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Report of S. Jalaja, Special Rapporteur, NHRC on her visit to the Central Jail, Gaghidih, Jamshedpur, on 12-9-2013.

The district of East Singhbhum was notified on 16 January 1990. More than 50% of the district is covered by dense forests and mountains. The district has a leading position in Jharkhand in mining and other industrial activities. Jamshedpur, an important industrial city of India, is the district Headquarters. The district is currently a part of the Red Corridor. Approximately 25% of the population is tribal.

### Jail Profile and History

The Central Jail, Jamshedpur, was originally set up as a sub Jail at Sakchi during the British period. In 2008 it was shifted to the present premises and upgraded as District Jail. It was declared a Central Jail in 2010. The jail is located outside the Jamshedpur town.

### Land and infrastructure

The jail is located in an area of 24 acres; buildings occupy an area of 15 acres. The jail has sufficient vacant space around it for various activities. Separate Blocks have been constructed for housing the prisoners, which have in turn been divided in turn into barracks. Out of 50 barracks 48 are for male prisoners and two for females. There are altogether 22 Cells in the jail.

Two storied wards are constructed in all the six Blocks. Each block has four wards each in the ground and first floors. Thus a total of 48 wards are constructed for accommodating the prisoners. Each hall has 25 prisoners. Women's wards, kitchen, jail hospital and juvenile ward are separate.

The buildings are spacious with large and airy rooms. The over-crowding which is seen in some of the jails in some of the neighbouring districts, therefore, is not seen here. The barracks, kitchen and hospital and other structures need renovation, painting and repair though.

### Manpower

The jail has total sanctioned staff strength of 223 against which 61 staff members are working at present, with 162 vacancies. There is no regular Superintendent

presently posted in the jail. One of the executive Magistrates from the District Administration is in charge. A Central Jail like Jamshedpur ought to have a regular Superintendent posted to man it. The State Government may be asked to post a regular Superintendent immediately. A regular Lady Medical officer is also not posted in the jail.

### **Jail capacity and occupancy**

The total sanctioned strength of the jail is 1447 (male 1397; female 50), while the actual occupancy is 1317 (male 1251; female 66). 16 children (8 boys and girls each) are residing in the jail. There is no over-crowding in the jail at present.

### **Category-wise details of prisoners**

Out of 1317 prisoners 519 (492 male; 27 female) are convicts; the rest are under trials. *There is no segregation between the convicted prisoners and under trials.* When I brought it to the notice of the jail Administration, it was stated that the convicts take care of the security in the wards! This position is unacceptable. Creation of a hierarchy within the prisoners in the jail is undesirable.

There are no foreigners or civil prisoners in the jail. 12 (10 male; 2 female) alleged naxalite prisoners are also lodged in the jail. Out of 1317 prisoners 796 are under trials (757 male; 39 female).

483 male and 27 female prisoners are undergoing rigorous imprisonment (RI) at present, while nine male prisoners are undergoing simple imprisonment. Two prisoners have been booked under the CCA Act. Out of 1317 prisoners in the jail 333 belong to Scheduled Tribe Category; only 51 prisoners belong to the Scheduled Caste category.

### **Mentally ill**

50 prisoners (38 mentally ill; 12 cases of epilepsy) were reported as mentally ill. Out of 50 cases 5 relate to women prisoners. Another two- one male and female each- namely Sonaram Languri and Virmani Duddu are undergoing treatment at RINPAS (Ranchi Institute of Neuro-Psychiatry and Allied Sciences).

It was stated that a Psychiatrist regularly visits the jail. It was pointed out that mentally ill patients are not to be kept in jails and that they ought to be shifted to a Mental Health Institution. While they undergo treatment in jail, the oppressive

atmosphere within the jail could be one of the factors adversely impacting their treatment. I took the opportunity of my visit to Ranchi and contacted Director RINPAS. He promised to do the needful in the matter.

### Under-trial Prisoners

796 under trial prisoners (757 male; 39 female) are lodged in the jail. The video-conferencing system is only partially functional; however it needs to be optimally used. Regular production of the prisoners before courts, timely sanction of legal aid, counselling, close monitoring of cases and setting up of fast-track courts can go a long way in reducing the under trial population in jails.

An analysis of the population of 116 ST under trial prisoners reveals that a majority of them belong to the age-group 20-30 years; a few others to of 35-40. In respect of 77 prisoners, their cases relate to the year 2013; in respect of 16 prisoners to 2012; 19 prisoners to 2011 and 2 prisoners to 2010. In respect of the remaining ST under trials, their cases (7) relate to the years ranging from 2004 to 2009. Similarly out of 43 SC under trials, in respect of 22, their cases are of the year 2013; in respect of 15 prisoners the cases relate to 2012; cases of one prisoner each to 2005, 2006 and 2011 and 5 prisoners to 2005.

*It was stated that although the State Government had set up Fast Track Courts in the past, the Supreme Court struck down the appointment of judges posted in these courts. Although they have been re-appointed now, the judges have been adjusted against existing vacancies in the regular courts; no appointments of judges have been made to the fast-track courts.*

### Condition of prisoners.

It is seen that almost all the ST convicts numbering 217 have been sentenced to rigorous imprisonment (RI) for life. Amongst the convicts 8 belong to Scheduled castes.

I spoke to some of the male prisoners. *32 prisoners are still remaining in the jails who have completed their terms.* Hundia Bari to whom I spoke to has already completed his life term.

Some of the prisoners complained that *the Sentence Review Board, Ranchi, has not met for the last 12 months.* This was because of a court direction that before granting remission by the Board, consent of the concerned court needs to be taken.

I brought this to the notice of the Chief Secretary/Home Secretary when I met them later. The prisoners also spoke about the difficulty they faced on account of *the same bench hearing their appeals which has already rejected their-cases/bail applications*. Jairam Hisa with whom I spoke to is undergoing life-term. He was not granted any bail. Some of the prisoners like Kolha Sahu wanted to be transferred to other jails as their families were finding it difficult to meet the prisoners who are lodged in jails far away from their homes. These requests appeared to be genuine and should be granted without any delay.

As mentioned there were altogether 12 alleged naxal prisoners in the jail. Only two are reportedly convicted so far. I spoke in detail to two of the alleged naxalite prisoners. Ujjwal Sarkar aged 27 years is from Jalpaiguri. The cases against him are under the relevant provisions of the Arms Act, CLA Act and the UPA Act. He believes in leftist ideology. He admitted that he has been an active member of the Maoist group; he, however, denied that he has participated in any of the killings and other violent activities. He has already spent 4 1/2 years in jail, including sub jail at Ghatshila. Pradeep Gaylan 28 years hails from 24 South Parghanas. He has studied up to 7<sup>th</sup> class. He has also spent 4 years in jail. He is also a Maoist sympathiser and had participated in the training programs. He has also been booked under relevant provisions of the Arms Act, the UPA Act as well as u/s 17 of the CLA Act. Although he was set free in the earlier cases, fresh cases have been thrust on him. The second case against him was for realising *rangdari an illegal tax imposed by the extremist on contractors etc.* . Sunita Singh Sardar aged 31 w/o Mohan Singh hails from Bakudi district of west Bengal. She is booked u/s 121/121 A/122/123 of IPC and Sec 17 of the CLA Act. She is with 2 of her children.

I have already pointed in my reports on visits to jails located in naxal areas that individual cases of alleged naxalites ought to be carefully scrutinised to ascertain their personal involvement in cases. It is not clear ordinarily how a woman with two small children could be an active participant in naxal activities. In the case of above mentioned Sunita Singh she has been arrested along with her husband, a rickshaw puller and two small children. Even if her husband is a hard core Maoist, unless she is an active participant in naxal activities, restricting her freedom and freedom of her two children will not be in order. Most of the alleged women naxalites I met either stated that they did not know why they have been imprisoned

or else admitted that under threat to their lives or lives of their family members, including small children, they have been cooking food for the activists or doing similar chores for them. *It is therefore necessary to review their cases to ascertain the nature of and the extent of their involvement in cases, within a month.*

### **Women Prisoners**

According to the jail authorities all efforts have been made to take care of the female prisoners and their children. Crèche facilities have been provided for taking care of very small children. Women prisoners are provided clothes and other necessities on regular basis. Children up to 6 years residing in the jail are also given special diet. Arrangement for vaccination of children and facilities for measuring their growth chart are also available. One female prisoner is stated to be pregnant. One woman teacher is providing basic education to the female prisoners. Children have pre-school facility. They have been provided with toys and pre-education kits. Anganwadi Sevika also takes care of their health and educational needs. Children are given vaccination.

