

Reports on visits by S.Jalaja, Special Rapporteur, NHRC to District jails Sitamarhi, Darbhanga and Samatipur in Bihar 10-14 March, 2015

With the approval of the Commission I visited five districts of Bihar namely Muzaffarpur, Sheohar, Sitamarhi, Darbhanga and Samastipur from 10-3-2015 to 14-3 15 to make an assessment of the status of bonded labour in Bihar. I took this opportunity to visit the district jails of Sitamarhi, Darbhanga and Samatipur (I had already covered Central Jail, Muzaffarpur during an earlier visit). Placed below are some of the general observations/recommendations in respect of the three jails visited. Enclosed are also reports in respect of each of the three jails for the purpose of taking follow up action.

General Observations/recommendations

The above mentioned districts are located in the northern half of the state of Bihar near the foot hills of Himalayas. The districts are traversed by a number of rivers due to which they are ravaged by floods every year. Coupled with endemic poverty they are the breeding grounds of crime and extremist activities. The jails located in these districts therefore truly reflect this socio-economic reality.

1. Jail administration

Being somewhat away from the State head quarters has put the jails, especially Sitamarhi and Darbhanga at a comparative disadvantage. Both jails are without regular

Superintendents; additional charge has been given to Executive Magistrates who are unable to give their undivided attention to matters concerning the jails.

The jails are woefully short of staff. Against 154 sanctioned posts only 48 have been filled up in the District Jail, Sitamarhi; only 48 posts are filled up against 173 posts sanctioned in District Jail, Darbhanga and against 156 sanctioned posts only 30 posts in Samastipur.

2. Quality of Life of the prisoners

The quality of life of prisoners, especially in Sitamarhi and Darbhanga, leaves much to be desired. Leaking / corroded pipes, dysfunctional hand pumps, water-logging, clogged drainage system, non functional toilets are some of the issues which adversely affect the quality of life of the prisoners. Urgent action needs to be taken in setting right the faulty systems in the jails. It may be pointed out that riots were reported in Sitamarhi district jail as recently as in 2014 as manifestations of the discontentment amongst the prisoners and police had to resort to firing to control the agitating crowd of prisoners. No change in conditions appears to have been brought about in Sitamarhi District Jail even after the incident.

3. Undertrials

Like all other jails under trials largely outnumber convicts in the three jails too. Video- conferencing facilities are not working in two of the jails. Limited efforts have been made by the jail administration in all three jails for providing

legal aids to eligible prisoners. Women, especially women with small children, elderly prisoners and the needy ought to get priority in getting legal aid. The District Legal Authorities have to play a more active role to play in these jails. Legal counselling ought to be introduced without delay. The visit of the CJM to jails ought to be fully utilized for disposal of petty cases by advance preparation of cases. Cases relating to women need greater scrutiny. Unnecessary incarceration of women in dowry-related cases and NDPS cases etc should be avoided, to the extent possible.

4. Family support

Meeting with family members and communication with the dear ones can greatly affect the quality of mental life of prisoners. It is seen that the Visitor's Rooms are not functional in at least two of the jails. No public telephone facilities are available to prisoners. The public telephone System set up with the aid of TATA INDICOM in jails of Punjab has provided a quick and efficient support system to the inmates to communicate with their families, on payment basis. Similar models could be introduced on PPP basis. Sanctioning parole appears to be a cumbersome process, whereas it ought to be liberal, but with conditions.

5. Mentally ill prisoners

Prisoners generally suffer from a variety of mental conditions. It is seen that no regular screening for mental illness is carried out and that only in extreme cases

concerning one or two prisoner's identification and treatment are assured. High quality Yoga and meditation programs ought to be run on a regular basis with the help of reputed institutions for those who desire to participate in them. Prisoner volunteers ought to be trained as in other jails. Regular counselling by reputed organizations both of male and female prisoners need to be introduced. Screening of good quality films, conducting art and literary programs can add to the peace and harmony in the jail. Music rooms set up in these jails is a good initiative; so also gardening by prisoners successfully being implemented in Samastipur and Darbhanga jails.

6. Women prisoners

The directions given in R. D. Upadhyay Vs the State of Andhra Pradesh by the Apex Court is only partially being implemented. Women prisoners are treated in a routine fashion. *Although 04 women were in pregnant condition, in District Jail, Darbhanga there was no LMO or not even an ANM to take care of their daily health needs.* 2-3 children are staying with their mothers in each of these jails. No arrangements have been made for their physical and mental development. The only relief appears to be a glass of milk or fruits provided to them .Otherwise they share the same diet as adult prisoners. Crèche facilities or play rooms ought to be available for children. Occasionally they ought to be taken outside the women's enclosure for playing out in the open. Counselling facilities through NGOs needs to

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be set up as support system for women prisoners. *Women prisoners need to be encouraged to take part actively in educational and vocational training programs so that their rehabilitation after release is made easy after their release from jail.* Perhaps it would be a good idea to tag the nearest Anganwadi Centre with the female section of the jail, so that without any extra cost and efforts the same objectives are achieved.

7. Jail Hospitals

None of the jail hospitals were in good condition. They are housed in very old buildings. Although sufficient number of beds was provided, occupancy was poor. Isolations wards have not been set up in both Sitamarhi and Darbhanga District Jails; or separate wards for women and children in all the three jails. No regular Medical Officers are posted in any of the jails. Supporting staff like Pharmacists and Dressers are also not available.

Screening for TB, Malaria, HIV/AIDS/mental illnesses need to be done regularly. Proximity of the district hospital is one excuse for not having proper jail hospitals. It may, however, to be noted that every time a patient is to be taken out police escort needs to be provided. Besides, the District Hospitals are already crowded. Thus the time taken and the long winding procedures involved justify the setting up of regular hospitals in jails.

There is no AYUSH Wing in any of the jail hospitals. Since there are a number of old prisoners languishing in jails

suffering from a variety of ailments including joint pains, memory loss etc AYUSH systems would be of much use.

8. Literacy and education

It is seen that the *Prerna* program taken up in the jails is not having the desired impact. The literacy and educational programs need to be more focussed. Tie up with IGNOU and other institutions needs to be made in order to encourage prisoners in pursuing their education. *The direct link between literacy/education and rehabilitation needs to be kept in mind.*

9. Vocational Training

Vocational training, although introduced in these jails, is not at the desirable level. The efforts need to be up-scaled and diversified. The idea is to keep the younger ones gainfully employed and the older prisoners fully engaged. Activities enliven the lives of prisoners. *Education coupled with skill up-gradation can prepare the prisoners for their eventual rehabilitation in the world outside the jail .The design of the programs and imparting quality training ought to be planned carefully by the prison administration.* A fixed portion of their earnings should be deposited in their pass books, a share going to the victim's family and a portion used as general contribution for welfare of prisoners, as is the practice followed at least in some of the Bihar jails.

10. Security

Security within the prisons is a matter of concern. It needs to be ensured that the perimeter walls of the jails are of the desired height and complete in all respects. *Security gadgets procured through BELTRON are mostly dysfunctional in all three jails.* CCTVs are non functional. In the absence of mobile jammers and a well-functioning Public Telephone System prisoners are forced to clandestinely use their own mobile phones, which adversely affect the security within the jails. Snatching away mobile phones in these circumstances creates resentment amongst the prisoners, especially the younger lot. Absence of senior officials like Jail Superintendents and jail security staff at different levels, and non-channelization of prisoner's grievances encourage hardened criminals to organize *rangdhari* systems and create an atmosphere of fear within the jails. The riots which took place in Sitamarhi jail in recent times amply prove this point.

11. Civil Constructions

The buildings in the jails are mostly old and worn out and are to be quickly replaced. Although improvements were noted in the jail Samastipur, in respect of the other two jails a number of items of civil work are pending for execution. Essential items like construction of toilets, new kitchens, jail hospital, Women's Ward etc need to be taken up on priority.

12. Training and sensitization

Training and sensitization of jail staff, Police personnel and health workers are important aspects of Prison administration. These programs help to change their mind-sets regarding prisoners, that they all are criminals who deserve hard and inhuman treatment. Apart from leading institutions, reputed NGOs ought to be involved to present the views of the civil society before them.

13. Involvement of Civil society

It is seen that services of civil society organizations are not fully utilized in organizing activities of the prisoners. They, in fact, can greatly strengthen the hands of government and provide much needed flexibility and innovations to programs taken up for welfare of prisoners. Services of reputed organizations/institutions could be utilized for training of staff, skill development of prisoners, counselling of prisoners, educational programs/ planning and execution of activities for women and children, taking care of senior citizens etc. If such organizations/institutions are not available at the district level, IG (Prisons) could engage them at the state level to cover several districts at a time.

14. Complaints disposal

A comprehensive, efficient and independent complaint management system needs to be put in place in all three jails keeping in view the violent reactions to mal-governance that were witnessed at least in one of the jails in the recent past.

15. Decentralization

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The prison administration in Bihar, like everywhere else appears to be highly centralized. Autonomy is essential for running an efficient, effective and humane prison administration. In my various reports on visits to jails I have suggested providing untied funds to the different prisons (Rs.10 lakhs to Central Prisons; Rs 5 lakhs to District Jails and Rs.3 lakhs to Sub-jails) which could be utilised for essential and urgent items of work, the funds being administered by a committee comprising of the DM, SP and the Jail Superintendent. This can, in fact take care of many of the day-today-problems faced by the jail administration like leaking taps, clogged drains etc.

16. Jail Manual

Although Bihar is one of the few states to enact a progressive Jail Manual, the provisions are yet to be implemented by the jails. Further, the jail Manual needs to be updated in tune with the demands of the times.

17. The way forward

Although the three District Jails are in existence for a long time it is a pity that even today the prison administration has not been able to provide minimum basic facilities to the prisoners.

The efforts should be directed not only to develop the infrastructure/ facilities in order to ensure physical comforts of the prisoners, but also to develop a humane administration that facilitates their individual growth and fulfilment.

1. Report on visit to District Jail, Sitamarhi by S. Jalaja, Special Rapporteur NHRC on 11-3-2015

Jail profile and history

Sitamarhi is considered as birth place of Sita, the main character of the epic *Ramayana*. Sitamarhi was carved out of Muzaffarpur district and became a separate district as of December 11, 1972. The then existing Sub jail in Sitamarhi, was reportedly upgraded as District Jail, after the formation of the district and shifted to the present buildings in 1984.

