

Report on visits to Central Jails, Muzaffarpur and Motihari and District Jail, Bettiah by S. Jalaja, Special Rapporteur, NHRC

I visited three districts namely Muzaffarpur, East Champaran (Motihari) and West Champaran in Tirhut Division of Bihar from 25-30 December, 2013. I took this opportunity to visit two central jails (Muzaffarpur and Motihari) and the district jail (Bettiah). Detailed reports on the visits to each of these jails are enclosed. However, some general observations and suggestions pertaining to all the three jails together are given below, for consideration.

It is stated that prisons usually reflect the society around them. This is also true for these 3 jails where one finds the ills of society like lawlessness, criminalization, corruption, exploitation, lack of public concern etc. Not many efforts have been made by the successive state governments in the past to address the systemic issues concerning the criminal justice system in the state. However, many changes like improving sense of security and law & order by apprehending criminals & fast tracking of serious crimes, strengthening police force through providing infrastructure and equipment, etc. have been noted in recent times. Further, the recent enactment of a progressive Jail Manual is expected to usher in the much needed reforms in prison management. However, these changes, welcome though, only point out how much more remains to be achieved.

The three jails I visited in the Tirhut division of Bihar are largely untouched by reforms, and their very old buildings, huge and extensive compounds, bygone-era ambience, appear to be frozen in time. Prison management is still in the old style. The dividing lines between convicts & undertrials and between serious & non-serious offenders are obliterated. Hence all prisoners are perceived as criminals; they are, therefore, not entitled to due compassion & humane treatment. Changing this mind-set would be the true reform.

Recommendations:-

1. Improving quality of life of the prisoners

Over the years the objective of imprisonment has changed from mere deterrence to *deterrence and reformation*. The practice in the treatment of prisoners and the management of institutions is governed by the UN Standard Minimum Rules (adopted in August, 1955), which include identification and registration of prisoners,

their categorization, non-discrimination, provision of basic facilities and entitlements, humane treatment and prisoner welfare measures.

The existing judicial and administrative basis for prison reforms in India is guided by the fundamental principles of the Indian Constitution and Judicial decisions of the Supreme Court of India and the different High Courts. The Supreme Court of India has identified three broad principles as contained in a number of far-reaching judgments on various aspects of prison administration, including (1) A person in prison does not become a non-person, (2) A person in prison is entitled to all basic rights, within the limitations of imprisonment. There is no justification in aggravating the suffering already inherent in the process of incarceration, (3) Prisoners are sent to prison, not *for* punishment, but *as* punishment.

In the three jails mentioned above the prisoners live in sub-human conditions, with limited access to basic facilities. Over-crowding in the wards, dilapidated buildings, overflowing drains, dysfunctional toilets, leaking pipes, absence of bathing facilities contribute to their misery. In the District Jail Bettiah the prisoners are not supplied things of daily use like soap, oil, bedding etc, in violation of the above mentioned principles. Basic rights of prisoners to clean and adequate drinking water, sanitation and bathing facilities ought to be ensured as per a definite time line by the prison authorities.

2. Infrastructure

Buildings in these three jails which belong to Bettaih Raj, feudal landlords of this area from mid 17th century, are mostly in run-down condition. Some of them are to be demolished and rebuilt; others need extensive repair and renovation. A comprehensive modernization plan need to be put in place in respect of each of these jails, instead of a few items being taken up, as is the current practice. There is a need to monitor physical & financial progress of civil works undertaken by the PWD and other agencies.

3. Manpower

The position of manpower in all the three jails is not satisfactory. Many Critical posts of jailors, senior Warders, Warders, Medical Officers and supporting staff have not been filled up. Out of 422 sanctioned posts in Central Jail, Muzaffarpur, 95 posts are vacant; in Central Jail Motihari against 264 sanctioned posts 53 are vacant and in District Jail, Bettiah 107 posts are vacant against 163 sanctioned posts. Filling up of vacant posts should get immediate priority.

4. Freedom from fear

As specified in the UN Minimum Standard Rules Untried (undertrial) prisoners shall be kept separate from convicted prisoners; Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence, and, young prisoners shall be kept separate from adults. In all the three prisons, it was observed that there is no segregation between undertrials and convicts. Due to shortage of manpower in these jails, it is a common practice to utilize the services of convicts for looking after the wards. This creates unnecessary fear in the minds of ordinary prisoners. In the case of the District Jail Bettiah, for example, certain criminals rule the prison. Prisoners should be allowed to live in an atmosphere free from fear. Bad elements need to be handled quickly.

5. Undertrials

All three jails have considerable undertrial population. Out of 1480 prisoners, 1022 are undertrials in Central Jail, Muzaffarpur (about 70%); out of 1947 prisoners, 1378 are undertrials in Central Jail, Motihari (70%) and out of 877 prisoners, 702 undertrials in District jail, Bettiah (80%). The following are the category-wise year-wise details of UTs in the three jails.

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Name of the jail	No. of years spent in jail /No.of prisoners				
	5 yrs.	3 yrs.	2-3 yrs.	1-2 yrs.	06m-1 yr.
Muzaffarpur	8	-	58	131	408
Motihari	22	71	113	157	292
Bettiah	15	50	35	100	125

It was stated by the authorities in all three jails that the prisoners are regularly being produced before the courts, and that there is no difficulty in securing police escort. Fast-track courts have been set up in the districts. It is not, therefore, clear as to why 70-80% of the population of the jails is languishing in these jails as undertrials. Reducing the number of undertrials can lead to improvement in the general conditions within the jail. Immediate steps may be taken to reduce the undertrial population in the jail.

- The system of **legal aid** has not been effectively utilized in any of the jails. Most of the prisoners lodged in the jail are poor and marginalized, and, therefore, have no means to engage private counsels. Legal aid cases are processed in a routine manner; neither the outcomes of the cases nor the

effectiveness of the program have been evaluated. IG (Prisons) need to conduct an evaluation of the legal-aid system practiced in the jails

- The **Lok Adalats** are not effective. The number of cases disposed of in Muzaffarpur central Jail is 50 only; in Motihari 3-4 only and in Bettiah 40 only. The fault lies largely with the jail authorities. Little preparatory work is done before the visit of the CJM and the cases placed before him/her. The District Legal Authorities need to be activated.
- The video-conferencing facility is not functional in any of the three jails due to different reasons. It should be made operational at once.

6. Review of the Pending cases

- Cases relating to elderly prisoners, female prisoners with children and alleged naxalite prisoners need to be scrutinized quickly to find out the extent of their involvement, for taking remedial measures.
- At present there is no system of monitoring court cases. A computerized monitoring system for tracking court cases should be put in place quickly.

7. Parole and remission

No prisoner was on parole at the time of my visit in the Bettiah jail. PCOs have not been set up in these jails. No proper place for meeting with family is set apart. Although cases for remission has been prepared and sent to the Hqs by the Jail Superintendent Muzaffarpur, no attempt was seen to be made in the other two jails. A list of remission cases should be prepared and follow up action taken.

Visitors Boards have not been set up in any of these jails. A Visitor's Board needs to be constituted quickly in each of these jails.

8. Custodial deaths

A number of custodial deaths have been reported. There were no reported cases of custodial rape or violence. Details of custodial deaths are given below.

Name of jail	year		
	2011	2012	2013
Muzaffarpur	14	11	10
Motihari	9	5	8
Bettiah	2	4	nil

The deaths were reported due to natural causes; no foul play has been suspected. The deceased prisoners belonged to various age groups. Reports have been sent to NHRC in all cases. Had timely medical attention been given to them, these deaths could have been avoided.

9. Death penalty

Six prisoners have been sentenced with death penalty in Central Jail, Muzaffarpur. Jail authorities confirmed that they are dreaded criminals. It may, however, be pointed out that *the approach towards those who commit crime is more reformatory than punitive in modern times. Death penalty is considered to be the ultimate cruel, inhuman and degrading punishment and has been abolished in more than two thirds of the countries in the world, in law or practice. As of December 2010 that figure stands at 96 for India as per a report of the Amnesty International. Commission may like to take a considered view in the matter.*

10. Rights of women prisoners

The condition of women and children (13 children each in Muzaffarpur and Motihari jails; 16 in Bettiah Jail) has already been described in the reports on these jails separately. No regular lady doctor has been posted in any of these jails. No separate isolation wards are available for women. Proper educational/vocational facilities are not available. Separate Kitchens have not been set up in the female wards. Except that a glass of milk is being made available and some rudimentary and half hearted measures taken, the guidelines issued by the Apex court in Upadhyay Vs State of Andhra Pradesh dated 1-11-2000 have not been implemented properly. There is an urgent need to implement these guidelines.

11. Mentally ill prisoners

Prisoners often suffer from a variety of mental illnesses, including depression, schizophrenia and epilepsy. It was, however, observed that there were a few identified mentally ill patients in the three jails. It would appear that no regular screening is taking place. It was stated that there is not a single psychiatrist in Bettiah.

A system for regular screening for mental illnesses with the help of reputed experts/institutions needs to be put in place. Tie-ups with such experts/institutions would be necessary. Mentally ill prisoners, after identification, ought to be transferred to mental hospitals for proper care and treatment..