Tata Steel and Urban Services C.S.S Division has provided training to 26 women prisoners in Jewellery-making and beautician's course. Candle and Agarbati making, paper bag making etc are other skills being imparted to them.

It was seen that amongst the female prisoners 39 are under trials; 30 are sentenced with RI for Life. I also spoke to some of the female prisoners. 16 female prisoners have their small children residing with them. Shanti Bhumike Is undergoing life imprisonment at present. Renu Devi is involved in a murder case. As mentioned Sunita Singh from West Bengal is booked U/S 17 of the CLA Act. She has 2 children with her. Her husband a rickshaw puller is also in the jail. Sarnaj Singh is in jail for alleged murder of her husband. She has a newborn baby with her. Lalitha Devi is booked in a case u/s 307 IPC. She has four children. Sheela Devi is allegedly involved in a NDPS case.

### **Custodial Deaths /rape/violence**

In 2012 five custodial deaths were reported in the jail. One death was reported in 2013. It was stated that all deaths were due to natural causes. Reports on the deaths have already been sent to NHRC after observing all formalities. The deaths have

been reportedly due to several causes including abdominal infections, infections in the stomachs/lungs Septicaemia toxaemia. *It would appear from the details given above that in majority of cases had timely medical care been given, their lives could have been saved.* With the jail hospital in poor condition, the prisoners cannot hope to get proper and timely treatment, unless the condition improves dramatically.

There were no reports ~~about any incident~~ of custodial rape or violence.

### **Escape of prisoners/jail break**

No incident of escape of prisoners/jail break was reported from the jail.

### **Video-conferencing**

Video-conferencing facilities are available in the jail, the same is partially functional. The dysfunctional camera needs to be repaired immediately. It was stated that on the average 30 prisoners are produced before the courts through video-conferencing.

### **Legal Aid**

A Legal Aid Clinic is being run in the jail through which legal assistance/counselling is provided to the prisoners. They are also provided information on the status of their cases. This year legal aid has been provided only to 56 prisoners so far.

### **Lok Adalat**

It was stated that Lok Adalats are being organized on regular basis. It was organised on three occasions i.e. 26-1-2013, 27-4-2013 and 16-6-2013. The CJM was present .26 petty cases were disposed of .It is important for the jail authorities to make an assessment of the impact of these interventions so as to take corrective action.

### **Appeals**

It was confirmed that 47 appeals in the High Courts and 11 appeals in the Supreme Court have been filed through the jail. Further, no prisoner who has been granted bail is continuing in the jail for want of sureties.

## Parole

It was stated that paroles are allowed as per rules and that at present no prisoner is on parole. It is a matter of concern that out of 1317 prisoners no one is on parole. The jail administration should look in to the system of grant of parole to the prisoners and ensure that it is liberal. However, close attention should be paid to the whereabouts of those who are on parole.

## Basic amenities

### Water supply and Sanitation

Although there is no pipe water supply, 24-hour water supply is available in the jail. 2 borings and 36 tube wells have been installed. A water tank has also been constructed for the purpose of distribution of water. Three RO systems have been installed for supply of safe drinking water in the barracks.

*Out of 172 toilets around 50 are stated to be non-functional. Out of 24 urinals only 10 are functional.* In every ward a cage toilet is available. Bathing facilities are available. It was mentioned that repairs are being carried out. All toilets should be put in good condition and their maintenance should be regularly monitored.

### Power Supply

The Jharkhand Electricity Board is supplying electricity to the jail. By and large power supply is available for 22 hours. Generators of 15KV and 30 KV capacities are available as back-up.

### Food Supply

Food is cooked with the help of LPG stoves by the prisoners themselves. The kitchen needs renovation. Ventilators were dysfunctional and also need to be repaired and re-installed to allow smooth flow of smoke to outside the kitchen. Food is supplied to prisoners on quantity basis; a special diet of milk and eggs is provided to TB patients/Pregnant women and those recommended by the Medical Officer. *On the orders passed by the Ranchi High Court separate kitchens are being provided for women prisoners. Commission may like to recommend provision of this facility to women prisoners in all the jails of the country.*

### Education

It was stated that two male and one woman teachers have been deputed to the jail under the Sarva Shiksha Abhiyan for imparting education to the prisoners. 40 candidates appeared from within the jail in the Matric Exam conducted by the Indira Gandhi Open University (N.O.I.S). Five batches of boys have passed the Matriculation Examination so far; another two batches of boys have passed the Inter Exam.

### Jail Hospital

Only one Medical Officer is presently posted in the jail. It was stated that a Lady Medical officer has also been deputed to the jail by the Civil Surgeon. *No Para-medical staff is posted in the jail.* The jail hospital has a sanctioned capacity of 120; against which 100 patients on the average are admitted (only 64 beds are available). At present 44 male prisoners are admitted. Isolation Wards have been set up for segregating TB /leprosy patients and others with contagious diseases. 16 patients have been kept in the Leprosy cum TB ward. Leprosy and TB patients also need to be separated.

HIV patients are undergoing treatment in an Isolation ward. There are no separate Isolation wards for female prisoners. No Pharmacist is currently posted in the jail. A dresser is engaged on daily basis. It was stated by the MO that 75% of the medicines are supplied by Government; rest are locally purchased. Instruments like Stethoscope, BP Monitor are available. Tenders have been issued for the purchase of one piece of Stethoscope and an X-ray machine. Diagnostic facilities are not available in the jail. *The state government could easily set them on public-private partnership basis so as to save time in filling up of posts, if any, sanctioned for that purpose.*

A separate hospital kitchen is functional in the jail.

It is reported that 110 prisoners are suffering from one disease or the other. 3 have HIV/Aids; 2 have Leprosy; 2 male have diabetes; 16 men and 9 women have hypertension; 4 men have TB and seven are suspected to have TB.

### PCOs/Telephone facility/waiting room/visitors



PCO facilities are not currently available to the prisoners. It was stated that within two months this facility is likely to be provided in the jail. It is a pity that this facility has not been set up in the jail so far as communication with their family members is an entitlement of every prisoner. It was stated that visitors are allowed to meet the prisoners in the Visitor's Room which appeared to be adequate.

### **Library**

A library is functioning in the jail. One of the barracks has been converted as the library. It was stated that 1895 books are available in the library. At the time of my visit a number of prisoners were reading books/magazines etc in the library.

### **Cultural programs**

It was stated that cultural programs are being regularly organized in the jail.

### **Sports**

Facilities for both indoor and outdoor games are available. They could be regarded as very limited. There is need to upgrade sports facilities in the jail. Women should also participate in sports activities, especially indoor games.

### **Religious activities**

There are no temples, mosques or churches within the jail complex. Prisoners carry out their religious activities and jointly celebrate important festivals. Priests belonging to different communities visit the jail and conduct prayers and religious ceremonies.

### **Yoga**

Yoga teaching is carried out in the jail for the benefit of the inmates with the help of prisoners trained in Yoga. It is absolutely necessary to organize regular yoga training for those who wish to have it for the mental relaxation. With the help of reputed institutions this needs to be carried out on a regular basis.

### **TV/News papers**

TV sets and news papers are being provided for the recreation of prisoners. 17 news papers are being subscribed by the library.

### Vocational Training

Vocational trainings are presently being organized in the jail. Female prisoners are given training with the help of local NGOs. Trainings are organized in computer programming, electrical repairs, preparing bakery products, silk weaving, Aluminium metal works etc. Computer training is being conducted for the benefit of young prisoners. Apart from the five computers installed by the administration, an NGO, Vedanta Foundation has also installed another five computers and is providing training to selected inmates. Two batches of inmates have already been trained in basic programming. It was seen that girls are not being trained in computer programming.

### Drug De-addiction program

It was stated that consumption of drugs is not a problem in the jail.

### Inspections

It was stated that inspections are being carried out every month on a regular basis. This year inspections were carried out by the District and Sessions Judge once, CJM on five occasions, twice by the IG, (Prisons) and once each by the Deputy Commissioner and the Civil Surgeon.