Land and infrastructure

Situated in an area of 0.59 acres the jail infrastructure comprises of two blocks with 08 wards for male prisoners. Women prisoners are accommodated in a ward which is a part of the old sub jail. Besides the prisoner's wards, 10 Cells are available wherein alleged dangerous criminals are lodged. There are also separate blocks for the kitchen and the jail hospital. The prison is protected by a high wall and barbed wire fencing. The jail premises have been maintained well with the area surroundings the jail having been cleaned up recently.

Manpower

Against a sanctioned strength of 154 posts in the jail only 48 posts have been filled up. The *posts of Superintendent, Dy. Superintendent, 04 Assistant Superintendents, 01 Accountant, 01 jail Clerk, 01 LDC, 01 Medical Officer, 02 Pharmacists, 01 Chief Warder, 11 Senior warders, 77 Warders, 04 Female warders and*

01 Barber are vacant. Thus **out of 154 posts 106 posts are vacant.**

Sri Krishna Prasad Upadhyay, a senior Deputy Collector is presently in charge of the post of the Superintendent. A Medical Officer is posted on deputation basis from Dumra. An Assistant Superintendent also has been deputed from Sub jail Rosera. Only the barest minimum of other staff have been deputed to the jail. All posts of 18 male and two female Home Guards are, however, filled up. It is a matter of concern that a jail with a population around 700 prisoners is manned by very few staff. *Since internal disturbance and escape of prisoners have been reported from the jail, it is absolutely necessary that sufficient number of staff, especially warders and other security staff are posted without any further delay.*

Jail capacity and occupancy

The different categories of prisoners present in the jail are given in the Table below. As against sanctioned capacity of 286 (262 male; 24 female) 685 prisoners (666 male; 19 females) are present in the jail. *02 children are also residing with their mothers.* Since the jail population is more than double that of the sanctioned capacity, *there is considerable over-crowding in the jail.*

Categories of Prisoners

Category	
Sanctioned Capacity	286
Present on the day of visit	678
Sanctioned capacity of Male	
Prisoners	262
Present	657
Sanctioned capacity of Female	
inmates	24
Present	21
Children with mothers---	02
Total male UTS	519
Total female UTS	19
Session Committed-Male	519
Session Committed Female	01
Male S I convicts	04
Female SI convicts	00
Male RI convicts	23
Female RI convicts	01
Cases of death penalty	00
Civil Prisoners	00
CCA-Male	06
CCA-Female	00

The category-wise details of prisoners in the jail are given in the box. As far as age-wise categorization is concerned 55 male prisoners are between 16-21 years of age; 630 prisoners (611 male and 19 female) are above 21 years of age.

Under-trial Prisoners

Out of 685 prisoners 538 (519 male; 19 female) are under trials. As per the information provided by the jail authorities, 132 (130 male and 02 female) prisoners have spent less than six months in jail; 234 prisoners (231 male and 03 females) 06-12 months; 200 prisoners (187 male and 13 female) 1-2 years; 82 prisoners (82 male and 0 female) 2-3 years and 10 prisoners (10 male and 0 female) more than 03 years. There are no foreign prisoners lodged in the jail.

The main reason for overcrowding in the jails is the increasing number of under-trials, which affects the overall availability of space in the jail, the resources allocated, and the management services in the jail. Under trials constitute roughly more than 75% of the jail population in this jail.

It was stated that under trial prisoners are regularly being produced before the courts and that there is no problem of non-availability of police escort. Further, the CJM holds camp court and disposes of cases every month.

High Security prisoners

High security prisoners are lodged in 10 Cells specially earmarked for this purpose. Five allegedly dangerous prisoners

are kept in those Cells .I spoke to Narendra Singh booked under the Arms Act. He is an under trial. He is presently suffering from HIV/AIDS. He is 8th pass. Sujit Kumar is also an under trial jailed for violating the provisions of the Arms Act. He has also passed plus 2. Saroj Rai 18 is involved in a murder case and has been in jail for a period of 4 months. He has passed the 10th class exam. Hari Om is mentally ill. Although he was treated at RINPAS, Ranchi no relative is willing to take care of him. He is allegedly involved in a case u/s 307 IPC. Five prisoners booked u/s 17 of CLA Act are also lodged in the jail as under trials. These prisoners have allegedly taken to a life in crime and violence at a very young age. Unless prisons act as reformatory institutions their future appears to be bleak.

Condition of prisoners

As stated, male prisoners are accommodated in 8 barracks and 10 cells. Two Blocks with 8 Wards together have a sanctioned capacity of 190. Although the barracks on the average have a sanctioned capacity of 32 each, the occupancy is around 80-85. Modernization of the Wards is to be taken up shortly.

The cleanliness in the Wards was generally satisfactory. It was found that many fans were not in working condition. They may be got repaired before the start of summer. Having exhaust fans in over crowded barracks would be useful. Due to the land level in the jail being lower than the surrounding areas there is considerable water logging around the buildings. Due to water logging the drainage system in the jail is clogged. A proposal for

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filling the land at a cost of Rs.74/- lakh has been sanctioned and is pending with the PWD for execution. This project needs to be executed well before the onset of rains.

Women Prisoners

There has been a marked increase in the number of women committing crimes –ranging from simple thefts to murder in recent times. Most of the women prisoners lodged in this jail are on account of alleged illicit sexual relations, domestic quarrels, dowry-related problems and peddling narcotics, and land disputes.

The women prisoners numbering 21 are accommodated in a separate ward which forms a part the old sub-jail building. Two children are living with their mothers. This block has a capacity to accommodate 55 prisoners. Due to less number of women prisoners the women's enclosure was comparatively more spacious. The general maintenance of the barrack and hygiene in the ward was generally satisfactory.

No pregnant woman was present at the time of visit. *It is a matter of concern that no Gynaecologist is available in the jail for taking care of the women prisoners. There is no arrangement to take care of the health of small children.* Hospital facilities ought to be made available to the prisoners, especially women prisoners, by the authorities, round the clock. In the absence of a Gynaecologist the CMO Sitamarhi may be requested to post an

ANM to take care of the daily health needs of women prisoners and the children who reside with them.

The Apex Court has given comprehensive directions regarding the care of women and children lodged in jails in RD Upadhyay Vs State of Andra Pradesh in Civil Writ Petition No. 559 of 1994. The Court's directions regarding the health care of women prisoners and their children have not been properly implemented in letter and spirit by the state government. No proper Crèche facilities are available for children.

I spoke to some of the convicted/UT women prisoners with children. Girija, over 60 years of age, is taking care of her one year old granddaughter, as her mother is dead. Both Girija and her son are allegedly involved in the death of the child's mother in a dowry case. Rabina Khatoon with her one year old child is also lodged in jail. She is allegedly involved in the sale of a girl in the red-light area and is booked u/s 363, 366(A) 372, 373, 120(B) IPC and POSCO Act and U/s 5&6 of PITA. Akli Devi 70 is in jail due her alleged involvement in a murder case and is booked u/s 47,148,149,323, 307, 302 and 504 of IPC. Khuresha Khatoon and her daughter are allegedly involved in a murder case and are booked u/s 302 and 201 IPC. Both pleaded innocent. Teja Paswan is in jail since 29-10-2013. The cases against her is filed u/s 302 and 34 IPC and the same is pending in the court of CJM, Sitamarhi. Many of the women prisoners in the jail are booked in dowry-related cases or in murder cases. The SDPO ought to spend some time with the prisoners atleast

once in a month to look into the grievances of prisoners regarding the cases lodged against them. The women did not have any complaints.

The women stated that their children are being provided with facilities including diet, health care and toys. *The cases against these women with little children need to be analyzed carefully to find out the extent of their personal involvement and see whether their continued presence in the jail is necessary. The view that women committing non-violent crimes ought not to be incarcerated has gained strength in recent times. As far as women under trials are concerned, their cases ought to get priority in the sanctioning of legal aid, legal counselling and production before courts.*

Although their physical comforts have been taken care of it is necessary to ensure that their mental well being is also taken care of. *Regular counselling of women prisoners by counsellors from reputed institutions/ voluntary agencies is essential.* Since there is limited freedom available to women prisoners within their separate enclosure, educational/vocational/group activities need to be encouraged so that their self worth is enhanced.

Mentally ill prisoners

Only one prisoner was reported to be suffering from psychiatric problems and is being treated at RINPAS. It was seen that no regular screening for mental illness is being conducted in the jail. Prisoners often suffer from various mental conditions like

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depression, schizophrenia and epilepsy. It is, therefore, difficult to believe that only one amongst them is detected as mentally ill. *Regular screening of prisoners, both male and female, needs to be undertaken with the help of reputed mental health institutions. Many of the women committing crimes are generally trauma victims. It is surprising that no woman prisoner is reportedly having any mental illness. Regular screening of prisoners, both male and female, needs to be undertaken with the help of reputed mental health institutions.*

Custodial deaths /rapes/violence

According to the Jail authorities only three cases of deaths- that of RI convict Manoj Kumar Singh s/o Ramchandra Singh, under trial Madhuri Ram s/o Choulaie Ram and under trial Manish Choudhury s/o Ashok Choudhury were reported in 2013 in the jail. It was stated that the deaths reported were due to natural causes. Manoj Kumar died while undergoing treatment in SKMCH, Muzaffarpur and the other two in the Sadar Hospital Sitamarhi while under treatment. The Superintendent confirmed that in all cases reports have been sent to the NHRC.

It was reported that in on 9-8-2014 after the transfer of two of the inmates Santosh Jha and Maghav Choudhury on allegations of group rivalry and undesirable activities inside the jail (they were portrayed as extremists by the media!!), their supporters in ward no.5 and 6 respectively turned violent, setting fire to buildings and destroying jail properties. They let out prisoners in other wards after forcibly opening their locks, shouting slogans.