12. Prisoners booked under NDPS/Dowry Prohibition Act

A good number of undertrials in all the three jails have been booked under the provisions of NDPS/Dowry Prohibition Act. In my reports on the three jails, it has

already been pointed out that arresting 80 year olds under NDPS and the Dowry Prohibition Act needs to be reconsidered. It remains a paradox that the big operators who indulge in the illicit business go scot-free, while those who sell narcotics in retail - often their entire families with elderly members and little children - remain incarcerated in jail for years together under the tough provisions of NDPS Act. In fact I met a poor old woman who has been put in jail for carrying narcotics with her across the border for a consideration of Rs.500/-

It may be pertinent to ~~mentioned here~~ that according to *The Guardian* (www.theguardian.com) the US government took the first tentative steps toward tackling its 1.5m-strong prison population by announcing that *minor drug dealers would be spared the mandatory minimum sentences that have previously locked up many for a decade or more*. According to the paper the Department of Justice will now instruct prosecutors to side-step federal sentencing rules *by not recording the amount of drugs found on non-violent dealers not associated with larger gangs or cartels*.

It is also reported that the state of Texas passed a law in 2003 sending people convicted of possessing less than a gram of drugs *to probation rather than prison*. In 2007 Texas allocated \$241m for drug-treatment and alternatives to prison for non-violent offenders and that as a result between 2003 and 2011 violent crime in Texas fell by 14.2%. Commission may like to make suitable recommendation to Central and State governments, after deliberations.

13. Jail Hospital

It has already been mentioned that the jail hospitals in all the three jails are unhygienic and not suitable for housing patients.

- A proper well-aired, hygienic and modern hospital with modern diagnostic facilities, along with staff and technicians should be set up in all the three jails, having separate Isolation Wards for diseases like TB/Leprosy etc.
- The posts of medical officers for Muzaffarpur and Bettiah jails, Lady Medical officers (all three jails) and supporting staff need to be sanctioned for the jails. In case no LMO is available on a regular basis, at least a senior nurse should be posted in the jail to take care of the day-to-day health problems of female prisoners and their children.
- A system should be put in place for regular screening for TB/Malaria/HIV/AIDS/and chronic diseases. Each prisoner should be tracked for his/her health profile.
- The civil surgeon ought to be made accountable for ensuring decent health facilities inside the jail, within 3 months.

- AYUSH medical facilities should be provided, especially to the older patients.

14. Food supply

The kitchens in the three jails were filthy and unhygienic and this has already been mentioned in the separate reports on these jails. The cost of food (around Rs.39/- fixed after getting quotations) supplied to the prisoners needs to be re-fixed, keeping in view the **current** inflation in the food prices. Supply of adequate quantity and quality of food should be ensured.

A well-aired, well-lighted modern kitchen with LPG facilities should be set up in each of these jails. A separate kitchen should be set up for women prisoners. Water sources should have well-built platforms around them. Eating spaces/ platforms need to be repaired quickly, as prisoners presently are no position to take their food comfortably.

15. Literacy

Literacy programs should be started immediately, both for male and female prisoners, with the help of volunteers from amongst the prisoners. On a long term, comprehensive literacy and educational program, needs to be chalked out. It could be implemented with NGO support. A computer centre for training both boys and girls should be started. Those appearing for Matriculation/Intermediate exams should be coached.

16. Vocational training

Vocational programs not only help prisoners earn their income, they also help prisoners to remain mentally occupied that contribute to quality of life. Vocational /industrial programs have been taken up in Central jail Muzaffarpur and on a smaller scale in Central Jail, Motihari. No such programs, however, have been taken up in the jail at Bettiah. Vocational/industrial programs in useful trades (the products ought to have ready markets) need to be taken up with the help of reputed NGOs so that old prisoners could also be gainfully employed. Pass Books need to be issued to those who earn wages as well.

It needs to be appreciated that in Central Jail, Muzaffarpur, the prisoners have earned Rs.1.3 crores from vocational activities till 30-11-2013, whereas, the target fixed by the Government up to March, 2014 is only Rs.69.48 lakhs. *Commission may like to recommend to the state government that the differential between the*

22. Delegation and decentralization

Decentralization and delegation are at the heart of effective administration of any organization. The jail administration appears to be over-centralized, with the local jail administration looking up to the headquarters for approval of every item. Items which can be delegated to Superintendents of jail should be identified and action taken. Accountability needs to be fixed on the local authorities along with delegation of powers.

Similarly, even small items of work remain pending due to long winded procedures involved in getting them done through PWD, PHED and other government agencies. It is suggested that an untied fund of Rs. twenty lakhs may be provided to central jails as well as Rs. ten lakhs and Rs. five lakhs to district and sub-jails respectively for taking up urgent items of works and for welfare of the prisoners. It should be sanctioned by a committee consisting of DM, SP and the Jail Superintendent. The committee ought to meet in the jail premises only.

23. Jail Manual

Although a **new Jail Manual** is put in place in the state, its implementation is slow. The provisions of the new Manual ought to be shared with the prisoners. Jail staff should be trained in implementing the Manual.

24. Prison Reforms in the US

A wave of prison reforms have been initiated in united states, as studies have revealed "accelerating declining marginal returns" to incarceration in America. Observing that the levels of incarceration at federal, state and local levels had become both "ineffective and unsustainable," US Attorney General Mr Eric Holder announced a set of reforms recently which include

- Elderly federal inmates are to be released early.
- More effort will be made to help ex-convicts re-enter society, in the hope that this will curb re-offending.
- Pointless rules making it harder for ex-cons to find homes or jobs will be reconsidered.
- Low-level, non-violent drug offenders without ties to gangs or cartels will no longer be charged with crimes that trigger mandatory minimums.

Sentencing reform passed in Georgia—where one in 13 adults is imprisoned, on probation or on parole—will save the state an estimated \$264m over the next five years. Kentucky is planning to save \$400m while reducing its prison population by 3,000 over the next ten years. While reporting the these developments *The*

Economist (www.economist.com) also quoted the US Attorney General as saying "Too many Americans go to too many prisons for far too long and for no truly good law enforcement reason," --- "We cannot simply prosecute or incarcerate our way to becoming a safer country."

These examples are relevant to Indian Jails. Commission may like to take an appropriate view in the matter.

25. IG (Prisons)

It is understood that IG (prisons), Bihar is also holding additional charge of other departments, with the result that he is unable to devote full attention to the work relating to the jails. It would be appropriate if an officer is posted exclusively for looking after prison affairs in the state.

26. Redressal of grievances

Officials and staff managing jails also need constant encouragement and support. Their grievances concerning confirmation, promotion, departmental action and other establishment matters need to be looked into promptly. Training at all levels and secondment to other reputed jails will widen their mental horizon.

27. Accountability

Accountability needs to be fixed on the DM/SP/Jail Superintendent. It is suggested that *a criterion may be introduced in their Annual Confidential Report, so that their role in reducing undertrial population in the jails in the district could be assessed suitably.* Commission may like to recommend this suggestion to the Central and State Governments.

Report of S. Jalaja, Special Rapporteur, NHRC on visit to Central Jail, Muzaffarpur, on 26-12-2013.

Jail Profile and History

Shahid Khudiram Bose Central Jail, Muzaffarpur Bihar is one of the oldest jails in the country. Records on the early history of the jail are not available. However, according sources in the judiciary, the jail was set up as a District Jail to accommodate those who were sentenced to imprisonment by the newly set up District Court in the district in 1825. It was upgraded as central jail in 1956.

The jail is named after Shahid Khudiram Bose, freedom fighter, on 29-7-1995, to commemorate his martyrdom. Shahid Bose was hanged on 11th August, 1908 inside the jail, after being sentenced by the then Additional Sessions judge Muzaffarpur, for throwing a bomb at a judge in Muzaffarpur and killing two of his family members. The cell in which he spent his last days is preserved as a memorial, and, every year the date of his hanging is observed as Martyr's day in the jail.

Land and infrastructure

The jail is spread over a sprawling compound measuring 16.45 Ha, with a park, a large pond, Gym, library and the jail buildings. The jail buildings which belong to Bettiah Raj are weathered by time and neglect. The old stately buildings, though presently run down and dilapidated, speak of their past glory. Nevertheless, their present state should not be an excuse for their poor up keep and maintenance by the jail authorities. The southern side of the compound wall of the jail, constructed by the PWD, has collapsed and the plaster has also come off in most parts. Protracted correspondence is also going on between

the jail authorities and the PWD with regard to the demolition of the old Maharaj Bhavan as well as a dilapidated go down within the campus. It is, however, seen that even now the PWD has not started any construction or repair work inside the jail campus.

It is seen that male prisoners are accommodated in 51 wards and female prisoners in 4. There are altogether 32 cells.

Manpower

Shri Jitendra Kumar is the Superintendent of the jail. As per the details given, against total sanctioned staff strength of 422, 95 posts are reported to be vacant. Two posts of Deputy Superintendent as well as five posts of Asst. Superintendent are vacant. Posts of Accounts Officer and Accountant and 42 Male Warders are also vacant. Out of three posts of teachers sanctioned, only the post of Principal is filled up. **No post of Medical officer (male as well as lady) or Nurse is sanctioned for the jail.**

Jail capacity and occupancy

The jail has a sanctioned capacity of 2135 (1992 male; 143 female), against which the actual number of prisoners present is 1480 (1410 male and 70 female). Out of these, 352 are convicted prisoners. 342 convicts are undergoing Rigorous (RI) and 04 simple imprisonments. **06 prisoners are sentenced to hanging and are kept in separate cells.** Under trials are 973 in number, while 102 are session-committed. **There is no mandatory segregation of convicted prisoners and under trials in the jail.** 13 children, under the age of six, are residing in the jail along with their mothers (08 boys and 05 girls).