### Security

7 CCTVs have been installed in the jail, out of which only 4 are stated to be functional. The main camera is said to be dysfunctional. This needs to be repaired forthwith and the CCTVs made functional. It was stated that the matter has been taken up with HCL, Ranchi. PMS/VMS systems are only partially functional. Similarly three jammers in the jail were only partially functional even at the time of their installation. It was stated that additional three jammers would be needed to cover the entire area of the jail for which the higher authorities have been moved.

There are four watch towers in the jail; another two are being constructed 65 security personnel are guarding the jail, including 24 Jail Guards, 05 Jail Escorts and 15 Session Guards.

### Solar Lighting

Although some efforts have been made it is necessary to convert both lighting and heating systems in the jail to solar. However the conventional system could provide the back-up at least for some more time till the new system stabilizes.

### **Budget**

The jail receives around Rs.2 crore as budget allocation. The budget allotment to the jail is considered adequate.

### **Jail Manual**

It was stated that the revision of the jail manual is under consideration of the State government.

### **Modernisation**

Altogether 10 construction works are being executed, which include construction of a police barrack, a sewerage treatment plant, two watch towers, construction of additional toilets etc. Of the schemes sanctioned 3 relate to 2007-8; 2 to 2011-12 and 5 to 2012-13. It is not clear as to why the schemes are still pending when funds have already been allotted. It was stated that funds have also been allotted for having solar energy installations in the jail, including street lighting, water-heating etc.

### **Observations/ Recommendations:-**

#### **1. Infrastructure:-**

Being a Central Jail most of the basic facilities which are generally inadequate in other jails are being provided to the inmates in the Central Jail, Ghaghidih Jamshedpur. The overall design of the jail is good with adequate attention given to lighting, space, air quality, safety etc. Although better designed buildings are available their maintenance is poor. The jail buildings, especially the hospital, kitchen and toilets need to be renovated and painted. As pointed out the pending schemes need to be completed quickly.

#### **2. Manpower -**

It is already pointed out that against 223 sanctioned posts 167 are vacant. The fact that even the Superintendent of this Central Jail is presently working on deputation

basis is indicative of the low priority assigned to the jail by the Jail administration in the State.

### **3. Under trial prisoners**

No serious efforts appear to have made to reduce the under trial population in the jail. The video-conferencing facility is either not working or is only partially working. No serious attempt is seen to be made to re-start the fast track courts. Close monitoring of under trial population is needed.

### **4. Transfer of prisoners**

Since the Jail has adequate space to accommodate more prisoners, overcrowding in District jail, **Chaibasa** could be overcome with the transfer of prisoners. While doing so care should be taken to ensure that the prisoner's family members do not have to cover long distances to meet them.

### **5. Sentence Review Board**

The State Government should take immediate action to facilitate organizing the meeting of the Board without any further delay. The question of taking up the matter with the courts should be examined without any loss of time.

### **6. Custodial deaths**

Accountability for custodial deaths needs to be fixed even if the deaths were due to natural causes. Lack of timely medical treatment as well as poor medical facilities within the jail are factors which significantly contribute to custodial deaths. The State Government may be asked to study and analyse the contributing factors and take remedial action within a given time-frame.

### **7. Review of naxalite cases**

As mentioned, every case of alleged naxalites needs to be carefully investigated. This is important especially in the case of tribals /scheduled castes and women. Women with children should not be detained in a routine manner, even if their family members are involved, except in cases where they themselves have been active participants in violence activities.

### **8. Legal aid**

It is seen that generally legal aid is provided to prisoners in a routine manner. It is very important to provide legal aid to those who normally are unable to defend themselves, especially women, the elderly, SC/ST prisoners etc. The quality of legal counselling needs to be improved across all the jails. The State Government may like to get an independent assessment made about the impact of this provision.

#### **9. Women prisoners**

Some efforts have been made by the jail administration to improve the condition of women inmates and their children in the jail. The directions given by the Supreme Court in *R.D. Upadhyay vs. The State of Andhra Pradesh and Others* dated 13<sup>th</sup> April, 2006 regarding the care of pregnant women and children lodged in jails ought to be implemented fully.

#### **10. Care of aged prisoners**

A significant number of elderly inmates are present in the jail. They suffer from a variety of ailments including arthritis/memory loss etc. One day in the OPD every week should be specially kept for their medical check up. Posting an AYUSH doctor in the jail would be of help to the elderly, women and children.

#### **11. Jail Hospital**

The present jail hospital does not befit a Central Jail. It needs to be upgraded to a full-fledged modern hospital. Equipment, including an x-ray and an ultra sound machines should be installed; presence of trained technicians also needs to be ensured. Isolation wards for both men and women should be set up. Facilities for treating chronic diseases should be set up. A team of doctors, including LMO, and a specialist should be posted along with full complement of supporting staff. Periodic screening for TB/Malaria/HIV/AIDs should be carried out. With the help of RINPAS regular screening of prisoners for mental illness ought to be conducted. Hygiene in the hospital and toilets should be scrupulously maintained. Hospital kitchen is to be modernised.

#### **12. Educational facilities**

Although the jail administration has attempted to provide basic education to the inmates, only a few inmates have benefitted. The coverage ought to be wider and the quality better. Facilities for those who wish to pursue higher education should be provided.

### **13. Vocational Training**

Vocational training in the jail needs up-scaling. Many of the items which are required in Government offices/departments/Schools/hospitals could be made in the jail.

### **14. Involvement of reputed Institutions /NGOs**

At present only one or two NGOs are providing their services to the inmates. More number of reputed NGOs/institutions could be involved in the area of education/health/vocational training/conduct of yoga and meditation classes/teaching children/counselling etc.

### **15. Technology**

Where ever feasible modern technology should be harnessed for the management of prisons and the prisoners. To suggest a few items--energy efficiency, security, education and health of prisoners, better sanitation and living conditions, monitoring of under trial prisoners, better management of cases, modern kitchens, etc

### **16. Autonomy**

Jails ought to be given more autonomy and provided flexibility in day to day functioning, with accountability clearly fixed. An untied fund of Rs 10 lakh could be provided to the jail for taking up works which are to be immediately carried out/which is unavoidable for prisoner's welfare. It could be administered by a committee consisting of the DC/SSP/and the Jail superintendent as members. The meeting of the committee should be held in the jail Office.

### **17. Security**

The CCTVs, the jammers and the security systems installed in the jail need to be repaired at once and installed in strategic locations within the jail. In a Central Jail

which is highly sensitive on account of its location in the red corridor and housing alleged naxalite prisoners, the laxity shown by the administration is unacceptable. Corrective action needs to be taken at once.

### **18. Training**

The members of the jail staff are in urgent need of training in modern prison management/ dealing with the rights of prisoners/caring and maintaining jail properties/maintaining hygiene in the jail etc.

### **19. Monitoring and Evaluation**

A proper monitoring and evaluation of the activities in the jail needs to be put in place.

### **20. Model jail**

Jail administration should endeavour to upgrade the jail to a model /modern jail with full-fledged facilities providing basic amenities to the inmates as per the provisions of the Jail Manual.

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**Report of S. Jalaja, Special Rapporteur, NHRC on her visit to the Sub Jail, Khunti, on 10-9-2013.**

Khunti is one of the twenty-four districts in the State of Jharkhand and was carved out of Ranchi district on 12 September 2007. 73% of the population of the district is tribal. The district is currently a part of the Red Corridor.

**Jail Profile and History**

The Sub Jail, Khunti was set up in 1909 during the British period and continues to remain as Sub-jail even after the Sub-division of Khunti became a full-fledged district. It would appear that nothing much has changed inside the jail even in more than hundred years of its existence, while momentous changes were taking place outside the jail like creation of the district, the district falling into the grip of naxalism etc.

**Land and infrastructure**

The jail is located in an area of 26.36 acres; buildings occupy 11.34 acres. Separate Blocks have been constructed for housing the prisoners, which have in turn been divided into barracks. Out of 13 barracks 10 are for male prisoners and one for females. Two are vacant at present. One barrack is currently kept for the use of young prisoners (18-21 years) who are 25 in number. Every Block is a two-storey structure with two halls on each floor. Each hall can accommodate 30 male prisoners each. No cells have been constructed in the jail. The buildings constructed during the British period are still being used for different purposes. The barracks, kitchen and other structures need renovation and repair.

**Manpower**

The jail has total sanctioned staff strength of 43 against which 36 staff members are working at present. Shri Martin Shaw is the Superintendent of the jail. Against 22 posts of Cell Attendants only 7 are posted; rest are manned by ex-servicemen. No regular Medical officer is posted in the jail.