They also reportedly pelted stones at officers and staff. Thus riots broke out within the jail. The staff of this jail was allegedly attacked by a group of prisoners who turned violent. In this melee five of the prisoners and several of the staff/policemen also were injured. Despite the presence of the Additional Collector, SDM and other senior officials the prisoners continued with their rioting. The situation could be brought under control only after the DM and SP reached the jail and *ordered 47 rounds of firing*. A case has been registered in the Thana and administrative action taken against the senior officials and staff of the jail. Legal and administrative action ought to be completed within a definite time-frame. The complete breakdown of administration indicates the quality of governance, level of discipline and the scale of security prevailing in the prison. IG (Prisons) ought to go into the root of the problem and take necessary steps necessary to prevent the occurrence of such incidents in future.

Escape of prisoners/jail break

It was reported that four under trials namely Subhodh Mandal (case under 378, 411IPC), Vijat baitha (U/S 394 IPC) Suraj Kumar (U/S 224,623 IPC), Shekh Sadre (booked U/S392 IPC) escaped from the jail on 17-3-2014 on the day of *Holi* festival. They have not been recovered so far.

Basic amenities

Water supply and Sanitation

Water supply to the jail is made with the help of 17 tube wells which are reported to be in good condition. A submersible pump has also been installed. However, the pipe water supply within the jail is badly affected due to corrosion and leakage in the pipes. The PWD has been requested to get them repaired.

The jail authorities confirmed that there are 35 toilets which are functional. A new block of toilets is under construction but it is only half complete. *No bathrooms have been constructed for both male and female prisoners in the jail.*

Power Supply

Power supply was stated to be for 12-14 hours only as the jail is in hotline supply. Back up support is provided by a generator of 7.5 KV capacities. It needs to be ensured that at least one generator is in working condition from the security point of view.

Food supply

The jail kitchen is in bad shape. Cooking is carried out with the help of LPG stoves. Although ventilators are available exhaust fans need to be installed for driving away smoke from the kitchen. Water supply to the kitchen is provided by a hand pump.

Food supply is provided to the prisoners as per the norms laid down in the Bihar Jail Manual. The diet of the prisoners is worked out on calorie basis, costing approximately Rs.50-60 per day per prisoner. On inspection it was found that the quality of food was satisfactory.

Education

It was stated that the PRERNA program is being run in the jail. Education is imparted with the help of two teachers from outside the jail. It was stated that the Woman teacher comes to the jail *occasionally*.

It is seen that literacy program for prisoners is in a sad state of neglect. Services of prisoner volunteers or local NGOs/Rotary club etc could have been utilized in promoting education. Being a District Jail, the authorities ought to aim at 100% literacy amongst the prisoners. A detailed program ought to be drawn up within a fixed time frame to achieve the results. The jail ought to have tie ups with IGNOU and open a centre without any delay. Those prisoners who are literate should be urged to continue with their studies. IG prison ought to review the literacy and educational programs taken up in district jails of the state without any further delay.

Jail Hospital

For meeting the health needs of the prisoners a jail hospital is available with 17 beds. Only 05 patients were seen admitted in the hospital. The original hospital building in the jail got burned

down in the riots. However, the building in which it is housed now also is in a dilapidated condition.

The jail 'hospital' is manned by a Medical Officer deputed from a near- by Health Facility-PHC Parouni. *No Lady Medical Officer (LMO) is posted in the jail hospital.* Against the two posts sanctioned only one pharmacist is available; against two posts of Dressers none is posted; this work is carried out with the assistance of prisoner-volunteers. No separate isolation ward has been set up for TB patients and others suffering from contagious diseases. *No separate ward is set up for women prisoners.* I spoke to some of the patients. Vikram Kumar 20 is suffering from TB and is allegedly involved in a kidnapping case. It was learned that the case is now pending in the High Court. Vinod Prasad is a Diabetic and has kidney ailment. He is a convict who has spent 13 years and 07 months in jail. Ghansi Rai is involved in a rape case. He is an under trial and is suffering from fever and asthma.

General diagnostic facilities are *not* available in the jail. It was stated that budget allocation for the hospital is sufficient and that adequate stock of medicines is available.

Hospital facilities can be considered as grossly inadequate in this jail.

Video-conferencing

Video-conferencing facility is available in the jail and is connected with three courts. It was stated that on the average 30-38 prisoners appear before the courts with its aid.

Legal Aid

Free legal assistance is provided to needy prisoners. According to the jail authorities only five persons were given legal aid. The number of legal aid cases sanctioned appears not to be satisfactory. Apart from enhancing the number of cases assisted, *it would also be necessary to improve the quality of assistance provided.* Often women prisoners and prisoners from poorer categories cannot, on their own, make arrangements for conducting their cases. It was stated that the District Legal authority is functional and that two legal helps have been provided in every Ward. *It would be necessary for the Authority to periodically review the outcomes in cases where legal aid has been provided.*

Lok Adalats

It was stated that *Lok Adalats* are being held on a monthly basis. Lok Adalat was organized in the previous week.

Appeals filed-legal assistance/surety

It was stated that legal assistance is provided to prisoners for filing appeals before the higher courts. Four appeals have been filed by the prisoners. The jail authorities stated that that there

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were no cases of prisoners having been granted bail by the courts languishing in the jail for lack of sureties.

Parole

It was learned that no case of parole has been sanctioned. The procedure for sanctioning parole ought to be simplified. Superintendents of the jails should be delegated the power to sanction parole for 15 days.

Remissions

It was stated that remissions are allowed as per provisions. No new case is pending for consideration at present.

Telephone facility

It is unfortunate that *there is no telephone facility available in the jail*. Prisoner Call Systems, which are a fast, efficient and computerized telephone management system, have been installed by TATA Telecom in several jails in Punjab. The prisoners are able to communicate with their families through this assisted operation on pre-payment basis. *This is an important step in providing better quality services to the prisoners.* The prison Administration ought to take initiative in setting up similar systems without any delay.

Visitors

It is important to allow prisoners to communicate with their immediate family members. This jail also allows the convicted

prisoners and under trials to meet their family members. A waiting room is available for this purpose. Visitor' timings are fixed from 8 am to 12 noon.

Board of Visitors

Independent Boards of Visitors are set up in jails to ensure that the members periodically visit the jails, ascertain the condition of prisoners and advise on the improvement of the quality of prison management. A Board of visitors has been set up in this jail too, which includes two non-official members. *It needs to be ensured that the Members of the Board visit the jail periodically, and, the Board meets regularly to fulfil the purpose for which it has been constituted.*

Library

It is unfortunate that *no library has been set up in the jail so far.* Urgent action needs to be taken for providing library facilities to the inmates. Public contribution/donation of books could be one option. Women prisoners also ought to be encouraged to use the library. Some books could be kept in the women's enclosure too for their ready use. Reading and writing need to be encouraged amongst the prisoners. Services of the civil society could be utilized for this purpose.

Recreational programs

It was stated that cultural programs are being regularly organized in the jail. *Women ought to have cultural programs within their enclosures too on regular basis.*

Sports

Prisoners are provided sports facilities in the jail such as Volley Ball, Badminton, and Carom. *No sports facilities are available for women prisoners.*

Religious activities

The prisoners are freely allowed to practice their religion. It was stated that the prisoners celebrate different festival like Id, *Diwali, Hoil* etc together.

Yoga

Although four prisoners were trained as Yoga teachers, it was stated that they have left the jail. As such no yoga program is taken up in the jail for the benefit of inmates. Yoga and meditation programs ought to be started for those who wish to participate by involving reputed institutions/organizations.

TV/ News papers:

It was stated that TV sets with cable have been installed in all prisoners' wards. Eight news papers are being regularly provided to the prisoners.

Canteen facilities

Although provision has been made for a welfare canteen it was stated that the same was not functional. Canteen facilities ought to be set up within the jail without any further delay.

Vocational Training

Imparting vocational training to prisoners is very important not only in keeping them physically and mentally engaged in some activity but also for helping them to be gainfully occupied. It was stated that training in stitching and embroidery and beautician's course is being imparted to female prisoners. Courses on computer education have been taken up for boys. Computer courses ought to be taken up for eligible girls as well. It is, however, noted that the training taken up is grossly inadequate for meeting the needs of both male and female prisoners. Thus, despite these steps being taken, there is need to diversify and upscale vocational training and activities in the jail.

Involvement of NGOs

Involvement of reputed NGOs in organizing various activities in the jail is very important as they provide the much needed break from rigid bureaucracy and help to create an informal atmosphere in which the prisoners are able to give expression to their creative urges. They can also provide the much needed social support to the inmates. It is seen that in District Jail Sitamarhi the services of NGOs are not being utilized for counselling prisoners on their social and family problems nor in

other useful activities. The role of NGOs in various activities needs to be recognized and their services utilized by the prison Administration.

Drug De-addiction program

No De-addiction program is being run in the jail at present.

Inspections

It was stated that regular inspections are being carried out by the District and Sessions Judge. The last inspection conducted was by the Circle Superintendent, Muzaffarpur on 13-12-14.

Complaint Redress system

The prison authorities need to take care of the complaints raised by the prisoners and set up an effective complaint redressal mechanism. *Prisoner's durbar usually helps in facilitating face to face communication between the officials and the prisoners.* It was stated that Prisoners Panchayas were organized on 8-10-2014, 24-10-2014, 31-01-2015 and 19-02-2015; Prisoner's Durbars on 18-9-2014, 25-9-14, 31-10-2014, 1-11-2014, 12-11-2014, 3-12-2014, 14-12-14, 10-02-15, 19-02-15 and 05.03.15. However, outcomes of the Durbars have not been evaluated. It was stated that three complaint boxes have been installed in public areas to facilitate filing of complaints against jail authorities. It would be necessary for the jail administration to put in place a comprehensive and effective complaint redress

system in order to give vent to the anger, frustration, and disappointments faced by prisoners in daily life.

Security

Although 15 CCTVs have been installed, *none of them is reported to be functional*. It was stated that three of them were destroyed during the jail riot last year by the prisoners. Besides, walkie-talkies, DFHMD, HHMD were found to be outdated and non-functional. No mobile jammer is available with jail authorities. It would appear that the jail authorities have not learned any lesson after the recent riots. *Security of the jail is handled in a most casual manner.*

Against sanctioned posts of 100 warders and 11 Chief Warders only 11 Warders and 11 ex-service Warders, one female warder were functioning in the jail. 20 Home guards on deputation are available for taking care of the security within the jail. However, 19 of them remained absent due to a strike on the day of inspection by the Superintendent of the Central jail, Muzaffarpur. The security outside the jail is manned by the BMP with 4/20 strength. The State Government ought to review the security within the prisons. At the same time it ought to ensure prisoner's welfare measures so that they are not driven to take extreme measures.