23 prisoners (21 Male; 02 female) are convicted under the provisions of the NDPS Act and there are 95 (87 male; 08 female) under trials under this category. 14 men have been lodged in the jail as under trials under the Dowry Prohibition Act. There are no women prisoners under this category. 11 prisoners (10 male and 01 female) have been convicted for dowry deaths. 75 prisoners (69 male; 06 female) are under trials in this category. Vijay Kumar Shukla, alias Munna Shukla former MLA and a dreaded criminal, convicted for murder of Braj Behari Prasad, the then Minister in Rabri Devi Government, is lodged in the jail sentenced for life. Media reports indicate that a fresh case was registered against him for making a call from the jail to extort Rs.2 crores in 2012. Gangsters, including Shambhu Singh, Md. Phool Mia, Babban Singh are lodged in separate cells. I spoke to them about the living conditions in the jail. They had no complaints. They are in jail for the past 7-8 years and are undertrials with many cases against them.

Under-trial Prisoners

Out of a population of 1480 inmates (1410 male; 70 female), 1022 (973 male; 49 female) are under trials of which 5 male and 3 female prisoners are in jail for more than 5 years; 56 male and 02 females are for 2-3 years; 127 male and 04 females 1-2 years, 393 male and 15 females for 6-12 months and 494 male and 28 females for less than 6 months.

It was stated that the prisoners are regularly being produced before courts and that there is no difficulty in securing police escort. Fast-track courts have been set up in the district. It is not, therefore, clear as to why 70% of the population of the jail is languishing in jail as under trials. Reducing the number of under trials can lead to improvement in the general conditions within the jail.

It may be mentioned that in any of the jails visited so far in the country I have seldom seen any higher authority taking personal interest in reducing under trial population in the jail. ***Commission may like to consider making a recommendation to the Central/State governments to include it as a criterion, while making annual confidential assessment on the performance of the DM/SP as well as the Jail Superintendent.***

Naxalite prisoners

There are altogether 7 naxalite prisoners booked under U/s 17 of the CLA Act. They include Bani Ram s/o Devendra Ram from Sahebganj U/s 414 IPC as well as Sec.17 of the CLA Act. Saheb Sahni s/o Satyanarayan Sahni from Paru is booked under various sections of the Arms Act as well as U/s 17 of the CLA Act. Mahesh Rai S/o Baldev Rai from Sivaipatty is booked u/s 387 and 120B of IPC, apart from under Sec 17 of the CLA ACT. Radhey alias Sonu from Saraia is booked under provisions of the Arms Act and U/s 17 of the CLA Act. Suresh Ram alias Subham S/o Jagdev Ram from Paru has also been booked u/s 17 of the CLA Act as well as under various provisions of the Arms Act. They are lodged in separate cells. All of them pleaded not guilty. They refused to speak anything about themselves or their activities. It is necessary to verify their records to ensure that no innocent person is being implicated in criminal cases as naxalites.

Condition of prisoners.

The barracks housing the prisoners are very old and in pitiable condition. All wards including the women's wards are overcrowded with hardly any space for the prisoners to move about. The toilets provided inside the wards badly need repairs. Obviously efforts have been made to clean them prior to my visit. However, the in-house toilets by their very location in over-crowded wards, and, without availability of water, are bound to be filthy and unhygienic. Drains around the buildings are filthy. The entire drainage system urgently needs extensive repairs.

The jail authorities claimed that they have taken care of the basic needs of the prisoners. I spoke to some of the prisoners. Having stoically accepted the degrading conditions in the jail, they did not make any complaint about supply of soaps or beds sheets and blankets.

I spoke to two of the elderly prisoners. Biswanath Dubey over 76 years has been in jail for five years in a murder case. Munshi Mahto 77 is

undergoing life imprisonment after having been convicted in a murder case. He has already spent 14 years and 3 months in the jail. They spoke about their poor health.

Women Prisoners

There are altogether ~~70 women~~ prisoners inside the jail, 19 convicts and 51 under trials. 10 of the women prisoners have children residing with them.

I spoke to some of the women prisoners. Nasra Khatun w/o Salim Shah 20 yrs U/T who is allegedly involved in the murder of a relative has a child of four years living with her. Mamta Devi 25 kudni U/T is also involved in the murder of her brother in law has two children back at home and a child of 3 with her. Suneeta Devi 35 is in jail for allegedly murdering her mother in law. She has two children aged 6 and 4 staying with her. Rubi Devi 25 from Katra U/T with a baby of 1 ½ months is involved in the murder of her relative. Roji Sarkar 27 from Mithanpura U/T too is allegedly involved in the murder of her elder brother in law. She has two children aged 5 and 2 years staying with her. The women prisoners stated that children are provided with proper diet which includes milk.

Unlike in other similar jails number of female prisoners booked for crimes under the provisions of the NDPS and Dowry Prohibition Act were limited. Amongst the women prisoners there were six elderly women aged 70 and above. Lila Devi 80 from village Maniyari is an under trial and is allegedly involved in a murder case. She stated that her husband was a drunkard and that she had no hand in his death. Chinta Devi 75 w/o Ramekbal Singh, Sona Devi 72 w/o Sheikh Wahid are convicts also booked under 302/34 IPC. Bachchi Devi 73 is a U/T is

booked u/s 20, 23 and 25 of the NDPS Act and is in jail since 30-09-08. Jaitun Khatun 70 from Kanti and Nagia Devi 70 from Motipur are under trials and are allegedly involved in murder cases. According to Jaitun Khatun the murder took place after a quarrel. She had no hand in it. Thus these women are spending their old age within the prison walls away from their family members. It is unbelievable that majority of women prisoners are allegedly involved in murder cases, especially those who are very old and others with small children under their care. It is generally seen in such cases that women members of the family of the main accused are also arrested along with other family members, although they themselves might not have been directly involved in the crimes. Each of such cases needs closer scrutiny.

It is seen that the comprehensive guidelines issued by the Apex Court in *Upadhyay Vs the State of Andra Pradesh* dated 1-11-2000 regarding the care of women prisoners and their children have not been properly implemented in the jail. There are no proper crèche facilities; toys and play materials have not been provided. There are virtually no regular medical facilities provided for their well-being. Providing a glass of milk and appointing a teacher to teach the children cannot be construed as providing comprehensive care.

Mentally ill

It was stated that one male and female prisoner each are being treated for mental illness. I met Mariam Nisha 55 who is in the jail from 24-3.2000. She is convicted for life for committing murder. She was not able to say from where she hails or provide other details about herself. It was stated that Psychiatrists are attending to the two. It was pointed out that as per the directions issued by the Commission; mentally ill

prisoners are to be transferred to Mental hospitals for their proper care and treatment.

It was stated that the mentally ill prisoners are treated by psychiatrists from the nearby government hospital and that regular screening is conducted in the jail. Further, the next camp is being fixed for 28-12-2013. It may, however, be pointed that in a jail with a population of over 1000 prisoners it is just not possible that only two prisoners-one male and a female-have been identified as mentally ill. It is common knowledge that prisoners suffer from a variety of mental conditions including depression, Schizophrenia, epilepsy, Alzheimer's disease etc. Due to lengthy procedures involved, the prisons authorities are reluctant to shift them to mental hospitals. ***The jail authorities ought to arrange for regular screening by a team of doctors from reputed institutions to identify and treat the mentally ill lodged in the jail.***

Custodial Deaths /rapes/violence

No violent clashes or other such incidents have been reported in the jail. It is stated that 36 deaths were reported in the jail between 2010 and 2013. Out of these 24 deaths relate to convicts and the remaining 12 relate to under trials. Reports have already been sent in these cases to the Commission as per the Guidelines issued by it. Lack of proper and timely medical care appears to be the chief cause of these deaths.

Escape of prisoners/jail break

It was learned that no such incidents were reported in the jail in recent times.

Basic amenities

Water supply and Sanitation

The water supply and distribution in the jail are grossly inadequate with only four of the hand pumps working and the remaining 11 out of order. One boring provided by the PHED for pipe water supply within the jail premises is in a state of near collapse, with the pipes rusted, worn out, or leaking. It was indicated that at least 15 new hand pumps are needed. With prisoners numbering over 1000 it is not clear how their daily needs of water are being met. No RO system or any other system for purification of drinking water has been installed in the jail.

There is no proper bathing space available to the prisoners. The bathing platforms have for long outlived their utility.

Although on paper 298 toilets are available only 89 are stated to be functional. The toilets too are old and dilapidated and are badly in need of urgent repairs. Despite protracted correspondence with the PHED, no action has been taken by the Department so far. The District and Sessions Judge, Muzaffarpur has also been concerned about the state of drinking water and sanitation within the jail after his visit. The matter has been placed before the District Level Monitoring Committee. ***The indifference of the authorities to the basic needs of the prisoners is a serious violation of their rights.*** The State Government needs to attend to this issue on top priority basis.

Power Supply

It was mentioned that the jail receives power supply for 18-20 hours. Three back-up generators of 7.5 capacities each are said to be available. The jail authorities ought to ensure that at least one light is available, even when the power supply is off in all the wards to ensure safety.

