons) after getting recommendations of the concerned DC/SP. It was learned that no case parole was allowed recently. It is not known

why the system of parole is so strict in the jail. In other states sanction of parole is liberal and Superintendents of the jail as well as the DC/DM are delegated powers to grant paroles. Himachal Pradesh has made some innovations in this regard.

Remission

No information on this item was made available.

PCOs/Telephone facility/waiting room/visitors

A PCO set up in the jail is functional. Only outgoing calls are allowed. A waiting room is available for meetings with visitors. Meetings are allowed once a week for Under Trial prisoners and convicts once in 15 days. A mention has already been made about the complaints the inmates had about extortion of money from visitors by the guards posted at the main gate.

Board of visitors

No information is available. It is essential to have Board of visitors for every jail with NGO representation to periodically visit the jail and inquire into the conditions of jails.

Complaints management

It was stated that complaints received from the prisoners are duly considered by the administration. This statement does not appear to be true as evidenced by the spontaneous outburst by some of the prisoners on the day of my visit. *DC and SP ought to jointly inspect the jail and listen to prisoner's grievances.* Jail

Superintendent ought to hold weekly interaction with prisoners. Complaint boxes in the name of DC ought to be kept prominently (to be opened by DC himself/herself).

Recreation

TV sets have been installed in wards for entertainment of the prisoners. All language, including 04 Hindi and Urdu papers is being made available to the inmates. News papers ought to be made available to women prisoners too.

Canteen facility

Canteen facilities are not available in the jail. This facility ought to be provided immediately to the inmates.

Library

A library has been set up in the jail for the benefit of prisoners which has a collection of 1500 books. Some books of interest could be kept in the women section to facilitate at least some of them to read and write.

Cultural programs

Only days of national importance like Independence Day and Republic day are observed. *No cultural programs are organized regularly in the jail.* Some of the prisoners are very talented. They need to be trained so that they could give expression to their feelings in a positive way.

Sports

It is learned that only limited indoor sports facilities are available; only facilities for playing volley-ball are available. No separate facilities are available to female prisoners. There is need to organize sports activities *both for male and female prisoners.*

Religious activities

A temple and mosque each are available in the jail premises. It was stated that all festivals are jointly celebrated by the inmates.

Yoga

It is a matter of concern that no yoga or meditation programs are being organized in the jail for the benefit of prisoners.

Vocational Training

It was stated that training programs by different departments are organized in jail. In Central Jail Dumka some excellent training programs have been organized.

Industrial units

Engagement of prisoners in various activities is essential for keeping up their mental health. Besides, it also helps them to earn incomes which could support their families. Learning a skill aids their rehabilitation. It was, however, noted but for the Industry Department running programs including making handloom clothes, soap and phenyl making other worthwhile activities have not been taken up. There is need to upscale and

diversify industrial activities. More numbers of trainings ought to be organized keeping in view the 'Dumka model'.

Drug De-addiction program

It was learned that no drug de-Addiction program is presently run in the jail.

Role of NGO

Involvement of reputed NGOs in prison activities helps in having better communication with prisoners. Jail authorities ought to involve reputed voluntary agencies at least in some of the activities like teaching, running crèche for children, vocational training, teaching Yoga and meditation, sports activities and counseling. If district level NGOs are not available, national/state level NGOs could be involved. IG Prisons could make the arrangements centrally for all prisons in the state.

Security

Arrangements for ensuring security of the jail were stated to be adequate. However, it may be noted that according to media reports only in 2012 extremists had attacked a jail van carrying some of the alleged extremist prisoners, killing one under trial prisoner and four policemen and leading to the escape of 32 prisoners, including some of the extremist leaders..

Out of six towers 05 are manned. Security of the jail is organized in two rings-outer ring is guarded by police and inner

by warders. There are altogether 12 sets of CCTVs installed in the jail. AMC being too old out only a few are reported to be functional. This position is unacceptable. Since the jail is located in a sensitive area and extremist prisoners are lodged therein, higher authorities ought to review adequacy of arrangement of security within and outside the jail.

Solar Lighting

Jharkhand Government has started the use of alternate systems of energy in jails. It is learned that solar lanterns/ solar vapor lights have been installed in the jail; solar water heating facilities are also available. Solar energy based systems need regular monitoring; otherwise they would remain as just show pieces.