Solar Lighting

No attempt has been made to harness solar energy in the jail. Solar energy ought to be harnessed both for heating and lighting. Besides, cooking could also be based on solar energy.

Budget

A budget allocation of Rs. 2.07 crores has been made for the jail this financial year by the State Government, which is considered to be adequate.

Modernization

The Jail Superintendent indicated that there are plans prepared for the modernization of the infrastructure of the jail. Estimates have already been prepared for repair of the boundary wall, renovation of the hospital building, repair and increasing the height of the jail gate, demolition of ward no. 1 in Mahila block, kitchen and Cells, repair of Ward nos. 05 and 08, development of the campus around the prisoner's wards and the construction of the approach road. Estimate for Rs.1, 27, 40, 300. 00 has been sent to the Department for sanction to meet the costs. Besides, funds for construction of 198 prisoner's wards to the tune of Rs. 2, 47,000, 00.00 and RS.76,44, 000.00 have already been made available to the PWD by IG (Prisons). It was also brought to my notice that the condition of staff quarters is pathetic. It is understood that a proposal for renovation of Staff quarters is pending with the PWD at present. It ought to be taken up without any further delay.

The jail hospital and prison management ought to be computerized in the jail.

Jail Manual

Although Bihar Government has taken the initiative to enact a new jail Manual, provisions of the old Jail Manual are still being followed in many respects. Action therefore needs to be taken for implementing the new Manual.

Observations/ Recommendations:-

Although this jail was upgraded as District in 1984 it still needs to improve the prison administration and management in order to fully achieve that status.

Some of the suggestions/recommendations are given below:-

1. Good governance

It is a matter of concern that all is not well with the administration of this jail. Presence of a large under trial population, custodial deaths , riots within the jail, escape of prisoners etc are symptoms of a malaise that affects the jail administration very deeply. A regular Jail Superintendent along with a full complement of supporting staff needs to be posted without any further delay. Every aspect of prison administration, therefore, ought to be restructured in this jail.

2. Treatment of prisoners

Modern prison management is about reforming and rehabilitation of prisoners. Therefore, changing the mindset of the jail officials and staff is one of the most important challenges in prison administration. This can be brought about only through their regular sensitization and training.

3. Improving the quality of life of the prisoners should get the top most priority in every jail. Basic rights of prisoners to clean and adequate drinking water, sanitation and bathing facilities and day to day needs ought to be ensured befitting the status of the jail.

3. Undertrials

Immediate steps may be taken to reduce the under trial population in the jail. Priority ought to be given to women under trials; especially with children, in matters relating to production before courts, getting bails, sanctioning of legal aid etc.

Accountability needs to be fixed on the DM/SP/Jail Superintendent by making appropriate entries in their Annual Confidential Reports (ACR). A monitoring system should be started for tracking under trials.

4. Scrutiny of cases

Cases relating to elderly prisoners and female prisoners with children need to be scrutinized quickly to find out the extent of their involvement in crimes alleged, for securing their release.

5. Lok Adalats

Lok Adalat needs to be organized regularly. To make it more effective a list of petty cases should be prepared and background work done well in advance, before the cases are placed before the court. Functioning of Lok Adalat needs to be closely monitored and evaluated.

5. Legal Aid

Although legal aid has been sanctioned in a number of cases, it is not known what impact it has produced on the *quality* of cases conducted. Separate records for female prisoners need to be maintained. With the help of District Legal Authority quality of legal counselling and utilization of legal aid should be made effective.

6. Monitoring of cases

A system for monitoring of cases should be put in place quickly.

7. Remission

The State Government ought to analyze the pending remission cases with reference to the recent directions/observations of the Apex Court on the subject.

8. Prisoner welfare measures

Although some measures have been taken by the administration, there is need to improve prisoner welfare measures, including better complaint management, engagement of prisoners in work, regular counselling, better educational and health facilities, issue

of pass books, facilitating better communication with families etc.

3 B

9. Visitor's Board

Inspection by the Visitor's Board needs to be made meaningful and effective.

10. Right to health

Posting of a regular Chief Medical Officer

The vacant post of CMO ought to be filled up without any further delay.

Posting of a Lady Medical Officer (LMO)

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/ANM should be posted in the jail* to take care of the day-to-day health problems of female prisoners and their children.

a. Setting up a modern jail Hospital

Hospital facilities are poor/ inadequate in this jail. *There is every need to have modern hospital facilities in the jail.* It also should have a fully equipped diagnostic/path Lab. *Separate Women and Children's Wards as well as Isolation wards need to be a part of the hospital.*

b. Screening for diseases

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

- b. **Screening for mental conditions** other than drug-induced illnesses may be undertaken with the help of reputed mental health institutions. Tie-ups with such institutions would be necessary. Mentally ill prisoners after their identification ought to be transferred to mental hospitals
- d. **AYUSH medical facilities** should be provided, especially to older patients.

11. Improvements in the condition of women and children

Female prisoners with their children ought to be segregated and kept separately. Similarly female convicts and under trials also ought to be segregated. Separate kitchens/kitchenettes may be allowed inside the female wards. *Supply of fixed quantity of milk or fruit is not sufficient to meet the dietary requirements of children.* Their diets ought not to be the same as that for adults. Inoculation and vaccination of female prisoners/children/others ought to be taken up on priority. Children ought to be allowed to play outdoors under proper watch, enabling them to enjoy free and fresh air. Counselling of women with the help of reputed institutions and voluntary agencies ought to be taken up. Rights of women prisoners and their children are to be taken care of by fully implementing the guidelines issued by the Apex Court.

12. Food supply

The State Government of Kerala, after amendments to the Jail Manual, has introduced a system adding variety and nutrition to the diet provided to the prisoners. This could be emulated by the jails in other states.

13. Literacy

Education should be recognized as a basic right of *all* prisoners not to be left as a choice to be made by them. A comprehensive literacy and educational program both for male and female prisoners needs to be chalked out to achieve 100% literacy. Literacy program should be redesigned and further strengthened and its quality improved to achieve 100% literacy in the jail.

14. Vocational programs need to be restructured, diversified and up-scaled. Whereas skill development could be the goal in the case of younger prisoners, in the case of older prisoners it should be their meaningful engagement in work-related activities. Vocational training in useful trades (the products ought to have ready markets) needs to be taken up with the help of reputed NGOs so that old prisoners could also be gainfully employed. Computer classes should be run for *both* young male and women prisoners.

15. Training

Wherever possible convicts spending long time in the jail could be trained and their services utilized, especially in the jail hospital. Sensitization of Jail Staff in matters relating to human rights of prisoners ought to get high priority.

16. AMC

The present agreement with BELTRON needs to be reviewed. All equipment, including the video-conferencing system, should be got repaired. AMCs should be signed with supply agencies.

17. Civil works

There is need to monitor progress of civil works undertaken by the PWD and other agencies. Expenditure on this account needs to be monitored closely.

18. **Alternate energy** needs to be harnessed for lighting, heating cooking etc.

19. **Services of reputed NGOs** should be utilized in the areas of health, education training, prisoner's welfare etc

21. Audit

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

20. Untied funds

An untied fund of Rs.5 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.

21. Delegation and decentralization

At present jails in Bihar do not enjoy autonomy as the decision making process appears to be highly centralized. Delegation and decentralization can make prison management simple, effective and flexible. An enabling environment only could inspire innovations in jail management.

22. Jail Manual

As pointed out the jail administration in Bihar needs to be tuned to the implementation of the provisions of the new Jail Manual. Prison administration ought to reflect the human rights perspective and the changing needs of prison management according to the demands of the times. Long term objective should be setting high standards on par with Tihar Jail and striving for maintenance of those standards.

11. Report on visit to District Jail, Darbhanga by S. Jalaja, Special Rapporteur NHRC on 12-3-2015

Jail profile and history

Darbhanga is one of the most important districts of north Bihar situated in the very heart of Mithilanchal and is also the headquarters of Darbhanga Division. History of the District Jail, Darbhanga dates back to British period. The jail was reportedly functioning as District Jail prior to 1969.

Land and infrastructure

The jail is situated in an extensive area of 30 acres with five acres as covered area. Very few modern jails have the kind of luxury of space available to this jail. The prison is protected by a newly constructed perimeter wall which still has gaps to be filled. The inner perimeter wall of the jail is also old and in a dilapidated condition, which needs to be dismantled. The buildings built during the British times are in a state of decay.

The jail infrastructure comprises of 08 wards for male prisoners. Women prisoners are accommodated in a ward which is a part of the old jail. There are also separate blocks for Kitchen and hospital, albeit in worn out conditions. 15 Cells which were meant to isolate and accommodate dangerous criminals are found to be in an abandoned state.

Manpower

The position of staff in the jail is very inadequate. As against a sanctioned strength of 173, only 48 posts have been filled up; **125 are vacant.** The vacant posts include the posts of *Superintendent*, 04 Assistant Superintendents, 04 jail Clerks, 02 Medical Officers, 02 Pharmacists, 01 Chief Warder, 11 Senior warders, 87 Warders, 01 Home Guard, 01 Barber and 06 cleaning staff.

Sri Rajiv Ranjan, Deputy Collector Land Reforms (DCLR) is presently in charge as Superintendent. Sri Suryanath Singh is posted as Deputy Superintendent on regular basis. Although two posts of Medical Officers have been sanctioned, no regular MO is posted in the Jail. One Medical Officer is posted on deputation basis and another is engaged on contract basis. All posts, except that of one of the 20 Home Guards have been, however, filled up.

It is a matter of concern that a jail with a population around 300 prisoners is manned by very few staff. It is essential that that sufficient number of staff, especially Warders and other security staff, are posted without any further delay.

Jail capacity and occupancy

The different categories of prisoners present in the jail are given in the Table below. As against sanctioned capacity of 665 (655 male; 10 female) 327 prisoners (312 male; 15 females) are present in the jail. *03 children (2 girls and 01 boy) are also residing with their mothers.* Since the jail population is much

less than the sanctioned that capacity, generally *there is no overcrowding in the jail.*

Categories of Prisoners

The category-wise details of prisoners as of 12-03-2015 in the jail are given in the box.