Food supply

The building in which the kitchen is located is in a dilapidated condition. The kitchen itself is in a sorry state having no exhaust fans to push out the smoke, with dirty floors and broken windows. Cooking is done by prisoners themselves in coal-fired stoves. Even in extreme winter the cooks were struggling to overcome the heat from the stoves. LPG stoves have not been provided. The food is cooked in extreme unhygienic conditions. On inquiry it was revealed that although food supplied is as per calorie norm, the cost of food supplied per person is only Rs.39/- which is very low when compared to the rise in the cost of food. This may be because the system of inviting quotations to procure food materials ensures economy and bad food. This system needs to be closely looked into. It was found that hospital kitchen for catering to patients in the jail hospital was churning out the same food as in the common kitchen. It was not, therefore, understandable as to what is the difference between the two. The hygiene in the hospital kitchen leaves much to be desired.

Education To provide education to the inmates one post of Principal, 4 posts of Teachers and one post of Clerk have been sanctioned in the jail. However, except for the post of Principal, all other posts are vacant. One teacher has been deputed from Bhagalpur jail. *Prerana*, a program sponsored by the HRD of the State Government for educating the prisoners, is being run in the jail. With a school to run within the jail, that too with the help of two teachers, it is not clear how literacy programs are taken up without proper resources. Volunteers from within the jail ought to be trained as teachers. Books and other materials need to be supplied to the prisoners. Their learning ought to

be tested. In the absence of these the literacy program are bound to be ineffective.

Vedanta, a voluntary organization, is conducting computer classes for boys. No such program is seen run for girls or young women. The jail authorities stated that this is the only prison within the state to run a school with 10+2 classes which is attended by 65 students. 09 students have appeared for Matriculation Examination and 2 for inter, on their own. Besides computer training, training in painting, typing, sculpture, statue making are also going on. For the women inmates, tailoring are being taught.

Jail Hospital

The jail hospital too was in a rundown condition. The whole place looked unhygienic. The hospital has a capacity of 120 beds. 123 patients (37 convicts and 86 under trials) were lodged in it at the time of my visit. The isolation ward accommodates TB, Leprosy and patients with jaundice. In fact all the three need to be segregated into three separate wards.

As mentioned, no post of medical officer is sanctioned for the jail. Doctors come on visit. This is totally unacceptable for a prison with nearly 1500 population. ***It is inconceivable that in a central jail minimum basic healthcare has not been guaranteed to the prisoners.***

It was stated that on 28th of every month the Medical Board set up by the Civil Surgeon and CMO examines the patients. The less serious cases are admitted to the jail hospital while the more serious cases after examination by the District Medical board are sent to referred hospitals. A Pharmacist and three dressers are available.

An ambulance is stated to be available in the jail for emergency use. There is no diagnostic facility attached to the hospital, as such no X-Ray facility is also not available. When every time a need arises the prisoners are to be escorted to already crowded government hospitals and brought back which is obviously a waste of time and efforts.

It was reported that ~~Malaria~~ Malaria is not prevalent amongst the patients. It was difficult to believe this. Unless regular screening is done the position cannot be confirmed. There is urgent need to conduct regular health camps in the jail. I did not find a single case of HIV/AIDS. *Screening ought to be taken up for HIV/AIDS, TB, Malaria and chronic illnesses on a regular basis.*

Medicines are being supplied by the State Health Society. No shortage was indicated.

Video-conferencing

Video-conferencing facility is **not functional** at present.

Legal Aid

It was stated that in 50 cases legal aid has been sanctioned. However, the outcome and effectiveness of the program have not been evaluated.

Lok Adalats

It was stated that Lok Adalats are being organized in the jail. Only 3 prisoners have been set free in petty cases. It could be concluded that the Lok Adalats are not being held regularly or organized efficiently.

It was stated that besides Lok Adalats, Bandhi Adalats are also being held. It was stated that Bandi Adalats held on 16-4-2013 and 11-9-2013 were attended by the District Magistrate.

Appeals filed-legal assistance/surety

Details regarding appeals filed by the prisoners were not made available. However, it was confirmed that there is no case where any prisoner is languishing in jail for want of sureties.

Parole/how many on parole/how many returned

A committee comprising of the DM and SP sanctions parole. DM is authorized to sanction parole for 15 days. In deserving cases parole is liberally allowed. It was stated that there are no cases where the prisoners on parole have not returned.

Remissions

Prisoners are allowed remission as per law. Recommendations for remission in respect of 21 lifers have been sent to the State Board for consideration.

Telephone facility/waiting room/visitors

Prisoners are allowed to communicate with their family through telephones. A waiting room is available for visitors. Prisoners are allowed to meet their family members after proper identification.

Library

A library with 1100 books is available. It is ill-kept and located in a dark corner of a building. It cannot, in any case, inspire learning in prisoners in any case.

Cultural programs

It was stated that cultural programs are being organized in the jail. The inmates have their own music band.

Sports

It was stated that indoor and outdoor facilities are available in the jail. Cricket, Volley ball are regularly played by the inmates. A modern (!) Gym is available. I did not find any one playing caroms in the wards.

Religious activities

Religious activities take place in the jail. A make-shift temple is available in the jail. However, there is no mosque inside the jail. I was told that the prisoners offer their prayers in their ward itself.

Yoga

It was mentioned that yoga classes are being organized in the jail with the assistance of yoga instructors and volunteers amongst the prisoners.

TV/News papers

TV sets have been provided in the wards. It was reported that 70 news papers purchased and are circulated.

Vocational Training

A number of vocational activities including wood work, spinning, handloom works, soap and phenyl making etc are taken up. The products are sent to other jails. It was found that phenyl making is by conventional method and provides no protection to the prisoners from

noxious fumes and chemicals. Improved technology and opting for better trades will be the only option left.

The prisoners have earned Rs.1.3 crores from vocational activities till 30-11-2013, whereas, the target fixed by the Government up to March, 2014 is only Rs.69.48 lakhs. ***Commission may like to recommend to the state government that the differential between the target fixed and the income generated should be allowed to be retained by the jail (after deducting the prisoners/victims shares) as untied funds for activities within the jail of emergent nature, for welfare of the prisoners.***

I was told that Sanjay Singh and Bharat Ram, prisoners, got their daughters married of with their earnings; Narendra Singh got his house constructed with his income.

Drug De-addiction program

Currently there is no Drug De-addiction program taken up in the jail.

Inspections

In the last three years inspections were carried out by members of the judiciary, legislature as well as those from administration. In 2011 inspections were carried out by the Chief Judicial Magistrate, Muzaffarpur several times, the District Magistrate, Muzaffarpur and the Chairperson of the Petition Committee of the Bihar Legislative Assembly.

In 2012 the jail was inspected by shri M.K.Sharma Hon'ble Judge of the Patna High Court, District and Sessions Judge as well as the Chief Judicial Magistrate, Muzaffarpur, Chairpersons of the various

Legislative Committees, including, the Committee on Women and Children, Petition Committee, Question and Call Attention Committee, Zero Hour Committee and the Deputy Development Commissioner, Muzaffarpur.

In 2013 inspections were carried out by the District and Sessions Judge as well as by the CJM, Muzaffarpur, Chairpersons of various Legislative Committees, including, the Petition Committee, Scheduled Caste and Tribe Welfare Committee as well as by the DM, Muzaffarpur.

It is a paradox that even after inspections by members of the higher judiciary and Legislature and higher officials of the district administration, the conditions within the jail remains unaltered. This could be due to the fact that no follow up actions are taken after their visits.

Security

Against sanctioned 77 posts of Home Guards for guarding the jail, 73 are in position. 9 of them are women guards. 25 CCTVs are stated to have been installed by Beltron of which 24 were stated to be working. Besides, a mobile jammer and bag scanner each have also been installed. The jail also has 20 walkie-talkies, but 15 are not working. Hand metal detectors and door metal detectors are available some of which are again stated to be non-functional. It is not clear whether the Jail has Annual Maintenance Contracts (AMC) with the supply firms; if not, they should urgently have them.

There are 6 towers in the jail which are fully guarded. I was also told that for lighting the compound walls a Halogen metal light has been installed. One fog- light has also been installed for better visibility

during winter. Adequate stock of arms is stated to be available to protect the jail. It may be pointed out that these arrangements in themselves are of little use in ensuring security in the jail, when a portion of the compound wall has collapsed and has not been mended.

It was stated that daily rounds are taken by the higher officials to ensure security. Searches and raids are also conducted regularly to recover illegal/banned article from the inmates. The outcomes of these searches were not indicated.

Solar Lighting

Solar lighting and heating could not only save energy, but also greatly enhance the quality of life of the prisoners. However, there is at present, no program for use of alternate energy. ***It is recommended that the State Government takes it up as priority program in all the jails of the state, starting with central prisons.***

Budget

The jail has a budget of 2.6 crores for the current financial year and is considered sufficient.

Modernisation

It was stated that the jail has no modernisation program at present.

Jail Manual

A new Jail Manual is under implementation in Bihar.

Observations/ Recommendations:-

Although this jail was upgraded as central jail as early as in 1956, in effect, it functions not even as a district jail. Facilities matching the

requirement of a central jail have not been provided, with the result that the inmates are forced to live a degraded life within the prison walls. Some of the suggestions/recommendations are given below:-

A. Short Term Measures

1. **Improving the quality of life of the prisoners** should get the top most priority. Basic rights of prisoners to clean and adequate drinking water, sanitation and bathing facilities and day to day needs ought to be ensured, within a month.