Inspections

It was stated that the jail is being inspected periodically by District and Sessions Judge, CJM, DC and SP. It was mentioned that AIG inspected the jail one day prior to my visit. During 2014 total 27 inspections (04 medical, 08 executive, 12 judicial, and 03 others) were carried out.

19. Repair of equipment

All equipment, including the video-conferencing system, should be got serviced/ repaired. AMCs should be implemented.

Budget

It was stated that an amount of Rs.99/-lakhs have been sanctioned under the budget for financial year 2015-16 which included Rs.73 lakhs for payment of salary and DA of officers and staff, Rs.15/-lakhs for payment of wages and Rs. 11/- lakhs for contractual payments.

Audit

Budget expenditure under all items should be audited to find out if any misappropriation has taken place.

Modernisation

There appears to be no comprehensive plan at present for renovation and modernization of the jail. Under modernization renovation of wards, including female wards and hospital, setting up of x-ray unit and solar lighting/heating systems have been taken up. Civil works already taken up are to be monitored closely as with time and cost escalation the projects may remain incomplete.

Observations/ Recommendations:-

1. Improving the quality of prisoner management

District Jail, Giridih set up during the British period has essentially retained its basic features. In this century it is difficult to imagine jails wherein the inmates live in constant fear of the prison staff or other prisoners and face indignity and discrimination, where they are forced to pay for sleeping space, where group clashes are common, sanction of parole is not

liberal, corrupt practices by recalcitrant staff affect their daily lives, family members have to pay the guards for visiting the prisoners, where they are deprived of half the articles brought by them for their loved ones, where their health care and educational facilities are neglected, where care of women and children does not fulfill the directions issued by the Supreme Court and no special care is provided to aged prisoners, wherein no activities are organized helping them find expressions to their vexing thoughts and feelings or elevate their minds to a higher level, no yoga or meditation is organized to help them attain peace within themselves, no programs are organized for facilitating their rehabilitation once they are released and wherein most of the time they stare at the walls of their wards or loiter about aimlessly in the prison campus, having nothing to do. These are symptoms of a deep malaise affecting the prison administration. Action, therefore, ought to be taken expeditiously to bring about change in quality of life of the prisoners without any delay.

2. Filling up of vacant posts

It may be noted that there is no regular Superintendent posted in the jail. The officer who officiates as Superintendent of the jail is already burdened with other items of work. In the absence of a regular head it appears that it has been difficult to impose discipline in the jail. As already pointed out no regular Medical Officers are posted in the jail. Other critical posts remain vacant.

Bringing about attitudinal changes

It has been pointed out in my earlier reports that the objective of modern prison management has presently shifted its emphasis from *deterrence and custody* to *reform and rehabilitation* of offenders. However, many in prison administration in general, still believe in the conventional system of treatment of prisoners- that all prisoners are criminals; therefore, they ought to be punished for their past deeds. Change in attitude towards the prisoners is the key to prison reforms. This can be brought about through training, sensitization, incentives and rewards for good behavior, constant and close monitoring of staff behavior towards the prisoners. Changing the mindset of prison officials and staff still remains as the biggest challenge to prison reforms.

4. Fulfilling the basic needs of prisoners

Unlike nearby Central Jail, Dumka, even basic facilities to prisoners have not been fully ensured. Right to fulfillment of basic minimum needs includes facilities such as adequate diet, health, medical care and treatment, access to clean and adequate drinking water, access to clean and hygienic conditions of living accommodation, sanitation and personal hygiene, adequate clothing, bedding and other equipment. Apart from providing physical facilities, prisoners ought to be provided opportunities for their mental and spiritual growth as well.

3. Up gradation of the jail

The jail ought to be provided with necessary infrastructure, manpower, better equipment within a given time-frame. There is

need to overhaul prison administration in District Jail, Giridih. A comprehensive modernization plan for the jail needs to be put in place.

4. Delegation and decentralization

Items which can be delegated to Superintendents of jail should be identified (e.g. sanction of parole for limited periods, sanction for minor civil works) and action taken.

5. Under trial prisoners

Experts have suggested that the problem of prison overcrowding must be solved by using more non - custodial measures or alternatives to imprisonment or community - based corrections especially for those who are not habitual or professional criminals.

Overcrowding in wards needs to be brought down quickly by reducing the under trial population so that the inmates have enough space to move about and comfortably stay within the wards. Accountability needs to be fixed on the DM/SP/Jail Superintendent. Video-conferencing facility should be utilized to the optimum extent. A monitoring system should be started for tracking under trials.