Under-trial Prisoners

There is no segregation of prisoners, as both convicts and under trials are kept in the same wards. Out of 327 prisoners present in the jail, 245 (232 male; 13 female) are under trials. Details regarding the time spent by under trial prisoners in jail were not furnished by the administration.

The main reason for overcrowding in the jails is the increasing number of under-trials, which affects the overall availability of space in the jail, the resources allocated, and the management services in the jail. Under trials constitute roughly more than 75% of the jail population in this jail.

It was stated that under trial prisoners are regularly being produced before the courts and that there is no problem of non-availability of police escort. Prisoners are also produced before the court through video-conferencing.

The number of under trials remains high in the jail the jail administration needs to take steps to reduce their population without any delay.

Category	
Sanctioned Capacity	665
Present on the day of visit	327
Sanctioned capacity of Male Prisoners	655
Present	312
Sanctioned capacity of Female inmates	10
Present	15
Children with mothers---	03
Total male UTS	232
Total female UTS	13
Session Committed-Male	65
Session Committed Female	02
Male S I convicts	02
Female SI convicts	00
Male RI convicts	12
Female RI convicts	00
Cases of death penalty	00
Civil Prisoners	01
CCA-Male	00
CCA-Female	00

Condition of prisoners

As stated, male prisoners are accommodated in 8 barracks. The capacity of the barracks varies. 53 prisoners were lodged in one of the wards visited. The wards are generally kept clean. The prisoners have been supplied with bed sheets and blankets. All fans were found working. The urinal attached to the ward however, was open.

I spoke to some of the prisoners. Pramod Mukhya and Balle Mukhya are brothers. Both are construction workers. They were brought to the jail on charge that they stole a mobile phone. They both claimed to be innocent and stated that they were both in the field constructing a boundary wall when the police apprehended them. Their claim needs to be investigated. As they are daily wage earners, and the case against them is of petty nature, their case may be placed before the CJM without any delay.

Ramchander Yadav 60 is allegedly involved in a murder case. Devanad Dwivedi is a cleaner in a truck. He too is allegedly involved in a murder case. Bowaji Sabmi from Gai Ghat, Muzaffarpur, is Sarpanch of his village. He is allegedly involved in a dacoity case. He stated that he has been falsely implicated in the case. Ram Ashish Bhagat stated that his son died of snake bite. He stated that he was in jail on account of his wife's family filing a case against him for being responsible for his death. Rakesh Kumar Yadav is disabled. He is also involved in a murder case. He stated that he is falsely implicated in the case.

Women Prisoners

The women prisoners numbering 15 are accommodated in a separate ward in an old building. Three children are living with their mothers. This section has a capacity to accommodate only upto 10 prisoners. Due to less number of women prisoners the women's enclosure was comparatively more spacious. The inmates have been provided with bed sheets, blankets etc. Fans in the ward were also found working. A TV set has also been provided. The overall maintenance and hygiene in the ward was satisfactory. A temple as well as a mosque is available for worship within the Women's enclosure.

Three children were found staying in the ward along with their mothers. On questioning the mothers said that children were getting milk and are provided with fruits on daily basis. *There were four pregnant women present at the time of visit. It is a matter of concern that no Gynecologist or female Nurse is available in the jail for taking care of the women prisoners. There is no arrangement to take care of the health of small children.* Hospital facilities ought to be made available to the prisoners, especially women prisoners, by the authorities, round the clock. In the absence of a Gynaecologist the CMO Darbhanga may be requested to post an ANM to take care of the daily health needs of women prisoners and the children who reside with them.

The Apex Court has given comprehensive directions regarding the care of women and children lodged in jails in RD Upadhyay

Vs State of Andhra Pradesh in Civil Writ Petition No. 559 of 1994. The Court's directions regarding the health care of women prisoners and their children have not been properly implemented in letter and spirit by the state government. No Crèche facilities are available for children. No bathrooms are available in the female section and the women prisoners are forced to bathe in open space in the ward premises. Thankfully the taps were in working condition. The drainage also was in poor condition.

I spoke to some of the convicted/UT women prisoners. Most of the women prisoners were found to be allegedly involved in dowry related cases. Begum Khatoon 35 has 04 children and is residing in the jail for the last seven months. She is allegedly involved in the murder of her sister-in-law. Najni Parveen of 18 years, involved in a theft case is *two months pregnant*. Yasmin 23 who is *already pregnant* has two small children with her. A case u/s413/414 has been filed against her. Roshna Khatoon 20 is *eight months pregnant*. She is also facing a case u/s 413/414 of IPC. The three share a common husband who is engaged in the sale of clothes. It was stated that the police had arrested the other two. Roshan had gone to rescue them but she was also arrested by the police. All three women ought to be produced before the CJM quickly so that they are able to secure their freedom. Puneeta Devi 32 arrested in connection with her husband's death in a case u/s 302 and other sections of the IPC has four children to support. Ramkali Devi stated that she has a child of 12 years. She was booked in connection with the

disappearance of the daughter of her husband's brother u/s 363,370 and 34 of IPC. She claimed that she has been falsely implicated in the case. Lal Beevi 25 is allegedly involved in a case of quarrel and rivalry. Shilfa Begam 30 with one child had her husband working as a part of an orchestra. She is allegedly involved in his death. She stated that *she had sold two of her children who were with her.*

Kiran Devi, Tilkia Khatoon, Nain Shobha Gupta are above the age of 60. Bibi Ruksana is involved in a case u/s 304(B) of IPC. I also met Rani Devi, Bacchi Devi and Radhika Devi who were younger, facing criminal cases. The women stated that they did not have any complaints, except that they were innocent.

Many of the women prisoners in the jail are booked in dowry-related cases or in murder cases. Their cases need to be looked into in the light of the recent directions of the Apex Court not to make unnecessary arrests in dowry-related cases. The SDPO ought to spend some time with the prisoners at least once in a month to look into the grievances of prisoners regarding the cases lodged against them.

The cases against these women with little children need to be analyzed carefully to find out the extent of their personal involvement and see whether their continued presence in the jail is necessary. The view that women committing non-violent crimes ought not to be incarcerated has gained strength in recent times. As far as women under trials are concerned, their

cases ought to get priority in the sanctioning of legal aid, legal counselling and production before courts.

Although their physical comforts have been taken care of it is necessary to ensure that their mental well being is also taken care of. *Regular counselling of women prisoners by counsellors from reputed institutions/ voluntary agencies is essential.* Since there is limited freedom available to women prisoners within their separate enclosure, educational/vocational/group activities need to be encouraged so that their self worth is enhanced.

Mentally ill prisoners

Only one prisoner was reported to be suffering from psychiatric problems and is being treated at the Medical College Hospital, Darbhanga. It was seen that no regular screening for mental illness is being conducted in the jail. Prisoners often suffer from various mental conditions like depression, schizophrenia and epilepsy. It is, therefore, difficult to believe that only one amongst them is detected as mentally ill. *Regular screening of prisoners, both male and female, needs to be undertaken with the help of reputed mental health institutions. Many of the women committing crimes are generally trauma victims. It is surprising that no woman prisoner is reportedly having any mental illness. Regular screening of prisoners, both male and female, needs to be undertaken with the help of reputed mental health institutions*

Custodial deaths /rapes/violence

According to the Jail authorities only two cases of deaths are reported recently in the jail. It was stated that the deaths reported were due to natural causes. The Superintendent confirmed that in all cases reports have been sent to the NHRC.

No incident of custodial violence/rape has been reported in the jail in recent times.

Escape of prisoners/jail break

It was reported that no case of escape of prisoners has been reported from the jail in recent times. However in 2012, three prisoners had escaped from the jail .They have not been traced so far.

Basic amenities

Water supply and Sanitation

Water supply to the jail is made with the help of jails own water supply system and hand pumps. It was learned that most of the hand pumps need repair or replacement. The hand pump near the male ward visited by me was in a corroded condition. It had no platform around. The District Magistrate on his inspection on 25th July, 2013 itself had given instructions to the PHED to get the hand pumps repaired. It would appear that these instructions have not been carried out so far.

The jail authorities confirmed that there is sufficient number of toilets in the jail. No bathrooms have been constructed for both male and female prisoners in the jail. The drainage system

within the jail is non-functional. There is considerable water logging reported in the jail especially in the area between the old and new perimeter walls. 25% of the water logging is in the eastern and northern sides.

Power Supply

Power supply was stated to be for 12-14 hours only. Back up support is provided by a generator of 7.5 KV capacities. It needs to be ensured that the generator is in good condition.

Food supply

The jail kitchen is run in a make-shift shed as the old kitchen is dysfunctional. The shed is open from the sides and the roof is corroded having large holes. Cooking is carried out with the help of LPG stoves. Water supply to the kitchen is provided by a hand pump. It was stated that it is proposed to construct a new kitchen. The construction ought to be complete well before the onset of Monsoon. In the mean time make-shift arrangements may be made to protect the present kitchen from heat and winds.

Food supply is provided to the prisoners as per the norms laid down in the Bihar Jail Manual. The diet of the prisoners is worked out on calorie basis, costing approximately Rs.50-60 per day per prisoner. On inspection it was found that the quality of food was satisfactory.

Education

It was stated that the PRERNA program is being run in the jail through its 05 centres. One of the centres is stated to be run in the women's ward. Inmates are also encouraged to appear in exams conducted by the NIOS. Education is imparted with the help of two master trainers and teacher- volunteers.

It is seen that literacy program for prisoners is in a sad state of neglect. Services of prisoner volunteers or local NGOs/Rotary club etc could have been utilized in promoting education. *Being a District Jail, the authorities ought to aim at 100% literacy amongst the prisoners. A detailed program ought to be drawn up within a fixed time frame to achieve the results. The jail ought to have tie ups with IGNOU and open a centre without any delay. Those prisoners who are literate should be urged to continue with their studies. IG prison ought to review the literacy and educational programs taken up in district jails of the state without any further delay.*

Jail Hospital

For meeting the health needs of the prisoners a jail hospital is available with 25 beds. The jail hospital is housed in an old British-time building. At the time of my visit only 08 patients were seen admitted in the hospital. Though old the hospital looked clean and hygienic.