2. Getting rid of criminal gangs

Prisoners should be allowed to live in an atmosphere free from fear. Bad elements need to be weeded out quickly.

3. Undertrials

Immediate steps may be taken to reduce the undertrial population in the jail. Accountability needs to be fixed on the DM/SP/Jail Superintendent. The video-conferencing facility should be made operational at once.

4. Scrutiny of cases

Cases relating to elderly prisoners, female prisoners with children and alleged naxalite prisoners need to be scrutinized quickly to find out the extent of their involvement, for taking remedial measures.

5. Lok Adalats

Lok Adalat needs to be organized regularly. To make it more effective a list of petty cases should be prepared immediately in advance and placed before the court.

6. Legal Aid

With the help of District Legal Authority legal counselling and sanction of legal aid should be made effective.

7. Monitoring of cases

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

8. Remission

Remissions should be allowed in eligible cases

8. Prisoner welfare measures like liberal sanction of parole, telephone facility, facilities for meeting with family members, canteen facilities need to be further strengthened.

9. Visitor's Board

A Visitor's Board needs to be constituted quickly in the jail.

10. Right to health

a. Posting of doctors

At least two doctors (one MO and a LMO) should be posted full time in the jail immediately. In case no LMO is available on regular basis, at least a senior nurse should be posted in the jail to take care of the day-to-day health problems of female prisoners and their children.

b. Improvement of the jail Hospital

The hospital needs to be white-washed, sanitised and cleaned up. Separate Isolation wards need to be set up. The civil surgeon ought to be made accountable for ensuring decent health facilities inside the jail, within a month.

c. Screening for malaria, TB, HIV/AIDs, chronic diseases needs to be organized immediately

d. Screening for mental conditions may be undertaken with the help of reputed mental health institutions. Mentally ill prisoners after their identification ought to be transferred to mental hospitals.

11. Improvements in the condition of women and children

Female prisoners with their children ought to be segregated and kept separately. Separate kitchens may be allowed inside the female wards. Inoculation and vaccination of female prisoners/children/others ought to be taken up on priority. The nearest Anganwadi could be tagged to the jail.

12. Food supply

The cost of food supplied to the prisoners needs to be re-fixed. Supply of adequate quantity and quality of food should be ensured

Kitchen should be made clean and hygienic. LPG stoves are to be installed. Ventilators' are to be provided. Water sources should have well-built platforms around them. Eating spaces/ platforms need to be repaired quickly.

13. Literacy

Literacy program should be strengthened, both for male as well as female prisoners, with the help of volunteers from among the prisoners.

14. Vocational programs need to be restructured so that the prisoners are occupied and are able to earn their livelihood.

Repair of equipment

All equipment in the jail should to be repaired on priority. The contract with BELTRON needs to be reviewed if needed.

B. Long Term Measures

1. A comprehensive modernization plan for the jail needs to be put in place.
2. Filling up of vacant posts should get high priority
3. Delegation and decentralization

Items which can be delegated to Superintendents of jail should be identified and action taken.

4. Rights of women prisoners and their children are to be taken care of by fully implementing the guidelines issued by the Apex Court.

4. Jail Hospital

A proper well-aired, hygienic and modern hospital should be set up, having separate Isolation wards for each of the disease like TB/Malaria/Leprosy etc and with modern diagnostic facilities, along with staff and technicians.

5. Regular Posts of doctors and staff

The posts of medical officers need to be sanctioned in the jail, as also those of supporting staff.

6. Screening for diseases

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

7. Mental illnesses

A system for regular screening for mental illnesses with the help of reputed institutions needs to be put in place. Tie-ups with such institutions would be necessary.

8. AYUSH medical facilities should be provided, especially to older patients.

9. Literacy program

A comprehensive literacy and educational program both for male and female prisoners needs to be chalked out. It should be implemented with NGO support. The Computer centre should start training programs for girls also.

10. **A well-aired, well-lighted modern kitchen** with LPG facilities should be set up. A separate kitchen should be set up for women prisoners. The quality and quantity of food need to be improved/ increased.

11. **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.

12. Training

Wherever possible convicts spending long time in the jail could be trained and their services utilized, especially in the jail hospital.

13. **A visitor's Board** should be constituted having representation of reputed NGOs.

14. **Remission** in eligible cases should be sanctioned on the basis of regular review.

15. **Undertrials**

A monitoring system should be started for tracking undertrials

16. **Functioning of Lok Adalat** needs to be closely monitored and evaluated.

17. **AMC**

All equipment, including the video-conferencing system, should be got repaired. AMCs should be signed with supply agencies.

18. **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.

19. **Alternate energy** needs to be harnessed to have lighting, heating cooking etc.

20. **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.

22. **Untied funds**

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

23. Jail Manual

Although a **new Jail Manual** is put in place in the state its implementation is tardy. The provisions of the new Manual ought to be shared with the prisoners. Jail staff should be trained in implementing the Manual.

Report of S. Jalaja, Special Rapporteur, NHRC on visit to Central Jail, Motihari on 27-12-2013.

Jail Profile and History

The Central Jail, Motihari Bihar was set up as a District Jail in 1935. Earlier it was functioning as a District jail comprising of 12 single-storied wards. The old jail enclosure thus is 78 years old, while the new campus is only 04 years. A modernisation and extension program was taken up in the jail from 2009 onwards. In the extended portion 10 double-storied and one triple-storied wards have been constructed. It was upgraded as a central jail in 2010. According to jail records former Prime Minister Atal Bihari Vajpayee was detained in this jail during the JP agitation in 1974.

Land and infrastructure

The jail is spread over a compound measuring 16.45 acres and the covered area of the jail is about 6 acres. There are altogether 11 buildings, including, those housing 48 barracks for male prisoners and another for female prisoners, 10 cells and a hospital. Prison wards of both old as well as new jail enclosure require extensive repairs. A visitor's room is under construction outside the main jail buildings.

Manpower

Shri Roopak Kumar is the Superintendent of the jail. As per the details given, against total sanctioned staff strength of 264, 53 posts are vacant. One post of Deputy Superintendent, as well as six posts of Asst. Superintendent are vacant. In addition, posts of Accounts Officer, Accountant, Accounts Clerk and 167 Male Warders, 23 Posts of Senior Warders, one Chief Warder and 5 posts of Female warder are vacant.

37 ex-service men are working as Warders. All 4 posts of Medical officers have been filled up.

Jail capacity and occupancy

The jail has a sanctioned capacity of 1885 (1853 male; 32 female), against which the actual number of prisoners present is 1947 (1875 male and 72 female). Out of these, 299 (281 male: 18 female) are session- committed. 267 convicts (261 male: 06 female) are undergoing Rigorous (RI); 171 are lifers. No prisoner is undergoing simple imprisonment. There are no prisoners sentenced to hanging at present. Under trials are 1378 (1330 male: 48 female) in number; 03 are detained under CC Act; 65 are alleged naxalite prisoners. No civil prisoners or foreigners are lodged in the jail.

There is no mandatory segregation of convicted prisoners and under trials in the jail. 13 children, under the age of six, are residing in the jail, along with their mothers (08 boys and 05 girls).

Under-trial Prisoners

Out of a population of 1947 inmates (1875 male;72 female), 1378 (1330 male; 48 female) are under trials of which 21 male and 01 female prisoners (22) are in jail for more than 5 years; 64 male and 07 females (71) are for 3-5 years; 103 male and 10 females(113) for 2-3 years, 157 male and 00 females (157) for 1-2 years , 285 male and 07 females (292) for 6-12 months, 417 male and 19 females (436) for 3-6 months and 574 male and 24 female (598) up to 3 months.

It was stated that the prisoners are regularly being produced before courts, and, that there is no difficulty in securing police escort. Fast-track courts have been set up in the district. It is not, therefore, clear as to why 70% of the population of the jail is languishing in jail as under

trials. Reducing the number of under trials can lead to improvement in the general conditions within the jail.

As proposed in my reports on Central Jail, Muzaffarpur and District Jail Bettiah *Commission may like to consider making a recommendation to the Central/State governments to include it as a criterion, while making annual confidential assessment on the performance of the DM/SP as well as the Jail Superintendent.*

Naxalite prisoners

Motihari is partially affected by Maoist activities, due to proximity to Nepal. 65 alleged naxalites are in jail and 7 are women. They have been booked under various provisions of IPC, Arms Act as well as u/s 17 of CLA Act. There is no separate cell for housing alleged naxalites. On questioning they invariably plead not guilty.

Condition of prisoners.

The barracks housing the prisoners are very old and in pitiable condition. All wards, including the women's wards, are overcrowded with hardly any space for the prisoners to move about. The toilets provided inside the wards badly need repairs. Drains around the buildings are filthy. The entire drainage system urgently needs extensive repairs. The jail authorities claimed that they have taken care of the basic needs of the prisoners. Clothing, bedding, Blankets, soaps etc are being supplied to prisoners.

21 elderly prisoners have been lodged in the jail, their age ranging from 60-80. All of them have been brought to the jail only in 2013. I spoke to four of them. Bhagat Sah is 80 years old. He and three others from the same village have been booked in trial case no: 171/13 u/s

341,323,324,325/34 IPC. Lalita Prasad from village Shikarganj Chiraih is booked under sec 25(1-6)b of Arms Act in case no 108/13 SDM, Shikrana.

There are 21 prisoners who have spent more than 5 years in the jail, including Mori yadav (2007), Mohammed Nazim (2006), Shanker Das (2006) Joka Nut (2005). Their cases are pending in various courts.