**Jail capacity and occupancy**



The total sanctioned strength of the jail is 380 (male 362; female 18) while the actual occupancy is 425 (male 412; female 13). A 2 ½ month old baby is also residing with its mother in the jail. There is no over-crowding in the jail at present.

### Category-wise details of prisoners

Out of 425 prisoners only 6 are convicts; the 260 are under trials and 159 are session committed. *There is no segregation between the convicted prisoners and under trials.* There are no foreigners or civil prisoners in the jail. 83 (80 male: 3 female) alleged naxalite prisoners are also lodged in the jail. 6 male and 6 female prisoners are undergoing Rigorous Imprisonment (RI) at present, while none are undergoing simple imprisonment. No one has been booked under the CC Act. Out of 425 prisoners in the jail 292 belong to Scheduled Tribe Category; only 06 prisoners belong to the Scheduled Caste category.

### Mentally ill

12 prisoners were reported as mentally ill. Another two are undergoing treatment at RINPAS (Ranchi Institute of Neuro-Psychiatry and Allied Sciences). It was stated that the 10 mentally ill prisoners were treated and discharged by RINPAS. However, the prisoners still looked dazed and appeared as though they were not in good condition. It was pointed out that mentally ill patients are not to be kept in jails and that they ought to be shifted to a mental health institution. Later on, I took the opportunity of my visit to Ranchi and contacted Director RINPAS. He promised to do the needful in the matter.

### Under-trial Prisoners

419 under trial prisoners (406 male and 13 females) are lodged in the jail, out of which 123 have been in the jail for a period of 3-6 months; 98 for 6 months -1 year; 84 for 1-2 years; 75 for 3 years; 40 for 3-4 years and *five prisoners for 5 years.*

It is unfortunate that the jail has a very large proportion of under trials. From the data given above it is clear that most of them have, on the average, spent more than 1-2 years in jail. The video-conferencing system which could have been useful in production of prisoners before courts is non-functional. Timely production before courts, timely sanction of legal aid, counselling, close monitoring of cases and setting up of fast-track courts can go a long way in reducing the under trial

population in jails. It is clear that there is laxity on the part of the jail administration in dealing with the under trial population in the jail.

### **Condition of prisoners.**

The barracks are old and they need renovation. Fans, lights etc in the barracks were in good condition. The prisoners did not complain of any difficulty. I spoke to some of the prisoners. Birsa Munda 32 is an alleged Maoist involved in case No: GR-286/13 khunti Thana and 117/13 u/s 17 and 18 of CLA Act. Daniel Munda 45 from Torpa is also booked under the same provisions of the Act (case nos. ST-484/13 and 29/09 Torpa Thana). Sanika Hassa purty 23 is involved in case no 46/11 of Murhu Thana and is an alleged naxalite. Alleged naxalites from other blocks of the district namely Arki, karra, Rania and Torpa are also lodged in this jail.

Bimal Singh, 25 is alleged to be involved in a dacoity case. Etwamunda, a tribal is booked for Murder and has been in jail for 4 months. Dileep Gupta 52 has been in jail for 1 1/2 months on murder charges. Bandhu Chutia Purty 18 is booked under the Arms Act. On questioning they claimed to be innocent.

I have already pointed out in my reports that the onus is on the administration to ensure that in no case freedom of innocent person is curtailed on account of their living in close proximity with the Maoists. Caught between the police forces and the extremists they have little choice but to oblige either party as demanded by the situation. It follows, therefore, that they should not be lodged in jail in a routine manner; the nature and extent of their role in extremist activities should be carefully ascertained.

### **Women Prisoners**

According to the jail authorities all efforts have been made to take care of the female prisoners and their children. Crèche facilities have been provided for taking care of very small children. Women prisoners are provided clothes and other necessities on regular basis. Children up to 6 years residing in the jail are also given special diet. Arrangement for vaccination of children and facilities for measuring their growth chart are also available.

I also spoke to some of the female prisoners. Basanti Kandulna aged 20 is an alleged Maoist and is involved in two cases (GR-143/08 and 145/08 of Arki Thana under sections 17/18 of CLA Act and has been in jail for the last 5 years for her alleged involvement in naxalite activities. According to her no reason has been conveyed to her regarding her arrest and detention. She pleaded not guilty. Ms Nirmal Munda is another alleged naxalite is involved in case no: 46/11 of Arki Thana u/s 17/18 of CLA Act. Nilam Kumari is also alleged to be a Maoist. She is from village Gandiketan. She has four children. Pyari Munda from village Mailpuri, is also in jail for the last 17 months as she is allegedly involved in naxalite activities (case No: GR-74/13 and 7/12 of Arki Thana). Three men have also been detained along with her. It is necessary to review the cases of women who have been lodged in jail as naxalites. *Women should be treated as separate entities-independent of their family members, unless they have a direct role to play in extremist violence.* The cases of women with children should be reviewed without any delay.

Motia Devi, Paku Kumari, and Renu Sammad are allegedly involved in murder cases. Renu Sammad has a 2 ½ month old baby with her. Nirmala Devi and Idan Gudia are allegedly involved in trafficking cases.

### **Custodial Deaths /rape/violence**

Three custodial deaths in 2010 and two cases in 2011 were reported in the jail. It was stated that death of Budhram Lohra on 14-1-2010 was on account of Malaria. Sivram Munda died on 13-9- 2010 due to burn injuries. Benedict Tiru died due to stomach problems on 9-12-2012. Ranka Topno died on 1-1-2011 due to lung disease. Turiram Munda died on 26-1-2011 due to natural causes. No deaths were reported in 2012 and 2013. It was stated that all deaths were due to natural causes. Reports on the deaths have already been sent to NHRC after observing all formalities. It would appear from the details given above that in majority of cases had timely medical care been given to those prisoners, their lives could have been saved. With the jail hospital in poor condition, the prisoners cannot hope to get proper and timely treatment, unless its condition improves dramatically.

***Commission may like to consider directing the state Governments to fix responsibility for custodial deaths herein onwards jointly on the Jail***

*Superintendent and the MO in Charge for inadequate and lack of timely attention paid to the prisoners who are ill.*

There were no reports about any incident of custodial rape or violence.

### **Escape of prisoners/jail break**

No incident of escape of prisoners/jail break was reported from the jail.

### **Video-conferencing**

Although video-conferencing facilities are available in the jail, the same is not functional as the set installed in the court needs repair. It is a pity that such an important facility which can improve the efficiency of jail authorities and help reduce the under trial population in the jail has not been put to proper use.

### **Legal Aid**

A legal Aid Clinic is being run in the jail through which legal assistance/counselling is provided to the prisoners. They are also provided information on the status of their cases. This year legal aid has been provided only to eight prisoners so far.

### **Lok Adalat**

It was stated that Lok Adalats are being organized once a month. No petty case is pending for disposal. It is important for the jail authorities to make an assessment of the impact of these interventions so as to take corrective action.

### **Appeals**

It was confirmed that appeals have been filed by two of the prisoners. Further, no prisoner who has been granted bail is continuing in the jail for want of sureties.

### **Parole**

It was stated that paroles are allowed as per rules and that at present no prisoner is on parole.

### **Basic amenities**

#### **Water supply and Sanitation**

24-hour water supply is available in the jail. 13 tube wells have been installed for the same. There are four deep-tube wells in addition to these tube wells. Three RO systems have been installed for supply of safe drinking water in the barracks.

Out of 36 toilets 33 are for male prisoners and 3 for females. The man to toilet ratio is 1:12. 10 urinals are functional. In every ward a cage-toilet is available. Bathing facilities are available.

### **Power Supply**

The Jharkhand Electricity Board is supplying electricity to the jail. By and large power supply is available for 24 hours. Generators of 5KV, 15KV and 30 KV capacities are available as back-up.

### **Food Supply**

Food is cooked with the help of LPG stoves by the prisoners themselves. The kitchen badly needs renovation. Ventilators also need to be provided to allow smooth flow of smoke to outside the kitchen. Food is supplied to prisoners on quantity basis; the average cost was reported to be Rs.57 per head per day. A special diet of milk and eggs is supplied to TB patients/Pregnant women and those recommended by the medical officers.

### **Education**

But for the limited scale of teaching by teacher-volunteers from amongst the prisoners, no efforts are being made by the prison authorities in imparting education to the inmates, especially women.