No regular doctor is posted in the jail. The jail hospital is manned by a Medical Officer on deputation .Another doctor on contract basis also available. However, *no Lady Medical Officer*

(LMO) is posted in the jail hospital. Against the two posts sanctioned no pharmacist is available. However, both posts of Dressers have been filled up.

No separate isolation ward has been set up for TB patients and others suffering from contagious diseases. *No separate ward is set up for women prisoners either.*

General diagnostic facilities are not available in the jail. X-ray facilities are however available. It was stated that budget allocation for the hospital is sufficient and that adequate stock of medicines is available. The District Magistrate in his inspection note had mentioned that the fridge, fan etc in the hospital were not in working condition at the time of his inspection. It ought to be ensured that all equipment, light and fan in the hospital are in working condition all the time.

I met some of the patients admitted to the hospital. Narendra Singh 69 is suffering from diabetes .He was booked u/s 420 of IPC in a fraud case. It was learned that he has been able to secure bail and is to be released shortly .Sajit Khan is suffering from psycho-somatic problems but is getting well. Ramchandra Sahni 75 came to the jail only two days ago .He is allegedly involved in a case relating to sale of illicit liquor. He is suffering from high BP. Nand Kishore shah is involved in a case u/s 379 IPC. He has been in the jail for more than a year.

Islam 75 was brought to the jail 20 days ago for lying drunk in a public place. Manoj and Sanjay Yadav are involved in a quarrel

case and came to the jail only three days ago. Gulshan Rasool 75 is suffering from arthritis. He is involved in a quarrel case.

Hospital facilities can be considered as grossly inadequate in this jail.

Video-conferencing

Video-conferencing facility is available in the jail and is connected with three courts. It was informed that on the average 30-35 prisoners appear before the courts with its aid.

Legal Aid

Free legal assistance is provided to needy prisoners. According to the jail authorities only five persons were given legal aid. The number of legal aid cases sanctioned appears not to be satisfactory. Apart from enhancing the number of cases assisted, *it would also be necessary to improve the quality of assistance provided.* Often women prisoners and prisoners from poorer categories cannot, on their own, make arrangements for conducting their cases. It was stated that the District Legal authority is functional and that two legal helps have been provided in every Ward. *It would be necessary for the Authority to periodically review the outcomes in cases where legal aid has been provided.*

Lok Adalats

It was stated that *Lok Adalats* are being held on a monthly basis. Lok Adalat was organized in the previous week.

Appeals filed-legal assistance/surety

It was stated that legal assistance is provided to prisoners for filing appeals before the higher courts. No appeals have been filed by the prisoners. The jail authorities stated that there were no cases of prisoners having been granted bail by the courts languishing in the jail for lack of sureties.

Parole

It was learned that no case of parole has been sanctioned. Sanctioning of parole ought to be liberal, but with conditions. The process ought to be simple. The Jail Superintendent ought to be given powers to sanction parole for 15 days, subject to fulfilment of conditions. Non-sanctioning of parole can create resentment amongst prisoners.

Remissions

It was stated that remissions are allowed as per provisions and IG Prisons is empowered to sanction Remissions up to 60 days, and that all backlogs have been cleared. However, the SC has stayed sanction of remissions by the state Governments recently.

Telephone facility

It is unfortunate that there is no telephone facility available in the jail. Prisoner Call System, which is a fast, efficient and computerized telephone management system, has been installed by TATA Telecom in several jails in Punjab. The prisoners are able to communicate with their families through this assisted

operation on pre-payment basis. The prison Administration ought to take initiative in setting up the system without any delay.

Visitors

It is important to allow prisoners to communicate with their immediate family members. This jail also allows the convicted prisoners and under trials to meet their family members. A new waiting room constructed is available for this purpose

Board of Visitors

Independent Boards of Visitors are set up in jails to ensure that the members periodically visit the jails, ascertain the condition of prisoners and advise on the improvement of the quality of prison management. A Board of visitors has been set up in this jail too, which includes two non-official members. *It needs to be ensured that the Members of the Board visit the jail periodically, and, the Board meets regularly to fulfil the purpose for which it has been constituted.*

Library

A library has been set up in the jail. It has a collection of 450 books and 50 books were under issue. Urgent action needs to be taken for providing library facilities to the inmates. Public contribution/donation of books could be one option. Women prisoners also ought to be encouraged to use the library. Some books could be kept in the women's enclosure too for their

ready use. Reading and writing need to be encouraged amongst the prisoners. Services of the civil society could be utilized for this purpose.

Recreational programs

A fully equipped Music Room is also set up in the new block of the jail where daily practice of music could be undertaken. It was stated that cultural programs are being regularly organized in the jail. *Women ought to have cultural programs within their enclosures too on regular basis.*

Sports

Prisoners are provided sports facilities in the jail such as Volley Ball, Badminton, and Carom. *No sports facilities are available for women prisoners. A fully equipped gymnasium is functional in the new block of the jail.*

Religious activities

The prisoners are freely allowed to practice their religion. It was stated that the prisoners celebrate different festival like Id, Diwali, Hoil etc together.

Yoga

Although four prisoners were trained as Yoga teachers, they have left. As such no yoga program is taken up in the jail for the benefit of inmates. Early action ought to be taken for having programs on yoga and meditation for those who wish to

participate. Reputed institutions could be invited to run the program.

TV/ News papers: TV sets with cable have been installed in all prisoners' wards. Eight news papers are being regularly provided to the prisoners.

Canteen facilities

Although provision has been made for a welfare canteen it was stated that the same was not functional. This should be set up without any further delay.

Vocational Training

Vocational training of prisoners is very important not only in keeping them physically and mentally engaged in some activity but also for helping them to be gainfully occupied. Training in stitching is being imparted to female prisoners by Bhagawan Das Foundation. Four sewing machines have been purchased for this purpose. No vocational training programs have been taken up for male prisoners. It is, however, noted that the training taken up is grossly inadequate for meeting the needs of both male and female prisoners. Thus, despite these steps being taken, there is need to diversify and upscale vocational training and activities in the jail.

Involvement of NGOs

Involvement of reputed NGOs in organizing various activities in the jail is very important as they provide the much needed

break from rigid bureaucracy and help to create an informal atmosphere in which the prisoners are able to give expression to their creative urges. They can also provide the much needed social support to the inmates. It is seen that in District Jail, Darbhanga the services of NGOs are not being generally utilized (except in one case) for counselling prisoners on their social and family problems nor in other useful activities. The role of NGOs in organizing various activities needs to be recognized and their services utilized by the prison Administration.

Drug De-addiction program

No De-addiction program is being run in the jail at present.

Inspections

It was stated that regular inspections are being carried out by the District and Sessions Judge. It was inspected by the District Magistrate on 24-07-2013. The DM in his inspection note had made several adverse observations about the jail administration especially regarding the maintenance of security of the prison by the BMP, water supply in the jail, poor condition of the hospital, and upkeep of the visitor's room, cash in hand system followed etc. The last inspection conducted was by the Circle Superintendent, Muzaffarpur on 14-10-2014. His report, however, is silent on the follow up action taken by the jail administration. The Circle Superintendent should ensure that all instructions given by the DM are complied with immediately.

Disposal of Complaints

It was stated that complaint boxes have been installed in three different places in the common areas of the jail areas to facilitate filing of complaints against jail authorities. It was also stated that prisoners Durbars are also organized in the jail regularly.

Security

Against sanctioned posts of 100 warders, 11 Chief Warders and 15 special protection forces comprising ex service warders only 13 Warders and 06 ex-service Warders were functioning in the jail. The posts of 01 Chief Warder, 11 senior warders and 87 Warders are vacant. Posts of 20 Home guards on deputation are available for taking care of the security within the jail. However, 19 of them remain vacant. The security outside the jail is manned by the BMP with 4/20 strength. The District magistrate in his inspection note had stressed the need for the BMP to man the main gate and intensify patrolling outside the jail. This instruction ought to be complied with. The Superintendent needs to ensure that the security of the jail is not compromised in any manner. The basic facilities for the security staff also need to be ensured on priority basis.

Solar Lighting

No attempt has been made to harness solar energy in the jail. Solar energy ought to be harnessed both for heating and lighting. Besides, cooking could also be based on solar energy.

Budget

A budget allocation made for the jail this financial year by the State Government is considered sufficient by the jail administration.

Audit and Accounts

The DM, Darbhanga had pointed that the prison administration has adopted a cash- in- hand system, instead of keeping funds received in bank accounts. At the time of his inspection the jail administration had drawn a sum of Rs.3, 90,296.00 as cash- in - hand. Similarly drafts received for payments are not being cashed on time and the money disbursed. Cash books ought to be up to date and ought to be regularly inspected by the superior officers. The accounts of the jail also ought to be audited as per rules.

Modernization

The Jail Superintendent indicated that there are plans prepared for the modernization of the infrastructure of the jail. A number of items of important civil works relating to the jail are pending for execution, including demolition of the old perimeter wall of the jail, completion of the new wall and increasing its height, construction of a watch tower, hospital and kitchen, completion of the new female ward and the video-conference room, construction of male and female bathrooms and new 20 sets of toilets etc. Despite the instructions given by the DM Darbhanga as early as in August, 2013, it is seen that the items are still pending.

Jail Manual

Although Bihar Government has taken the initiative to enact a new jail Manual, provisions of the old Jail Manual are still being followed in many respects. Action therefore needs to be taken for implementing the new Manual.

Observations/ Recommendations:-

Although this jail has been stated to be functioning as a District Jail even before in 1969, it still needs to improve the prison administration and management in order to fully achieve that status.

Some of the suggestions/recommendations are given below:-

3. Good governance

A regular Jail Superintendent along with a full complement of supporting staff needs to be posted without any further delay. The prison administration ought to be restructured in this jail incorporating modern vision of prison management. It ought to function more as a correctional institution.

4. Treatment of prisoners

It is generally observed that prison officials consider all prisoners, including under trials as criminals and enemies of society. The treatment meted out to the prisoners is often cruel, inhuman and discriminatory. Modern prison management is about reforming and rehabilitation of prisoners. Therefore,

changing the mindset of the jail officials and staff is one of the most important challenges in prison administration. This can be brought about only through their regular sensitization and training.

3. Improving the quality of life of the prisoners should get the top most priority in every jail. Basic rights of prisoners to clean and adequate drinking water, sanitation and bathing facilities and day to day needs ought to be ensured befitting the status of the jail.