Women Prisoners

Against a sanctioned strength of 32 there are altogether 72 women prisoners inside the jail, 05 convicts and 65 under trials. 13 children of 0-5 age group are residing with their mothers.

Five women staff members take care of the children. It was stated that crèche facilities have been provided for children. Toys and play materials are supplied to them. Facilities for playing are also provided. Primary education facilities have been provided for. Although no regular lady doctor is posted a paediatrician visits the jail. Vaccination of children has been taken up. Children are given a special diet of milk, fruits and eggs etc and are provided with utensils and clothing. Despite the claims made by the jail authorities the jail hospital was neither hygienic nor well maintained.

One of the female prisoners is pregnant. It was stated that pregnant women are specially looked after and are inoculated against diseases. I spoke to some of the women prisoners. Arrangements have been made for conducting deliveries in hospitals outside the jail. The women prisoners stated that children are provided with proper diet which includes milk.

I met some of the women convicts in the jail. Maya Devi w/o Shila Singh of Dariyapur is sentenced in a criminal case u/s 304(B) of IPC. Other convicted prisoners include Nilam Devi, w/o Santosh Kumar Pandey from Fakir Tola has a two year old child with her; Najmunisha w/o Vajul Haq, Fakir Tola is 80 years old and is convicted in a dowry case along with other family members, Arvi Devi, w/o late Keval Yadav from Govardhan and Mamta Devi w/o Munna Sah from Mirganj, like others are convicted in murder cases.

68 women prisoners are under trials out of which 48 are booked under various provisions of IPC, 2 under the Arms Act and 18 under the NDPS Act. There are 7 alleged women naxalite prisoners in the jail. Anju Devi alias Simran has been booked under various provisions of the Arms Act as well u/s 17 of the CLA Act. She stated that she is innocent. Shobha Devi has spent 4 years as U/T in a case under NDPS; Sita Devi 30 also booked under the NDPS has a child of two years with her; Rinku 25 also has a child of 3 years with her and is involved in a dowry case. Rajpaty Devi 24 along with her mother Kalawati Devi is booked in a murder case. She has a one month-old baby with her. Pramila 60 is booked U/s 302 IPC. Sunain Kaur 45 is allegedly involved in a dowry case.

There were altogether 8 female prisoners with children staying with them. Mira Devi has 3 children with her; Nilam Devi 2; Sita Devi, Rajpati Devi, Anju Devi, Manki Devi, Priyanka Pandey and Chandravati Devi one each. Out of 12 children 5 are girls and 7 are boys. 5 children are of 2 years; 2 each are of four and one year; one each of 5, 3 and 6 years.

It is seen that the comprehensive guidelines issued by the Apex Court in *Upadhyay Vs the State of Andra Pradesh* dated 1-11-2000 regarding the care of women prisoners and their children have not been properly

implemented in the jail. There are virtually no regular medical facilities provided for their well-being. There is no gynaecologist posted in the jail to take care of the female prisoners and their children. Separate kitchen for women has not been provided for. Providing only selected facilities for care of female prisoners and their children cannot be construed as equal to providing comprehensive care.

No RO system or any other system for purification of drinking water has been installed in the jail.

Mentally ill prisoners

It was stated that six prisoners are being treated for mental illness. It was pointed out that as per the directions issued by the Commission, mentally ill prisoners are to be transferred to mental hospitals for their proper care and treatment.

It is well known that prisoners often suffer from a variety of mental disorders including depression, schizophrenia, epilepsy etc. It is inconceivable that in a jail, with a high prisoner population, only six prisoners have any kind of mental disorder. This could be due to the fact that regular screening for mental illness is not taking place in the jail. ***To ensure early detection and treatment of mental disorders in prisoners, regular screening ought to be carried out with the help of reputed mental health institutions.***

Custodial Deaths /rapes/violence

No violent clashes or any other such incidents have been reported in the jail in the past 3 years. It is stated that 04 deaths were reported in 2010; 08 in 2011; 05 in 2012 and 8 in 2013. It was stated that the

deaths were due to natural causes. Lack of proper and timely medical care appears to be the chief cause of these deaths.

Escape of prisoners/jail break

It was learned that no such incidents were reported in the jail in recent times.

Basic amenities

Water supply and Sanitation

The water supply and distribution in the jail are inadequate with 45 hand pumps. The hand pumps had no platforms. One boring provided by the PHED for pipe water supply within the jail premises is in a poor condition. No RO system or any other system for purification of drinking water has been installed in the jail.

With prisoners numbering nearly 2000 it is not clear how their daily needs of water are being met. There is no proper bathing space available to the prisoners. The bathing platforms have for long outlived their utility.

Although 247 toilets are available 204 are stated to be functional. The toilets too are old and dilapidated and are badly in need of urgent repairs. 74 bathing platforms are available which too need repairs.

Power Supply

It was mentioned that the jail receives power supply for 15-16 hours. One back-up generator of 7.5 capacity is available. The jail authorities ought to ensure that at least one light is available, even when the power supply is off in all the wards to ensure safety.

Food supply

The building in which the kitchen is located is in a dilapidated condition. The kitchen itself is in a sorry state having no exhaust fans to push out the smoke, with dirty floors and broken windows. The food is cooked in extreme unhygienic conditions, although in LPG stoves. The tube well inside the kitchen was without platforms.

It was stated that apart from tea, Chana (gram) and Gur (jaggery) are provided for breakfast, rice, Dal and vegetables for lunch and Roti, dal and vegetable for dinner.

Education

It was stated that *Prerana* Program sponsored by the HRD of the state Government for imparting basic education to prisoners is being implemented in the jail, under which 250 male and 32 women have been made literate. 16 volunteers from amongst the prisoners participated as teachers in the program.

It was indicated that the candidate appearing for the Matriculation and Intermediate Exams are also given coaching. This year 16 prisoners have appeared in the National Open School Examination.

Computer classes for prisoners have been taken up and 90 boys have been trained. Another 20 are undergoing training. It is necessary to extend the program for girls also.

51 prisoners were trained in type-writing while 20 are undergoing training. It would appear that literacy and educational programs within the jail are run in a routine and piece-meal fashion. There is need to

chalk out a comprehensive program targeting different sections of prisoners according to their needs and learning ability.

Jail Hospital

It was stated that medical examination of every prisoner on admission is being followed. Four Medical Officers have been posted in the jail; there is no regular medical officer posted in the jail. She visits the jail on call.

The jail hospital was in a rundown condition. The whole place looked unhygienic. The four medical officers ought to have taken better care of the jail hospital. The hospital has a capacity of 50 beds. All beds were occupied at the time of my visit. An isolation ward has been set up. It was stated that services of specialists are available. Only one Para-medical staff is posted in the jail

The daily average OPD is reported as 55 in the hospital. An ambulance is stated to be available in the jail for emergency use. There is no diagnostic facility attached to the hospital, as such no X-Ray facility is also not available. When every time a need arises the prisoners are to be escorted to already crowded government hospitals and brought back.

It was reported that HIV/AIDS and TB are prevalent amongst the patients. 05 prisoners are detected having HIV/AIDs 2 with Leprosy and 03 prisoners with TB. All of them are kept together. The patients should be segregated. Although it was stated that HIV/AIDs awareness programs are stated to be organized, unless regular screening is done the position cannot be confirmed. There is urgent need to conduct regular health camps in the jail. Medicines are being supplied by the

State Health Society. No shortage was indicated. It was also confirmed that no NGO is involved in the health care of prisoners.

Video-conferencing

Video-conferencing facility is available but **not functional** at present.

Legal Aid

It was stated that in 12-13 cases legal aid has been sanctioned. However, the outcome and effectiveness of the program have not been evaluated.

Lok Adalats

It was stated that Lok Adalats are being organized in the jail on the last Saturday of every month. Only 2-3 prisoners have been set free in petty cases. There is need to evaluate the program and make it more efficient.

Appeals filed-legal assistance/surety

It was confirmed that there is no case where any prisoner is languishing in jail for want of sureties. It is learned that no case of appeal has been filed. There is need for carefully monitoring the cases. Legal aid needs to be sanctioned and free counselling arranged to enable the prisoners to seek appropriate legal remedies.

Parole

Paroles are sanctioned once in a week for under trials and fortnightly for convicts. It was stated that there are no cases where the prisoners on parole have not returned.

Remissions

Prisoners are allowed remission as per law.

Telephone facility/waiting room/visitors

Prisoners are allowed to communicate with their family through telephones. However no PCO is available. A waiting room is being made for visitors. Interviews with family members are allowed once a week to under trails and fortnightly to convicts.

Library

A library is available for the use of the prisoners. However, it needs up gradation.

Cultural programs

It was stated that cultural programs are being organized in the jail every Tuesday and Sunday by the Prisoners Club. Training in handling various musical instruments is being provided to prisoners.

Sports

It was stated that indoor and outdoor facilities for cricket, volley-ball Kabadi, and Foot ball are available in the jail and matches in these items are regularly held.

Religious activities

Religious activities take place in the jail. However, there is no temple or mosque inside the jail. Festivals are collectively being celebrated by the prisoners. On festival days Special diet is offered to prisoners.

Yoga /Gym

It was mentioned volunteers from among the prisoners train others in yoga at present. I was told that a Gym is being used by the prisoners.

TV/News papers/Canteen facilities

TV sets have been provided in the wards.