### **Jail Hospital**

Only one Medical Officer who is on deputation is presently available in the jail. It was stated that a Lady Medical officer from the Sadar Hospital visits the jail. The jail hospital has a capacity of 15, against which 18 patients (all male) have been admitted at present. No separate Isolation Ward is available for segregating TB patients and others with contagious diseases. Apart from the MO, there is only one Dresser available in the jail; he also doubles as the Pharmacist. It was stated by the MO that 75% of the medicines are supplied by Government; rest are locally purchased. Instruments like Stethoscope, BP Monitor are available. But diagnostic

facilities are not available. Three of the prisoners have been diagnosed with TB. However, *they have not been isolated*. No case of Malaria was noticed.

### PCOs/Telephone facility/waiting room/visitors

PCO facilities are not currently available to the prisoners. This ought to be set up and made functional on priority, as it is a basic entitlement of the prisoners to communicate with their family. It was stated that visitors are allowed to meet the prisoners. The Visitor's Room constructed during British times is not conducive for meetings with family members. The prisoners complained that they are unable to see the faces of their family members through the tightly knit wire mesh segregating them from the visitors.

### Library

A library is functioning in the jail. It is seen that the prisoners are making use of the same. 1442 books are available here.

### Cultural programs

It was stated that cultural programs are being regularly organized in the jail.

### Sports

Facilities for both indoor and outdoor games are available. They could be regarded as very limited. There is need to upgrade sports facilities in the jail. Women should also participate in sports activities, especially indoor games.

### Religious activities

There are no temples, mosques or churches within the jail complex. Prisoners carry out their religious activities and jointly celebrate important festivals.

### Yoga

No Yoga teaching is carried out in the jail for the benefit of the inmates. It is absolutely necessary to organize yoga training for those who wish to have it for the mental relaxation of the prisoners. With the help of reputed institution this needs to be carried out on a regular basis.

### TV/News papers

TV sets and news papers are being provided for the recreation of prisoners. 8 news papers are being subscribed by the library.

### Vocational Training

Virtually no vocational trainings are presently being organized in the jail. The rates fixed for unskilled work in the jails in Jharkhand is too low when compared to the rates prevalent in states like Bihar- unskilled Rs.14; semi-skilledRs.28; and skilled Rs.46/-

### Drug De-addiction program

It was stated that consumption of drugs is not a problem in the jail.

### Inspections

It was stated that inspections are being carried out every month on a regular basis. SDM, Khunti had inspected the jail on 28-12-2011 and by the IG Prisons on 06-09-2013.

It is reported by the jail authorities that, on receiving confidential information, in a surprise inspection conducted on 20-02-13. Two persons were arrested for hiding mobile phones in their shoes. The mobiles were stated to be supplied to PLFI leader Laka pahan lodged in the jail.

In another surprise inspection carried out by the SDM and the SDO (Police) on 24-2-2013 evening mobile phones were recovered from Laka Pahan, Munna Swami and Ajay Tuti, naxalite (PLIF) leaders .They also recovered vegetables etc from different wards. Stoves and cooking utensils were also recovered from them. It is obvious that this could not have happened without the collusion of the jail staff. Accountability should be fixed on the errant staff.

### Security

14 CCTVs have been installed in the jail, out of which only 11 are stated to be functional. The matter has been taken up with HCL, Ranchi. A mobile jammer has been installed in the jail. But it is only partially functional. There are four watch towers in the jail; another two are being constructed. 65 security personnel are guarding the jail, including 24 Jail Guards, 05 Jail Escorts and 15 Session Guards.

## Budget

The budget allotment to the jail is considered adequate.

## Jail Manual

It was stated that the revision of the Jail Manual is under consideration of the State Government.

## Modernisation

Altogether 8 construction works are being executed, which include construction of the Administrative block, two watch towers, Community Bhavan, Male barracks.

## Observations/ Recommendations:-

### **1. Upgradation**

As Khuti is now a full-fledged district, the jail needs to be upgraded as a District Jail. With this it is expected that the living condition of the inmates of the jail should improve.

### **2. Manpower**

All vacant posts in the jail should be filled up immediately.

### **3. Under trial prisoners**

No serious efforts appear to have been made to reduce the under trial population in the jail. The video-conferencing facility is either not working or is only partially working. No serious attempt is seen to be made to re-start the fast track courts by the State Government. Close monitoring of the under trial population is needed.

### **4. Sentence Review Board**

The State Government should take immediate action to facilitate organizing the meeting of the Board without any further delay. The question of taking up the matter with the courts should be examined without any loss of time.

### **5. Custodial deaths**



Accountability for custodial deaths needs to be fixed even if the deaths were due to natural causes. Lack of timely medical treatment as well as poor medical facilities within the jail are factors which significantly contribute to custodial deaths. The State Government may be asked to study and analyse the contributing factors and take remedial action within a given time-frame.

#### **6. Review of naxalite cases**

As mentioned, every case of alleged naxalites needs to be carefully investigated. This is important especially in the case of tribals /scheduled castes and women. Women with children should not be detained in a routine manner, even if their family members are involved, except in cases where they themselves have been active participants in violence activities.

#### **7. Legal aid**

It is seen that generally legal aid is provided to prisoners in a routine manner. It is very important to provide legal aid to those who normally are unable to defend themselves, especially women, the elderly, SC/ST prisoners etc. The quality of legal counselling needs to be improved across all the jails. The State Government may like to get an independent assessment made about the impact of this provision.

#### **8. Women prisoners**

Some efforts have been made by the jail administration to improve the condition of women inmates and their children in the jail. The directions given by the Supreme Court in *R.D. Upadhyay vs. State of Andhra Pradesh and Others* dated 13<sup>th</sup> April, 2006 regarding the care of pregnant women and children lodged in jails ought to be implemented fully.

#### **9. Jail Hospital**

The present jail hospital facilities are grossly inadequate to meet the needs of the inmates. The jail hospital needs to be upgraded to a full-fledged modern hospital. A team of doctors, including LMO, and a specialist should be posted along with full complement of supporting staff. Equipment, including an x-ray and ultra sound machines should be installed; presence of trained technicians also needs to be ensured. Isolation wards for both men and women should be set up. Facilities for

treating chronic diseases should be set up. Periodic screening for TB/Malaria/HIV/AIDs should be carried out. With the help of RINPAS regular screening of prisoners for mental illness ought to be conducted. Hygiene in the hospital and toilets should be scrupulously maintained. Hospital kitchen is to be modernised.

#### **10. Educational facilities**

Although the jail administration has attempted to provide basic education to the inmates, only a few inmates have benefitted. The coverage ought to be wider and the quality better. Facilities for those who wish to pursue higher education should be provided.

#### **11. Vocational Training**

Vocational training in the jail needs up-scaling. Many of the items which are required in Government offices/departments/Schools/hospitals could be made in the jail. The remuneration being paid for unskilled/semi-skilled/skilled work needs to be revised for the jails in the state as a whole.

#### **12. Involvement of reputed Institutions /NGOs**

Reputed NGOs/institutions could be involved in the area of education/health/vocational training/conduct of yoga and meditation classes/teaching children/counselling etc.

#### **13. Technology**

Where ever feasible modern technology should be harnessed for the management of prisons and the prisoners. To suggest a few items--energy efficiency, security , education and health of prisoners, better sanitation and living conditions, monitoring of under trial prisoners, better management of cases, modern kitchens, etc

#### **14. Autonomy**

Jails ought to be given more autonomy and provided flexibility in day to day functioning, with accountability clearly fixed. An untied fund of Rs 3-5 lakhs could be provided to the jail for taking up works which are to be immediately

carried out/which is unavoidable for prisoner's welfare. It could be administered by a committee consisting of the DC/SSP/and the Jail superintendent as members. The meeting of the committee should be held in the jail Office.

### **15. Security**

The CCTVs, the jammers and the security systems installed in the jail need to be repaired at once and installed in strategic locations within the jail. In a Jail which is highly sensitive on account of its location in the red corridor and housing alleged naxalite prisoners, the laxity shown by the administration is unacceptable. Corrective action needs to be taken at once.

### **16. Training**

The members of the jail staff are in urgent need of training in modern prison management/ dealing with the rights of prisoners/caring and maintaining jail properties/maintaining hygiene in the jail etc.