4. Undertrials

Immediate steps may be taken to reduce the under trial population in the jail. Priority ought to be given to women under trials, especially with children, in matters relating to production before courts, getting bails, sanctioning of legal aid etc.

Accountability needs to be fixed on the DM/SP/Jail Superintendent by making appropriate entries in their Annual Confidential Reports (ACR). A monitoring system should be started for tracking under trials.

4. Scrutiny of cases

Cases relating to elderly prisoners and female prisoners with children need to be scrutinized quickly to find out the extent of their involvement in crimes alleged, for securing their release.

5. Lok Adalats

Lok Adalat needs to be organized regularly. To make it more effective a list of petty cases should prepared and background work done well in advance, before the cases are placed before the court! Functioning of Lok Adalat needs to be closely monitored and evaluated.

5. Legal Aid

Although legal aid has been sanctioned in a number of cases, it is not known what impact it has produced on the *quality* of cases conducted. Separate records for female prisoners need to be maintained. With the help of District Legal Authority quality of legal counselling and utilization of legal aid should be made more effective.

6. Monitoring of cases

A system for monitoring of cases should be put in place quickly.

7. Remission

The State Government ought to analyze the pending remission cases with reference to the recent directions/observations of the Apex Court on the subject.

8. Prisoner welfare measures

Although some measures have been taken by the administration, there is need to improve prisoner welfare measures, including organization of regular Prisoner's Durbar, engagement of prisoners in work, regular counselling, better educational and

health facilities, issue of pass books, facilitating better communication with families etc.

9. Visitor's Board

Inspection by the Visitor's Board needs to be made meaningful and effective.

10. Right to health

Posting of a regular Chief Medical Officer

The vacant post of CMO ought to be filled up without any further delay.

Posting of a Lady Medical Officer (LMO)

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/ANM should be posted in the jail to take care of the day-to-day health problems of female prisoners and their children.*

c. Setting up a modern jail Hospital

Hospital facilities are poor/ inadequate in this jail. *There is every need to have modern hospital facilities in the jail.* It also should have a fully equipped diagnostic/path Lab. *Separate Women and Children's Wards as well as Isolation wards need to be a part of the hospital.*

b. Screening for diseases

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

- d. **Screening for mental conditions** other than drug-induced illnesses may be undertaken with the help of reputed mental health institutions. Tie-ups with such institutions would be necessary. Mentally ill prisoners after their identification ought to be transferred to mental hospitals
- d. **AYUSH medical facilities** should be provided, especially to older patients.

11. Improvements in the condition of women and children

Female prisoners with their children ought to be segregated and kept separately. Similarly female convicts and under trials also ought to be segregated. Separate kitchens/kitchenettes may be allowed inside the female wards. *Supply of fixed quantity of milk or fruit is not sufficient to meet the dietary requirements of children.* Their diets ought not to be the same as that for adults. Inoculation and vaccination of female prisoners/children/others ought to be taken up on priority. Children ought to be allowed to play outdoors under proper watch, enabling them to enjoy free and fresh air. Counselling of women with the help of reputed institutions and voluntary agencies ought to be taken up. Rights of women prisoners and their children are to be taken care of by fully implementing the guidelines issued by the Apex Court.

12. Food supply

The State Government of Kerala, after amendments to the Jail Manual, has introduced a system adding variety and nutrition to the diet provided to the prisoners. This could be emulated by the jails in other states.

13. Literacy

Education should be recognized as a basic right of *all* prisoners not to be left as a choice to be made by them. A comprehensive literacy and educational program both for male and female prisoners needs to be chalked out to achieve 100% literacy. Literacy program should be redesigned and further strengthened and its quality improved to achieve 100% literacy in the jail.

14. Vocational programs need to be restructured, diversified and up-scaled. Whereas skill development could be the goal in the case of younger prisoners, in the case of older prisoners it should be their meaningful engagement in work-related activities. Vocational training in useful trades (the products ought to have ready markets) needs to be taken up with the help of reputed NGOs so that old prisoners could also be gainfully employed. Computer classes should be run for *both* young male and women prisoners.

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Wherever possible convicts spending long time in the jail could be trained and their services utilized, especially in the jail hospital. Sensitization of Jail Staff in matters relating to human rights of prisoners ought to get high priority.

16. AMC

The present agreement with BELTRON needs to be reviewed. All equipment, including the video-conferencing system, should be got repaired. AMCs should be signed with supply agencies.

17. Civil works

There is need to monitor progress of civil works undertaken by the PWD and other agencies. Expenditure on this account needs to be monitored closely.

18. Alternate energy needs to be harnessed for lighting, heating cooking etc.

19. Services of reputed NGOs should be utilized in the areas of health, education training, prisoner's welfare etc

21. Audit

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

20. Untied funds

An untied fund of Rs.5 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.

21. Delegation and decentralization

At present jails in Bihar do not enjoy autonomy as the decision making process appears to be highly centralized. Delegation and decentralization can make prison management simple, effective and flexible. An enabling environment only could inspire innovations in jail management.

22. Jail Manual

As pointed out the jail administration in Bihar needs to be tuned to the implementation of the provisions of the new Jail Manual. Prison administration ought to reflect the human rights perspective and the changing needs of prison management according to the demands of the times.

111. Report of S. Jalaja, Special Rapporteur, NHRC on her visit to District Jail, Samastipur, Bihar, on 13-3-15-2013.

Jail Profile and History

The district of Samastipur came into existence on 14th Nov. 1972, carved out of the erstwhile Darbhanga district. The present District Jail, Samastipur was set up initially as sub Jail in Samastipur town. After the formation of the district in 1972, it was upgraded as District Jail. The jail was shifted to a new building in 1981.

Land and infrastructure

The infrastructure of the jail comprises of nine blocks and 36 male wards. Out of 36 Wards eight are located in old buildings and are in need of repairs. Female prisoners are housed in a separate ward. In addition, a 25 bedded jail hospital is located in the jail premises. Within the jail buildings very little space is stated to be available for accommodating Warders and other security staff. Although no new constructions are on the anvil, this item needs special attention.

The areas surrounding the buildings have been skilfully landscaped with due care. It was mentioned that the beautiful garden of flowering and medicinal plants is maintained with the help of prisoners, a rare feature in the jails across the country. Besides the flower garden a large vegetable garden is also thriving in the jail, wherein seasonal vegetables are produced with the help of prisoners. I was given to understand that there is

a saving of 50-60,000 rupees annually on account of the vegetable garden. The initiative taken by the jail authorities is indeed commendable and is worth emulation by the other jails of Bihar.

Manpower

Unlike in the District jails of Sitamarhi and Darbhanga a regular Superintendent is available in this jail. The jail administration has a total staff strength of 156 posts of which 30 are filled up. 114 vacancies include that of 01 Deputy /Asst Superintendent each, 03 Medical officers, 01 Accounts Clerk /Clerk each, 01 Accountant, 02 Pharmacists, 01 Chief Warder, 11 Senior Warder, 81 Warder/Female Warder, 08 class- 4 and one barber. To run the jail with reasonable efficiency and full security it is essential that the full complement of staff is posted in the jail.

Jail capacity and occupancy

Against a sanctioned capacity of 1220 (1160 male/ 60 female), the occupancy reported was 444 (417 male; 27 Female). 03 children (01 boy; 02 girls) are staying with their mothers. The category-wise details of prisoners are as given in the box.

Under-trial Prisoners

227 under trials (211 male; 16 female) are lodged in the jail.

Category	
Sanctioned Capacity	1220
Present on the day of visit	444
Sanctioned capacity of Male	
Prisoners	1160
Present	417
Sanctioned capacity of Female	
inmates	60
Present	27
Children with mothers---	03
Total male UTS	211
Total female UTS	16
Session Committed-Male	169
Session Committed Female	10
Male S I convicts	04
Female SI convicts	00
Male RI convicts	33
Female RI convicts	01
Cases of death penalty	00
Civil Prisoners	00
CCA-Male	00
CCA-Female	00
Extremist prisoners	00

It was stated that the under trials were being produced before the courts on regular basis between 10am and 4 pm. It was confirmed that they were provided food when they were taken out for attending courts.

There are 10 female under trial prisoners in the jail who all have spent nearly 6 months to one year in jail. Mamta Devi w/o Umesh Ram is allegedly involved in a murder case and has been in jail since 11-04-14. Amrita Devi w/o Santosh Das is also alleged to be involved in a murder case and is in jail since 29-05-2014. Mimli Devi, Rajkumari Devi, Dularia Devi and Usha Devi also have similar cases against them and are in jail since 23-0-2014, 17-9-2014, 29-9-2014 and 06-11-14 respectively. None of them made any complaints, except that they have been falsely implicated in cases.

Khogai Mahto, Mahesh Mahto, Shivnath Rai, Vijay Thakur, Rajesh Rai, Shiv Ram Thakur, Amit Kumar, Niraj Thakur, Md Hyder, Navneet Singh, Rajiv Rai and Subodh Thakur are allegedly involved in crimes u/s 302 and other sections of IPC and have been admitted to the jail in the last one year. Category-wise details of the under trials based on time spent in the jail was not readily available.

Conditions of prisoners

It was good to note that convicted prisoners have been segregated from under trials. I met a few of the prisoners. Madan Rai 68 is sentenced for 20 years in a murder case. He has already completed 14 years. Madhumar Chudhury 60 was brought to the prison only 10 days ago in a case under the

Dowry Act. Yadunandan Shah 74 is allegedly involved in a murder case. Daman Choudhuri 65 is allegedly involved in a case U/s 307 of IPC. Ganga Sagar Shah 75 and Ram Babu Rai 61 are also allegedly involved in murder cases. Heera Das 60 is booked in a rape case. Joginder Singh 62 has already spent 07 months in jail as an under trial. The prisoners stated that they had no complaints.

The general wards were well-lighted and airy and were kept clean. It was noted that the prisoners were provided with clothing, bed sheets, blankets and other necessary facilities. The fans were found in working condition. A toilet was available for use at night.

Women Prisoners

Women prisoners numbering 27 are accommodated in a separate Ward. The Ward is kept neat and tidy by the inmates. Although some of the fans were not in working condition the rooms were well lighted and ventilated. The bathrooms and toilets were in good condition.