News papers are also being provided to prisoners. Canteen facilities are also stated to be available.

Vocational Training

No industry has been taken set up in the jail providing employment to the prisoners. Vocational activities including tailoring, bouquet-making and weaving have been taken up for female prisoners. 103 male prisoners were also given in tailoring. 04 are currently undergoing training.

Training is also given in painting. 55 prisoners have already been trained and 11 are undergoing training. 05 prisoners received 'A' grade certificate in an exhibition organized by the Prison Wing of the Home Ministry, Government of India. Besides, their paintings were exhibited on the Foundation Day of Motihari district.

Training is also provided to prisoners in carpentry, metal works and electrical repairs.

It was stated that the state Government has fixed Rs.80/-as remuneration for the trainers; Rs.87 for semi-skilled workers and Rs.121 for skilled workers.

Involvement of NGOs

Services of reputed NGOs are not being utilized for providing various services to prisoners.

Drug De-addiction program

Currently there is no Drug De-addiction program taken up in the jail.

Inspections

During last one year altogether 08 inspections were held by judicial authorities and 02 by non-judicial authorities. The District and Sessions Judge visits the jail every month. The last inspection of the jail was held on 21-12-2012 by the District Magistrate, Motihari.

Security

2/8 strong BMP and 42 Home Guards are guarding the jail. The Special Security has a strength of 20. 15 walkie-talkies are available. Seven towers in the jail are stated to be fully guarded. All 15 CCTVs are stated to be non functional as the UPS is not working. Besides, a mobile jammer and bag scanner each have also been installed. 02 Hand metal detectors and door metal detectors each have been installed. It is not clear whether the *Jail has Annual Maintenance Contracts (AMC) with the supply firms; if not, they should urgently have them.*

Solar Lighting

Solar lighting and heating could not only save energy, but also greatly enhance the quality of life of the prisoners. However, there is at present, no program for use of alternate energy. ***It is recommended that the State Government takes it up as priority program in all the jails of the state, starting with central prisons.***

Budget

The jail has a budget of 1.5 crore for the current financial year and is considered sufficient.

Modernisation

It was stated that the jail has no comprehensive modernisation program at present.

Jail Manual

A new Jail Manual is under implementation in Bihar. There is need to create awareness about its provisions amongst the jail staff as well as the prisoners.

Observations/ Recommendations:-

Although this jail was upgraded as central jail as early as in 2010, in effect, it functions as a district jail. Facilities matching the requirement of a central jail have not been provided. Some of the suggestions/recommendations are given below:-

A. Short Term Measures

1. Improving the quality of life of the prisoners should get the top most priority. Basic rights of prisoners to clean and adequate drinking water, sanitation and bathing facilities and day to day needs ought to be ensured, within a month.

2. Undertrials

Immediate steps may be taken to reduce the undertrial population in the jail. Accountability needs to be fixed on the DM/SP/Jail

Superintendent. The video-conferencing facility should be made operational at once.

3. Scrutiny of cases

Cases relating to elderly prisoners, female prisoners with children and alleged naxalite prisoners need to be scrutinized quickly to find out the extent of their involvement, for taking remedial measures.

4, Lok Adalats

Lok Adalat needs to be organized regularly. To make it more effective a list of petty cases should prepared immediately in advance and placed before the court.

5. Legal Aid

With the help of District Legal Authority legal counselling and sanction 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

A list of remission cases should be got prepared and follow up action taken.

8. **Prisoner welfare measures** like liberal sanction of parole, telephone facility, facilities for meeting with family members, canteen facilities need to be introduced quickly.

9. Visitor's Board

A Visitor's Board needs to be constituted quickly in the jail.

10. Right to health

a. Posting of a Lady doctor

In addition to the medical officers already in position, a LMO should be posted full time in the jail immediately. In case no LMO is available on regular basis, at least a senior nurse should be posted in the jail to take care of the day-to-day health problems of female prisoners and their children.

b. Improvement of the jail Hospital

The hospital needs to be white-washed, sanitised and cleaned up. Separate Isolation wards need to be set up. The civil surgeon ought to be made accountable for ensuring decent health facilities inside the jail, within a month.

c. Screening for malaria, TB, HIV/AIDs, chronic diseases needs to be organized immediately

d. Screening for mental conditions may be undertaken with the help of reputed mental health institutions. Mentally ill prisoners after their identification ought to be transferred to mental hospitals.

11. Improvements in the condition of women and children

Female prisoners with their children ought to be segregated and kept separately. Separate kitchens may be allowed inside the female wards. Inoculation and vaccination of female prisoners/children/others ought to be taken up on priority. The nearest Anganwadi could be tagged to the jail.

12. Food supply

The cost of food supplied to the prisoners needs to be re-fixed. Supply of adequate quantity and quality of food should be ensured

Kitchen should be made clean and hygienic. LPG stoves are to be installed. Ventilators' are to be provided. Water sources should have well-built platforms around them. Eating spaces/ platforms need to be repaired quickly.

13. Literacy

Literacy program should be further strengthened and their quality improved.

14. Vocational programs need to be restructured so that the elderly prisoners are occupied and are able to earn their livelihood.

Repair of equipment

All equipment in the jail should to be repaired on priority. The contract with BELTRON needs to be reviewed if needed.

B. Long Term Measures

1. **A comprehensive modernization plan** for the jail needs to be put in place.

2. **Filling up of vacant posts** should get high priority

3. **Delegation and decentralization**

Items which can be delegated to Superintendents of jail should be identified and action taken.

4. **Rights of women prisoners** and their children are to be taken care of by fully implementing the guidelines issued by the Apex Court.

4. Jail Hospital

A proper well-aired, hygienic and modern hospital should be set up, having separate Isolation wards for each of the disease like TB/Malaria/Leprosy etc and with modern diagnostic facilities, along with staff and technicians.

5. Regular Posts of doctors and staff

The posts of medical officers need to be sanctioned in the jail, as also those of supporting staff.

6. Screening for diseases

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

7. Mental illnesses

A system for regular screening for mental illnesses with the help of reputed institutions needs to be put in place. Tie-ups with such institutions would be necessary.

8. AYUSH medical facilities should be provided, especially to older patients.

9. Literacy program

A comprehensive literacy and educational program both for male and female prisoners needs to be chalked out. It should be implemented with NGO support. A Computer centre for training both boys and girls should be started.

10. Food Supply

A well-aired, well-lighted modern kitchen with LPG facilities should be set up. A separate kitchen should be set up for women prisoners. The quality and quantity of food need to be improved/ increased.

11. **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.

12. **Training**

Wherever possible convicts spending long time in the jail could be trained and their services utilized, especially in the jail hospital.

13. **A visitor's Board** should be constituted having representation of reputed NGOs.

14. **Remission** in eligible cases should be sanctioned on the basis of regular review.

15. **Undertrials**

A monitoring system should be started for tracking undertrials

16. **Functioning of Lok Adalat** needs to be closely monitored and evaluated.

17. **AMC**

All equipment, including the video-conferencing system, should be got repaired. AMCs should be signed with supply agencies.

18. **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.

19. **Alternate energy** needs to be harnessed to have lighting, heating cooking etc.

20. **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.

22. **Untied funds**

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

23. **Jail Manual**

Although a **new Jail Manual** is put in place in the state its implementation is tardy. The provisions of the new Manual ought to be shared with the prisoners. Jail staff should be trained in implementing the Manual.

Report of S. Jalaja, Special Rapporteur, NHRC, on her visit to District Jail, Bettiah on 28-12-13.

Jail Profile and History

Champanan in Bihar is a historic region which now forms the East and West Champanan districts in Bihar. Champanan was made into a district, with Motihari as its headquarters in 1866. West Champanan was carved out of the old Champanan District in 1972, as a result of re-organization of the districts in the state, with Bettiah as its headquarters.

Early history of the jail is not known, except that the old district jail was shifted to the present premises on 13th August, 1999. It is possible that along with the establishment of the District Court in West Champanan, the District Jail was also set up.

Land and infrastructure

The District Jail, Bettiah is located near Manua pul at a distance of 7 kms from Bettiah town. The jail is spread over 52 *Bighas*, with a covered area of approximately 20 *Bighas*. It was stated that some areas remain encroached. The buildings which belong to Bettia Raj are presently in a rundown condition. The *Jamindari* of Bettiah Raj was established by Raja Ugra Sen in the middle of 17th century. Even today most of the buildings in East and West Champanan belong to Bettiah Raj.

Manpower

Shri Samuel Dileep Mitra assumed charge as the Superintendent of the jail w-e-f 17-12-2013. Shri Jagat Narayan Paswan is the Deputy Superintendent since 30-6-2012.

Total Staff strength of the jail is 163, against which 56 are in position. Consequently, 107 posts are vacant. Against two posts of medical officers, no regular postings have been made. No jail administration can be run with 60-70% of staff positions being vacant. Health care of prisoners is badly affected in the absence of health personnel. One MO is working on deputation and visits the jail on call. No lady MO is posted in the jail. It was stated that the wife of the MO visits the jail on call. Other posts, including those of Pharmacist (2) and dresser (2), are vacant. Posts of Assistant Superintendent (2), clerk (2) and all 11 posts of chief warder are also vacant.