### **17. Monitoring and Evaluation**

A proper monitoring and evaluation of the activities in the jail needs to be put in place.

### **18. Model jail**

Jail administration should endeavour to upgrade the jail to a model /modern jail with full-fledged facilities providing basic amenities to the inmates as per the provisions of the Jail Manual.

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Report of S. Jalaja, Special Rapporteur, NHRC on her visit to the District Jail, Chaibasa, on 11-9-2013.

West Singhbhum is one of the 24 districts in the state of Jharkhand with its head quarters at Chaibasa. It is one of the oldest districts of Jharkhand and is a part of the Red Corridor.

### Jail Profile and History

The District Jail, Chaibasa, was originally set up as a Mandal Kara (District Jail) in 1884.

### Land and infrastructure

The jail is located in an area of 18 acres 63 decimals; the buildings occupy an area of 6 acres .03 decimals. Separate Blocks have been constructed for housing the prisoners, which have in turn been divided into barracks. Eleven barracks are for male and one for female prisoners. Although three barracks with a capacity of 100 each and cells have been constructed, CRP (174<sup>th</sup> Battalion) is occupying the new Wing and has made it their Camp.

### Manpower

The jail has total sanctioned staff strength of 49 against which 12 staff members are working at present, with 37 vacancies. The post of Jail Superintendent itself is vacant. An Executive Magistrate is in charge. Out of 41 posts of Jail Attendants 32 are vacant. No regular Lady Medical officer is posted in the jail. Para medical staff has also not been posted. It is not understood as to how a jail accommodating over one thousand prisoners, including 109 prisoners alleged of extremist activities, is managing its affairs with just 12 staff members.

The jail is run with the help of staff on daily wages/ ex-servicemen/Home guards. This explains why the conditions in the jail are so abysmal. All sanctioned posts need to be filled up on priority. The post of Superintendent ought to be filled up without any further delay.

### Jail capacity and occupancy

The total sanctioned strength of the jail is 321 only (male 295; female 26), while the actual occupancy is 1056 (male 1022; female 34). Seven children are residing

with their mothers. Amongst the children, one is a newborn baby. One woman prisoner is pregnant.

The over-crowding in the jail is seen to be believed. When one walks into the open space inside the jail a *mela* like atmosphere prevails, with prisoners occupying every bit of space. There is hardly any space within the halls to accommodate the prisoners; they mostly move around in the open space outside the barracks. The Tagore Ward has a capacity for accommodating only 58 prisoners; it presently accommodates 227 prisoners; Rajendra Ward has a capacity of only 43; but 158 prisoners are accommodated. Birsa and Gandhi Wards have capacities for housing 42 prisoners each; they have currently 164 prisoners each. Indira Ward has a capacity of 26 for keeping women prisoners; but it currently accommodates 34 women and their children. The names of these great men and women have been tarnished by the Jail administration by giving their names to over-crowded barracks wherein the prisoners are kept in inhuman conditions. Some of the alleged extremist prisoners complained about the over-crowding in the jail.

Due to over-crowding the cage toilets are blocked. A terrible stench emanates from them making it impossible for the prisoners to remain inside the barracks. With the noise, and constant movement of prisoners inside and outside the wards peace is the last thing a prisoner can aspire for. Considering that the jail has been in existence since 1884 and that it is one of the oldest jails in Jharkhand, it is not clear as to how it could be in such a neglected state. The CRP Camp set up in the new wing of the jail further contributes to the over-crowding in the jail. The CRP Camp ought to have been shifted elsewhere by now. It was stated that efforts were being made for the last four years without any success. The new DC Chaibasa, while discussing the issues concerning the jail, assured me that the same will be shifted within ten days to an alternate location in Saraikela. He has already discussed the matter with the Home Commissioner. The DC should ensure that the CRP camp is shifted within 10 days as promised. Some of the prisoners could have been shifted to the neighbouring Central Jail, Jamshedpur, easily.

#### Category-wise details of prisoners

Out of 1056 prisoners 51 (49 male; 2 female) are convicts; the rest are under trials. 48 are young prisoners between 18-21 age. *There is no segregation between the convicted prisoners and under*

11  
trials. There are no foreigners or civil prisoners in the jail. 109 alleged naxalite prisoners are also lodged in the jail. *Out of 1056 prisoners 1005 are under trials.*

45 male and 2 female prisoners are undergoing rigorous imprisonment (RI) at present, while four male prisoners are undergoing simple imprisonment. No prisoner has been sentenced with death penalty. Two prisoners have been booked under the CCA Act.

Out of 1056 prisoners in the jail 800 belong to Scheduled Tribe and 100 to Scheduled Caste categories.

### Mentally ill

5 prisoners were reported as mentally ill. They have undergone treatment at RINPAS (Ranchi Institute of Neuro-Psychiatry and Allied Sciences). Ordinarily prisoners suffer from a variety of mental disorders, including depression, Schizophrenia Epilepsy etc. It is therefore doubtful whether the number of mentally ill prisoners from within the total population reported by the jail administration is correct. *It would appear that periodic screening of prisoners is not being carried out in the jail.* A team from RINPAS could be asked to do so by the State Government. It was pointed out that mentally ill patients are not to be kept in jails and that they ought to be shifted to a Mental Health Institution.

### Under-trial Prisoners

1005 under trial prisoners (1005 male; 51 female) are lodged in the jail, out of which 354 have been in the jail for a period of 3-6 months; 228 for 6 months -9 months; 167 for 9 months-1 year; 121 for 1-2 years; 76 for 1-3 years; 42 for 3-5 years and 18 prisoners for over 5 years. Some of the alleged naxalite prisoners expressed their concern about the delay in producing the under trials before courts. It is a pity that a large number of under trials are languishing in the jail over long periods in the jail due to apathy on the part of the jail administration. The video-conferencing system is non-functional; Fast-track courts are also not functional; no monitoring system appears to have been put in place to track their cases. This position is totally unacceptable. Timely production of under trials before courts, timely sanction of legal aid, counselling, close monitoring of cases and setting up of fast-track courts can go a long way in reducing the under trial population in jails. It is clear that there is laxity on the part of the jail administration in not taking timely action.

### Condition of prisoners.

#### Women Prisoners

34 women prisoners are accommodated in Ward no: 1 against a sanctioned capacity of 26. 6 children and a new born baby are residing with their mothers. One woman prisoner was pregnant.

There is considerable over-crowding in the barrack. According to the jail authorities all efforts have been made to take care of the female prisoners and their children. Crèche facilities have been provided for taking care of very small children. Women prisoners are provided clothes and other necessities on regular basis. Children up to 6 years residing in the jail are also given special diet.

I spoke to some of the female prisoners. Rangowati Modi has been booked by the Railway police for petty theft. *She has already spent three months in jail along with her two daughters who are grown up (aged about 10-13 years).* It is not clear why bail has not been granted to her. She stated that as there were none to take care of her daughters they have been brought to the jail along with her. It is generally acknowledged that extreme poverty often drives people to commit petty crimes. They need to be handled with sensitivity. The Supreme court has given clear direction that children above six years of age should not be detained in jails with their mothers but should be sent to a Home. The district administration should be asked to assist her and her children immediately to come out of the prison and do the needful for their rehabilitation.

Sarswati Koda has been in jail for 2 years for alleged involvement in a murder case, due to drinking. She has four children. Johna Soren, another prisoner, is also involved in the same case. Pani Surin with a two-month old baby is booked in a murder case along with her husband. Sukurmuni Soy is booked in a trafficking case. Sukuri Topno is allegedly involved in the murder of her husband and has been in jail for the last one year. Barsi Gop has been in jail for the last 4 years in connection with a murder case. Jhanki Gop is allegedly involved in a murder case. Nandi Sundi who belongs to the Ho tribe has been in jail for 7 years in connection with the murder of her husband. She claimed that someone else did the crime. Nanika Bodra is allegedly involved in the case of kidnapping and elopement of another girl.

Cristina Barla has been booked under Sec 17, CLA Act. She has two small children with her. It is not clear as to how she could have actively participated in extremist activities with these two small children to be taken care of. Susheela Munda has been in jail for the last 8 months. She is alleged to be an extremist. Premlata Munda has a child of 6 years with her. Her husband is also in jail in connection with a naxal case for the last 4 years. Namlan Dhanwar (5 years 6 months in jail) Susheela Gagrai (4 years 8 months), Sunvari Gagari (4 ½ years) and Sangeeta Gudia (5 years and 4 months) are also in jail in connection with alleged naxalite activities.