It was stated that pregnant women and children were being given milk, eggs and fruits in addition to their normal diet. Children are also provided with some toys. However, there was no crèche facility for them.

Women are being trained in beautician's course and are also taught stitching and tailoring.

I spoke to some of the women prisoners. Amita Devi 25 is detained in connection with the murder of her father-in-law. She is the only one arrested amongst the family members. Although she has four children, except a two-year old baby, other children were with her husband. She said that she was innocent. Rajni Devi is allegedly involved in a kidnapping case. She has two children. One child was left at home the other-a two year old child is with her. Panma Devi 60 is booked in a Dowry-related case. Meena 24 is in jail in connection with a theft case. She was alleged *to have stolen a locket*. Her case may be placed before the CJM on his visit to the jail. Santa Devi and Urmila Devi are allegedly involved in dowry-related cases. Vibha Devi 20 was arrested in a case involving the murder of her husband. Urmila Devi 55 is booked in a murder case relating to land dispute. Women prisoners did not raise any complaints.

Mentally ill prisoners

Only one prisoner was stated to be suffering from mental illness and that he was being treated at RINPAS, Ranchi. It was obvious that periodic screening for mental health was not being carried out in the jail.

Custodial Deaths /rapes/violence

It was confirmed by the jail officials that only two deaths due to natural causes were reported in 2013-14. Of the two one was a 75 year old male prisoner.

Escape of prisoners/jail break

It was stated by the jail officials that no incident of jail break or escape of prisoners has been reported in the jail in the last two years.

Basic amenities

Water supply and Sanitation

Water supply is maintained through both pipe water as well as through hand pumps. Pipe water supply does not cover the entire jail as the *water tank is dysfunctional*. It is planned to have a new water tank by next year. The hand pumps are stated to be in working condition. RO system has been installed in the hospital.

It was stated that there are altogether 56 toilets in the jail of which 52 were stated to be in good condition. The toilet to man ratio was reported as 10: 1. It was pointed out that repairs need to be under taken in respect of 40 toilets. The drainage system of the jail is functional. Flowering plants and herbs have been planted all around the wards, including the Women's ward which enhances the quality of the surroundings.

Power Supply

It was stated that power supply is limited to 22 hours. Back- up generator is stated to be available.

Food Supply

The kitchen in the jail is located in an old and dilapidated building. The floor of the kitchen too was in a worn out

condition. There were no exhausts for driving away smoke and foul smell. *No LPG Stoves are available.* The Superintendent of the jail stated that construction of a new kitchen has already been taken up and is nearly complete.

Education

Prerna program is being conducted in the jail both for male and female prisoners. It was stated that 35 male prisoners have enrolled in the Open School program.

Jail Hospital

The jail hospital is located in an old building with the floors in broken condition. Cleanliness and hygiene in the hospital were generally satisfactory. Some of the fans were not working. *Against 25 beds available in the hospital occupancy was only five.* There is an isolation ward for TB patients. Only two patients were seen admitted in the TB ward. X-ray machine was not functional in the hospital. There is no diagnostic facility in the hospital. Tests are carried out with the help of private labs. *It was stated that medicine supply is a problem in the jail.*

All three posts of Medical Officers are vacant. One doctor who is deputed from the Sadar hospital Samastpur is in charge of the jail hospital. *Two posts each of Pharmacists and Dressers are also vacant.* There is no Lady Medical Officer (LMO) posted in the jail. At least an ANM ought to be posted to take care of the health needs of female prisoners and their children. The Civil Surgeon ought to make immediate action to end the shortage of

medicines and manpower in the jail by making alternate arrangements. There is a need to take up special repairs of the hospital.

I spoke to some of the patients admitted in the hospital. Naresh Pandit is suffering from mental illness and is kept under observation. Samsad Baitha is suffering from a perennial wound and is undergoing treatment. He is addicted to alcohol. Lalu Rai alias Lalu Yadav is alleged to be involved in a case u/s 302 IPC. There is no separate ward for treatment of female prisoners and their children when they are seriously ill.

Video-conferencing

This is an important tool in getting the under trial population reduced in jails.

Video-conferencing facility is not functional in the jail. I have already reported that this facility installed by BELTRON in most of the jails in Bihar has remained dysfunctional for quite some time. Either the AMC with BELTRON needs to be scrapped or fresh agreements may be entered into to make the system operational.

Legal Aid

It was learned that only 05 prisoners were provided legal aid so far. The District Legal Authority needs to play a more active role in providing legal assistance to prisoners.

Lok Adalats

It was stated that *Lok Adalats* are being organized in the jail on regular basis. The last one was organized on previous Saturday. However, no impact assessment seems to have been done so far.

Appeals /surety

It was learned that no appeal has been filed by any of the prisoners on court decisions concerning them. The jail Superintendent ought to ensure that all legal assistance is available to the needy to file their appeals before courts. No case of prisoners languishing in the jail for want of surety, even after being granted bail was reported.

Parole

It was stated that parole is sanctioned to prisoners only thrice during their stay, unlike in Maharashtra where there is no limit prescribed. Prisoners ought to be allowed parole liberally, provided the conditions for sanctioning them are fully met. Parole sanctioned was nil at the time of visit. However, sanctioning parole appears as a cumbersome process. It was explained that on the basis of the report obtained from the SP, the DM sends his/her recommendations on the basis of which parole is sanctioned by the IG(Prisons). The parole system needs to be made easy and simplified. IG (prisons) ought to take necessary initiative in the matter. No case of over- stay by prisoners during parole granted was reported.

Remission

The Jail Superintendent stated that 32 cases for Remission have been sent to the IG (Prisons) for consideration.

Telephone facility/waiting room/visitors

No PCO facility is available to prisoners to communicate with their family members. No suitable waiting room is available for meeting with family members either. It is therefore not clear how the prisoners are allowed to communicate with their family members.

Board of visitors

It was learned that no Board of Visitors has been constituted in the jail. It is clear that the Jail is not seeking the help from members of the Board to independently report on the grievances of prisoners and take remedial action.

Library

A library is functional in the jail with a collection of around 700 books. 40-50 prisoners were said to be making use of the library on daily basis. It is necessary to have some books kept in the Women's section also.

Cultural programs

It was stated that cultural programs are regularly being organized in the jail. Women prisoners also participate in these events. A music room with all musical instruments have been set up in the jail which is praise worthy. It was stated that the

inmates are allowed to practice music daily. Some arrangements need to be made in the Women's Section too.

Sports

It is seen that a modern Gym is set up in the new block with necessary equipment. 40-50 inmates are using this facility on daily basis. Prisoners play indoor games like chess and outdoor games like volley ball. Females play only badminton. They may be provided with facilities for playing indoor games too.

Religious activities

It was stated that the inmates are allowed to freely practice their religion. Religious festivals are celebrated by all communities jointly.

Yoga

Training in yoga is stated to being provided by volunteers trained at present. However, the scale and quality of the program need to be improved. Participation in the program ought to be on voluntary basis.

TV/News papers

TV sets have been installed in the wards for the entertainment of the inmates. News papers are also provided to them regularly.

Vocational Training

It was stated that 34 RI convicts and 04 SI convicts were provided training in various skills including typing, computer

work etc. Computer training is proposed for younger prisoners. As already mentioned, beautician's course is taken up for women prisoners. They are also being trained in stitching and tailoring. Those eligible among women prisoners also ought to be given training in computer programming.

Drug De-addiction program

No Drug de-addiction program is presently taken up in the jail.

Role of NGOs

It was stated that NGOs are involved in imparting vocational training to the inmates. However, there is need to upscale their activities by involving them in counselling, educational and vocational as well as spiritual activities.

Inspections

It was stated that regular inspections of the jail are carried out by the CJM, DM and SP. The last inspection by the CJM was on 18-10-2014. The Circle Superintendent, Muzaffarpur conducted inspections on 15-10-2014.

Security

Security of the jail is manned by BMP of 2-10 strength. Besides, services of 20 Home Guards are available. *Against sanctioned posts of 111 warders only 17 are posted.* The perimeter wall of the jail is of required height. Four manned watch towers also provide security cover.

Security gadgets installed by BELTRON like 13 walkie-talkies, 15 CCTVs, 02 door metal detector, 02 hand held metal detector, 02 LCD/CPU, 01 video-conferencing system, mobile jammers etc are stated to be totally dysfunctional. Besides, the security of the buildings need to be ensured, for which it is essential to carry out the repairs and maintenance of the main gate as well as the doors and windows of the different wards.

It was state that periodic raids are being conducted in the Wards to detect the presence of objectionable substances.

Solar Lighting

No program for harnessing solar energy is currently taken up in the jail.

Budget

Budget allocation is considered to be sufficient for the jail.

Jail Manual

Bihar Government has enacted a new Jail Manual. Its provisions need to be implemented quickly.

Modernisation

Only modernization of the kitchen with LPG facilities is planned in the jail at present. It needs to be taken up quickly. A road map for the development and modernisation of the jail also ought to be prepared.

Observations/ Recommendations:-

82

Although this jail was upgraded as District Jail in 1984 it still needs to improve the prison administration and management.

Some of the suggestions/recommendations are given below:-

1. Good governance

Unlike in District jails Sitamarhi and Darbhanga a regular Jail Superintendent is posted in the jail. The prison administration needs to be restructured to ensure all round improvement in the shortest possible time.

2. Treatment of prisoners

Modern prison management is about reforming and rehabilitation of prisoners. Therefore changing the mindset of the jail officials and staff is one of the most important challenges in prison administration. This can be brought about only through their regular sensitization and training.

3. Improving the quality of life of the prisoners should get the top most priority in every jail. Basic rights of prisoners to clean and adequate drinking water, sanitation and bathing facilities and day to day needs ought to be ensured befitting the status of the jail.

4. Filling up of vacant posts, including that of the senior officials and security staff of the jail should get high priority.

3. Undertrials

Immediate steps may be taken to reduce the under trial population in the jail. Priority ought to be given to women under trials, especially with children, in matters relating to production before courts, getting bails, sanctioning of legal aid etc.

Accountability needs to be fixed on the DM/SP/Jail Superintendent by making appropriate entries in their Annual Confidential Reports (ACR). A monitoring system should be started for tracking under trials.

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