6. Right to Access to Law

Standard Minimum Rules adapted by the UN in 1957 include (i) Right to effective access to information and all legal provisions regulating conditions of detention; (ii) Right to consult or to be

defended by a legal practitioner of prisoner's choice; (iii) Right to access to agencies, such as State Legal Aid Boards or similar organizations providing legal services; (iv) Right to be informed on admission about legal rights to appeal, revision, review either in respect of conviction or sentence; (v) Right to receive all court documents necessary for preferring an appeal or revision or review of sentence or conviction; (vi) Right to effective presentation of individual complaints and grievances during confinement in prison to the appropriate authorities;

- Cases relating to mentally ill prisoners, elderly prisoners, female prisoners with children and alleged naxalite prisoners need to be scrutinized quickly to find out the extent of their involvement, for taking remedial measures.
- A system for computerized monitoring of cases should be put in place quickly.
- Functioning of Lok Adalat needs to be closely monitored and evaluated.

8. Rights of women prisoners and their children are to be taken care of by fully complying with the guidelines issued by the Apex Court in this regard.

9. Right to health

A proper well-aired, modern hospital ought to be set up within the jail premises urgently, having a separate isolation wards for male as well as female prisoners suffering from disease like TB/Malaria, along with essential instruments/equipment and

medicines. The proposed hospital also ought to have wards for women and children.

At least two doctors (one MO and a LMO) should be posted full time in the jail immediately. In case no LMO is available on regular basis, at least a senior nurse should be posted in the jail to take care of the day-to-day health problems of female prisoners and their children. The posts of supporting staff ought to be sanctioned and filled up. In the mean time one or two convicted prisoners could be given training as dressers and pharmacists.

A system needs to be put in place for regular screening for TB/Malaria/HIV/AIDS/and chronic diseases like diabetes cancer .Health status of each prisoner should be tracked on the basis of their health profile.

A system for regular screening for mental illnesses with the help of RINPAS needs to be put in place.

AYUSH facilities should be provided in the jail hospital, especially to older patients.

10. Literacy & Education

A comprehensive educational program both for male and female prisoners needs to be chalked out. Literacy program should be strengthened, both for male as well as female prisoners, with the help of NGOS/ Institutions. The Computer centre should start training programs for girls also.

11. Prisoner welfare measures

Welfare measures ought to include liberal sanction of parole, telephone facility; facilities for meeting family members, canteen facilities, vocational trainings and organizing cultural activities *both* for male and female prisoners. Remissions should be allowed in eligible cases without any delay. A Visitor's Board needs to be constituted quickly in the jail having NGO representatives also as members. Regular visit of the Board ought to be ensured.

12. Right to get grievances redressed

From complaints raised by the prisoners during my visit to the jail, it is clear that no effective complaint management system exists in the jail. The complaints raised need to be taken seriously. Guards and other staff indulging in corrupt practices ought to be proceeded against as per rules. A proper complaints management system ought to be put in place without any further delay.

In this context it may be pointed out that the Standard Minimum Rules also include Right to effective presentation of individual complaints and grievances during confinement in prison to the appropriate authorities; (vii) Right to communicate with the prison administration, appropriate Government and judicial authorities, as the case may be, for getting redressed of violation of any or all of prisoners' rights and for also getting grievances redressed. (E) Right against Arbitrary Prison Punishment Right

to entitlement in case of disciplinary violation (i) to have precise information as to the nature of violation of Prisons Act and Rules, (ii) to be heard in defense, (iii) to communicate of the decision of disciplinary proceedings, and (iv) to appeal as provided in rules made under the Act. Jail authorities ought to take such steps that are necessary to achieve these objectives.

13. Services of reputed NGOs

NGOs can play a very effective role in prisoner management as they can provide the much needed flexibility and informality while dealing with prisoners. Their services could be effectively utilized in health care, imparting education, especially to women prisoners and their children, counseling, vocational training and sensitization of prison staff.

14. Untied funds

An untied fund of Rs. 10 lakhs may be provided to the jail for taking up emergency items of works for the welfare of prisoners. It should be sanctioned by a committee of DM/SP and the Jail Superintendent.

15. Training

A sensitization program on human rights for prison officers and staff ought to be taken up.