I have pointed out in my reports on the jails housing extremist prisoners that there is every need to exercise utmost care while booking cases against them, especially women; otherwise, in the long run, that could be counter-productive. It is seen that women are often routinely booked along with their husbands. They are separate entities and unless they have direct connection with the cases their freedom should not be curtailed. Many times they perform chores for extremists under threat to their person, children or their family members. It is, therefore, necessary to ascertain the nature and extent of their involvement before they are detained.

### Condition of other prisoners

I also spoke to some of the male prisoners. Lawer Singh Lohra and Safareen are alleged extremists. Anil urf Sanjay Purti is in the jail hospital with an injured arm is also stated to be a Maoist. Santosh Muna is in jail in connection with a second case against him. Sanjay Ganju from Chatra district pointed out the over-crowding in the jail and violation of basic rights of prisoners. He further stated that nearly 120 prisoners are alleged to be naxalites and they are all innocent. Ramvilas Tati also spoke on the same lines. Uday Sing booked in a dacoity case also spoke about the water shortage and lack of basic amenities to the prisoners. Some of the alleged extremist prisoners complained about the over-crowding in the jail. They also were concerned about the delay in producing the under trials before courts.

### Custodial Deaths /rape/violence

In 2010 five custodial deaths were reported; in 2011 two cases were reported; in 2012 three and in 2013 one case has so far been reported in the jail. The only case reported so far this year was that of a male prisoner Manghilal Melgandhi .The MO stated that he died of internal bleeding. He was not sure about the exact cause of death. It is necessary to conduct an inquiry into the actual cause of death by a team of doctors to ascertain the cause of death and rule out any foul play. It was reported that 3 cases of 2010, 2 cases of 2012 and the only case of 2013 are still pending for disposal. These should be looked into immediately. The jail administration ought to review all cases of custodial deaths in the jail and take immediate remedial action.

It would appear from the details given above that in majority of cases had timely medical care been given to them, their lives could have been saved. With the jail hospital in poor condition, the prisoners cannot hope to get proper and timely treatment, unless the condition improves dramatically.

There were no reports about any incident of custodial rape or violence.

### Escape of prisoners/jail break

An incident of escape of three prisoners-all boys- was reported from the jail in 2011.They have not been recovered so far. In a jail which does not have a regular Superintendent or proper security such incidents are bound to happen. Apparently accountability has not been fixed on any of the officials nor strict action taken against the errant staff.

### Video-conferencing

Although video-conferencing facilities are available in the jail, the same are not functional, as the set installed in the court needs repair. It is a pity that such an important facility which can improve the efficiency of jail authorities and help reduce the under trial population in the jail has not been put to proper use.



**Legal Aid**

A legal Aid Clinic is being run in the jail through which legal assistance/counselling is provided to the prisoners. They are also provided information on the status of their cases. This year legal aid has been provided to 46 prisoners so far. This number is too small compared to the number of under trial prisoners.

**Lok Adalat**

It was stated that Lok Adalats are being organized once a month. The CJM visits the jail for this purpose. It is important for the jail authorities to make an assessment of the impact of these interventions so as to take corrective action.

**Appeals**

It was confirmed that appeals have been filed by 5-6 of the prisoners. Further, no prisoner who has been granted bail is continuing in the jail for want of sureties.

**Parole**

It was stated that paroles are allowed as per rules and that at present no prisoner is on parole. However, in a jail with population exceeding 1000 it is a matter of concern that at the time of my visit no parole has been granted. The higher authorities in jail administration may like to look into the details and take appropriate action.

**Basic amenities****Water supply and Sanitation**

According to the jail officials 24-hour water supply is made available in the jail by the Municipality. 3 bore wells and 6 hand pumps have been installed. Four RO systems have been installed for supply of safe drinking water in the barracks. Bathing platforms and bathrooms have been provided. Some of the prisoners contested these claims and pointed out that only four hand pumps are functional. The prisoners were very vocal in their complaints about insufficient water supply (irregular and insufficient supply by the Municipality) and inadequacy of toilets. I could witness a number of prisoners waiting in queues to draw water trickling from the hand pumps.

The toilet to man ratio is 1:20. *With high levels of over-crowding in the jail these facilities claimed to have been provided by the jail administration is grossly inadequate to meet even the basic needs of prisoners.* Due to non-functional toilets/urinals the prisoners were seen using the open space between the barracks to fulfil their basic needs. It is difficult to believe that we are living in the modern era when such inhuman treatment is meted out to the prisoners.

**Power Supply**

The Jharkhand Electricity Board is supplying electricity to the jail. The power supply being erratic, two generators of 5KV, 1.30KV and 1.15 KV capacities have been provided as back up.

### Food Supply

Food is cooked with the help of LPG stoves by the prisoners themselves. The kitchen badly needs renovation. Kitchen was full of smoke at the time of my visit. The prisoners were struggling to cook food in the smoke-filled kitchen. Ventilators need to be provided to allow smooth flow of smoke to **outside the kitchen**. Food is supplied to prisoners on quantity basis; the average cost was reported to be Rs:50 per head per day. It was stated that a special diet of milk and eggs is supplied to TB patients/pregnant women and those recommended by the medical officers. It was difficult to know whether the food quality was the same when visitors were not present.

It was stated that the High court, Ranchi on a PIL had directed the state Government *to provide kitchens in the female wards to enable women prisoners to cook their own food. This is a much needed reform in jails*. This will be a boon for women with small children. *Commission may like to consider and take this up with all State Governments for extending this facility to other jails in the country.*

### Education

The Literacy program is run in the jail with the help of a teacher deputed by the Education Department under the *Sarva Siksha Abhiyan (SSA)* as well as by teacher- volunteers from amongst the prisoners. It was stated that special classes (1-8) are run for drop outs. It is not clear how educational programs can be run in this over-crowded jail. *It would appear that the Department of Education is not monitoring implementation of its flagship program in the jails of Jharkhand*. There is need to improve the coverage and quality of education provided to the inmates, especially women. Tie ups with the Indira Gandhi Open University could be thought of, as is being done in other jails. Young prisoners, both girls and boys need to be encouraged to pursue higher education.

### Jail Hospital

Only one Medical Officer is presently posted in the jail. It was stated that a Lady Medical Officer visits on need basis. It is a matter of concern that with 34 women, including a pregnant woman and seven small children, including a new-born baby, regular service of a gynaecologist/lady medical Officer (LMO) is not available in the jail. *This is a blatant violation of the directions of the Supreme Court in Upadhy Vs the State of Andhra Pradesh dated 13th April, 2006 regarding care of women and their children lodged in jails*. The jail hospital has two wards each with a capacity of 6 and 24 against which 25:45 patients have been admitted at present. No separate isolation ward is available for segregating TB patients and others with contagious diseases. *Apart from the MO, no regular para- medical staff is posted in the jail*. Daily wage employees are

engaged for this purpose. It was stated by the MO that presently there is no shortage of medicines. Instruments like Stethoscope, BP Monitor are available. But diagnostic facilities are not available.

West Singhbhum is an endemic area for Malaria. According to the jail authorities mosquito menace in the jail is apparently being contained by fumigation/spraying. Pest control measures have been taken to get rid of the rat menace. However, *it is a matter of concern that no regular screening of malaria/TB/HIV/AIDS is being carried out and remedial action taken in cases identified.*

No diagnostic facilities are available in the jail. For any kind of tests the already over-crowded government hospitals are to be relied upon. The State Government may consider setting up of diagnostic facilities on P-P-P mode (so as to save time for recruitment of staff and purchase of equipment) to provide quality care to the prisoners.

#### **PCOs/Telephone facility/waiting room/visitors**

PCO facilities are not currently available to the prisoners. It is a violation of the right of the prisoners to communicate with their family members. The complete apathy of the jail administration to the basic needs of people who are deprived of their freedom is unpardonable. It was stated that visitors are allowed to meet the prisoners. The present visitor's room is not conducive to having meetings with family members. A CCTV ought to be installed here to prevent complaints about the jail police personnel from harassing/exhorting money from the visitors.

#### **Library**

A library is functioning in the jail. However, only make-shift arrangements have been made. 793 books are available here. It was stated that a library has already been constructed as a part of the new Wing. However, the same is occupied by the CRP. There is need to have a full-fledged library in the jail.

#### **Cultural programs**

It was stated that cultural programs are being regularly organized in the jail.

#### **Sports**

Facilities for both indoor (carom, Ludo) and outdoor games (volley ball and Badminton) are available. They could be regarded as very limited. There is need to upgrade sports facilities in the jail. Women should also participate in sports activities, especially indoor games. Over-crowding could however hamper sport activities in the jail with no space to move around.

#### **Religious activities**

There are no temples, mosques or churches within the jail complex. Prisoners carry out their religious activities and jointly celebrate important festivals.

**Yoga**

No Yoga teaching is carried out in the jail for the benefit of the inmates. It is absolutely necessary to organize yoga training for those who wish to have it for the mental relaxation of the prisoners. With the help of reputed institution this needs to be carried out on a regular basis.

**TV/News papers**

TV sets and news papers are being provided for the recreation of prisoners. 19 news papers are being subscribed by the library.

**Vocational Training**

10 computers have been installed in the jail with which training programs are being conducted for selected inmates. Virtually no vocational trainings appear to have been organized in the jail, although it was stated that training in handloom weaving and handling of other trades are taught. It was stated that the rates of remuneration fixes for unskilled labour is Rs.14/per day; for semi-skilled it is Rs.28/- and for the skilled it is Rs.48 per day. These rates are very low when compared to the rates allowed in states like Bihar and Himachal Pradesh. The state government should take up vocational training programs both for male and female prisoners and may like to revise the rates on par with Bihar/HP. Reputed institutions and NGOs can assist the State Government.

**Drug De-addiction program**

It was stated that consumption of drugs is not a problem in the jail.

**Inspections**

It was stated that inspections are being carried out every month on a regular basis. The District and Sessions Judge had inspected the jail on 26-1-2013, by the IG (Prisons), Ranchi on 03-11-2013 and the Deputy Commissioner, West Singh hum on 07.07.2013. It is clear that the directions given by them during their inspections are not being followed seriously.

**Security**

CCTVs have not been installed in the jail. The installation of the same is stated to be under progress. Two mobile jammers have been installed in the jail. The one installed in the new wing is not functional. PMS and VMS systems have been installed in the jail. But they are only partially functional. There are five watch towers in the jail.

**Solar Lighting**

Solar lighting system is available in the jail. Facilities for installing a solar heating system is stated to be under process.

**Budget**

The budget allotment to the jail is considered adequate.

**Jail Manual**

It was stated that the revision of the jail manual is under consideration of the State government.

**Modernisation**

It was stated that modernisation of the jail is under the consideration of the State Government.

**Observations/ Recommendations:-**

**1. Over-crowding**

This is the most important problem faced by the jail. As pointed out earlier the existing CRP Camp set up in the new wing of the jail ought to be shifted to another suitable location forthwith. The over-crowding overshadows and nullifies all efforts being made by the administration in improving the condition of the prisoners.

**1. Transfer of prisoners**

Over-crowding in the jail could also be overcome with the transfer of prisoners, especially to Central Jail, Jamshedpur. While doing so, care should be taken to ensure that the prisoner's family members do not have to cover long distances to meet them.

**2. Manpower**

It is already pointed out that against 49 sanctioned posts 37 are vacant. The fact that even the Superintendent of this Central Jail is presently working on deputation basis is indicative of the low priority assigned to the jail by the Jail administration in the State.

**3. Under trial prisoners**

No serious efforts appear to have made to reduce the under trial population in the jail. The video-conferencing facility is either not working or is only partially working. No serious attempt is seen to be made to re-start the fast track courts. Close monitoring of under trial population is needed.

**4. -Condition of prisoners**

It has already been pointed out that the inmates of the jail are deprived of basic amenities including drinking water, clean toilets, sufficient living space etc. Their basic rights including

right to avail parole, communication with family members, hospital facilities, education are denied to them due to the apathy and insensitivity of the jail administration

**5. Custodial deaths**

Accountability for custodial deaths in jails needs to be fixed on the jail doctor and the Jail Superintendent even if the deaths were due to natural causes. Lack of timely medical treatment as well as poor medical facilities within the jail are factors which significantly contribute to custodial deaths. The State Government may be asked to study and analyse the contributing factors and take remedial action within a given time-frame.

**6. Plight of the vulnerable sections**

Out of 1056 prisoners 800 are Scheduled tribes and 100 Scheduled castes; 34 are women prisoners. Thus a sizable section of the prison population belongs to the vulnerable sections. Almost 100% of the extremists detained in the jail belongs to the ST category. It is therefore, a matter of concern that they are subjected to deprivation even within the prison walls. Onus is on the State Government to protect the rights of the most vulnerable.

**7. Review of extremist cases**

As mentioned, every case of alleged naxalites needs to be carefully investigated. This is important especially in the case of tribals /scheduled castes and women. As already pointed out women with children should not be detained in a routine manner, even if their family members are involved, except in cases where they themselves have been active participants in violence activities.

**8. Legal aid**

It is seen that generally legal aid is provided to prisoners in a routine manner. It is very important to provide legal aid to those who normally are unable to defend themselves, especially women, the elderly, SC/ST prisoners etc. The quality of legal counselling needs to be improved across all the jails. The State Government may like to get an independent assessment made about the impact of this provision.

**9. Women prisoners**

The directions given by the Supreme Court in *R.D Upadhyay vs. State of Andhra Pradesh and others* dated 13<sup>th</sup> April, 2006 regarding the care of pregnant women and children lodged in jails ought to be implemented fully.

**10. Jail Hospital**

The present jail hospital needs to be upgraded to a full-fledged modern hospital. Equipment, including an x-ray machine and an ultra sound machine should be installed; presence of trained

technicians also needs to be ensured. Isolation wards for both men and women should be set up. Facilities for treating chronic diseases should be set up. A team of doctors, including LMO, and a specialist should be posted along with full complement of supporting staff. Periodic screening for TB/Malaria/HIV/AIDs should be carried out. With the help of RINPAS regular screening of prisoners for mental illness ought to be conducted. Hygiene in the hospital and toilets should be scrupulously maintained. Hospital kitchen is to be modernised.

**11. Care of aged prisoners**

A significant number of elderly inmates are present in the jail. They suffer from a variety of ailments including arthritis/memory loss etc. One day in the OPD every week should be specially kept for their medical check up. Posting an AYUSH doctor in the jail would be of help to the elderly, women and children.

**12. Educational facilities**

As stated the coverage ought to be wider and the quality better. Facilities for those who wish to pursue higher education should be provided.

**13. Vocational Training**

Vocational training in the jail needs special attention. Many of the items which are required in Government offices/departments/Schools/hospitals could be made in the jail. Reputed institutions/NGOs need to be involved in imparting vocational training to the prisoners.

**14. Involvement of reputed Institutions /NGOs**

Reputed NGOs/institutions could be involved in the area of education/health/vocational training/conduct of yoga and meditation classes/teaching children/counselling etc.

**15. Technology**

Where ever feasible modern technology should be harnessed for the management of prisons and the prisoners. To suggest a few items--energy efficiency, security , education and health of prisoners, better sanitation and living conditions, monitoring of under trial prisoners, better management of cases, modern kitchens, etc

**16. Autonomy**

Jails ought to be given more autonomy and provided flexibility in day to day functioning, with accountability clearly fixed. An untied fund of Rs 3-5 lakhs could be provided to the jail for taking up works which are to be immediately carried out/which is unavoidable for prisoner's welfare. It could be administered by a committee consisting of the DC/SSP/and the Jail superintendent as members. The meeting of the committee should be held in the jail Office.

**17. Security**

The CCTVs, the jammers and the security systems installed in the jail need to be repaired at once and installed in strategic locations within the jail. In a District Jail which is highly sensitive on account of its location in the red corridor and housing alleged naxalite prisoners, the laxity shown by the administration is unacceptable. Corrective action needs to be taken at once.

**18. Training**

The members of the jail staff at all levels are in urgent need of training in modern prison management/ dealing with the rights of prisoners/caring and maintaining jail properties/maintaining hygiene in the jail etc.

**19. Monitoring and Evaluation**

A proper monitoring and evaluation of the activities in the jail needs to be put in place.

**20. Model jail**

Jail administration should endeavour to develop the jail as a model /modern jail with full-fledged facilities providing basic amenities to the inmates as per the provisions of the Jail Manual.

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