The District Jail Bettiah appears to be the last vestige of jails ruled by criminal gangs a quarter century ago.. I was told that in the absence of regular staff, convicts have been allowed to take care of the security of the wards. With a large population of undertrials, this leads to a situation wherein criminals rule the jail. In the absence of a regular Jail superintendent, certain criminals have taken an upper hand in the jail, putting even the jail staff to subordination by threats, blackmail and extortion. On confidential inquiries it was revealed that the following convicted prisoners are virtually ruling the jail ;Lalji Yadav, Gallu Yadav, Supai yadav, Bikhari Yadav, Birbal Yadav and Inderjit Yadav.

I requested the AIG, who accompanied me, to ensure that they are segregated and transferred to different jails. The jail authorities ought to keep a close watch on them. Action also should be taken against the higher officials of the jail for their complicity and their accountability fixed.

Reports also indicate that all was not well with the jail in the past as well. According to a report dated 15-9-2011 which appeared in the electronic media. *Ramesh Chandra Jaiswal, a former Superintendent of District Jail, Bettiah, was lodged in the same prison which was under his charge earlier!* Jaiswal was reportedly arrested on September 10, 2011 while allegedly trying to bribe a sub-divisional police officer (SDPO) not to conduct frequent raids on the district jail. I was told that he has been released about a year ago on bail, and, since retired.

Jail capacity and occupancy

The jail has a sanctioned capacity of 623 (Male 603; 20 female), against which the actual number of prisoners is 877 (male 837; female 40). There are 16 children (8 boys; 8 girls) below the age of 06 staying with their mothers.

702 are under trials (673 male; 29 female); 115 are Session Committed (105 male; 10 female). There are two CCA and Civil Prisoners each. No naxalite prisoners are lodged here. 56 prisoners are undergoing rigorous imprisonment (RI), while none is undergoing simple imprisonment.

Undertrial Prisoners

As stated above out of 877 (837 male; 40 Female) 702 (673 male; 10 female) prisoners are under trials. As per the data provided by the jail authorities, 15 prisoners have spent more than 5 years in the jail; 50 have spent more than 3 years; 35 prisoners more than 2 years ; 100 prisoners more than a year and 125 prisoners more than 6 months. The prison authorities stated that the undertrials are regularly being produced before courts, that there is no difficulty in getting police escorts and that fast-track courts have been set up in the jail. If these arrangements do exist, then it is not clear as to how 702 out of 877 prisoners are still undertrials.

It would be necessary to fix the accountability for reducing the undertrial population on the DM, SP and the Superintendent of the jail and a specific criterion be made in their Annual Confidential Records.

condition of prisoners.

The male prisoners are housed in 16 wards in 10 barracks and 4 Blocks. Women prisoners are accommodated in a single ward. Out of 10 cells 5 are occupied. The jail buildings include a hospital, Gym and library. The additional new building of the jail is under construction on the southern side of the existing jail buildings.

The jail buildings are old and dilapidated and in a state of degeneration, with over flowing drains, fissured floors, broken windows. There is considerable over-crowding in the wards which had no proper ventilation. There is no space between the adjoining beddings with the result that there is no free space within the wards for easy movement. It was claimed by the authorities that

every ward is provided with a TV set, a source of drinking water and a toilet each. The toilets are in a dilapidated and filthy condition. It is a pity that even in modern times the prisoners are forced to live a life of indignity. Watching television programs in dark and damp over crowded holes cannot be a pleasurable experience. On inquiry it was revealed that the prison authorities **are not** supplying bed sheets, soaps and other essential items to the prisoners. Basic rights of prisoners have been violated due to indifference/negligence or corruption among the officials and staff.

I spoke to some of the prisoners. Krishna Ram 25 is booked for alleged theft of a mobile on 23rd July, 2012. He has been in the jail for 17 months. It is not clear why the jail authorities have not placed the matter in the Lok Adalat. The Jail Superintendent should be asked to explain for this lapse. Ramesh Shah 18 is a student and is alleged to be involved in a murder case. His case needs to be scrutinised to find out the extent of his involvement. Ramdev Dom 66 is booked under the NDPS Act. Anwar Khan 85 also booked under the NDPS Act is in jail for last 7 years. His case also needs careful scrutiny. Mithai Shah 62 also booked under the NDPS Act complained that he has been in the jail for the last 2 years. He complained that he has not received any medicine. On verification of his complaint it was found that he has already been given the medicines; it was not made clear whether the medicines were given on the day of my visit though. Behari Paswan also in jail for the last 5 ½ years complained that in his case there has been no hearing. The police administration was requested to look into his case. Amjad Mia and 3 others are involved in a computer theft case and are in jail for the last 22 days. This case also ought to be placed in the Lok Adalat for consideration. Brajendra Mishra is allegedly involved in an NDPS case for carrying narcotic materials in his tractor. He complained that it was without his knowledge. He has been in jail for the last 12 months. Kishori Ram allegedly involved in a murder case stated that a false case has been booked against him. Guljar Ram 80 is also booked under the provisions of the NDPS Act.

I have earlier pointed out in my visit reports on other states that the practice of arresting 80-year olds under NDPS and the Dowry Prohibition Act needs to be reconsidered. It remains a paradox that the big operators who indulge in the illicit business go scot-free, while those who sell narcotics in retail - often their entire families with elderly members and little children - remain incarcerated in jail for years together under the tough provisions of NDPS Act.

Rights of Women Prisoners

All 40 prisoners and their 16 children are housed in a single ward. As in other wards there was no space here to move about freely. The jail authorities claimed that crèche facilities are available. It was difficult to make out anything in the over-crowded female ward.

I spoke to some of the female prisoners. Leelavati Devi 55 is alleged to be involved in a murder case. Babita Devi 35 also booked under sec.302 IPC has a baby of 3 years with her. Arti Devi 35

is involved in a criminal case u/s 364(A). She is suffering from kidney disease. She has four daughters back at home. Ambaya Khatun 30 is also booked u/s 302 IPC. She has four children.

Hassena Khatun 35 is booked under sec 366A IPC for trafficking offences. Chinta Devi 35 and Sapna Devi 35 are also involved in the same case.

Susheela Devi 55 is allegedly involved in a dowry case. Haseena Khatun 35 has 5 children and one of them is with her at present. Santi Devi 60 had no one at home. She is booked under NDPS Act; so also Sangeeta Raut, Nurjahan Khatun and Nurain Khatun alleged for committing the same offence too have very small children. Meera Devi 25 also with 2 children has another three back at home. Manju Devi has one child of 4 years with her and no one to care of her 3 children back at home. Rima Devi, allegedly involved in a trafficking case under 366(A) IPC, delivered a baby in the jail. Uma Devi 45 and Urmila Devi 55 are allegedly involved in theft case u/s 379&411 IPC and has been in jail for nearly one month. Their cases need to be placed before the CJM.

Without having any educational or proper vocational programs to keep themselves busy, the women prisoners were constantly fighting /quarrelling/screaming at each other; the jail staff were mere onlookers and they failed to ensure even a basic level of discipline in the ward. Scenes in the female ward at best could be described as chaotic. Life of little children inside the over-crowded wards with women prisoners constantly abusing each other and quarrelling amongst themselves can only be imagined.

It was mentioned that one teacher is deputed to teach the children who are with the women prisoners. Another teacher from Samasya Kendra teaches women in basic skills. Women prisoners themselves practice tailoring in the Women's ward. I did not witness any such ongoing activities. There is no separate kitchen for women prisoners in the jail, although on inquiry the nursing mothers and children confirmed that they were getting milk as part of their diet.

Despite the above mentioned claims, the care of women and children on the whole appeared to be wholly unsatisfactory. Without the presence of a regular lady doctor, health care of women prisoners and their children is compromised. The comprehensive guidelines issued by the Apex Court in RD Upadhyay Vs the State of Andhra Pradesh on 1-11-2000 on the care of women and children have been grossly violated.

Rights of mentally ill prisoners

It was stated that only one prisoner^{was} mentally ill. It is inconceivable that out of a prison population of more than 800 prisoners only one patient has been identified. Even normal prisoners living in the dreary conditions in this jail are bound to develop depression and other mental conditions. On inquiry it was revealed that there is no psychiatrist in the entire district! This is no excuse for not having regular screening of prisoners with the help of reputed mental care institutions, as prisoners generally suffer from a variety of conditions, including depression, schizophrenia,

epilepsy etc. The mentally ill prisoners, after their identification must be transferred to a mental care institution.

Custodial Deaths /rape/violence

Two custodial deaths were reported in the jail in 2011 and four cases in 2012; however, no deaths were reported in 2013. Those who died include Chabila Rai (70), Bhagad Yadav (60), Bhimal Yadav (70), Ramnath Ram (30), Pappu singh (32) and Baban Ram (35). It is learned that reports have been sent to NHRC, except in one case. No incident of rape or custodial violence has been reported in the jail last year although the media had reported that at least 17 prisoners were injured in a clash between two groups of inmates of the jail on 22 Nov, 2012 because of a dispute between two prisoners, while being taken to court in a jail vehicle.

Escape of prisoners/jail break

It was stated that no such incident has been reported in recent times. However the jail authorities need to be vigilant in the matter.

Right to water supply and sanitation

A bore well and pipelines for distribution set up by the PHED are stated to be available in the jail campus. The pipelines are corroded and leaking; they need replacement.

The toilets are unhygienic and are in very bad condition in the jail. Out of 44 toilets, 24 are not functional. In fact all toilets badly need extensive repairs. Bathing platforms are not available and the prisoners take bath in the open.

Power Supply 24 hours

Power supply is said to be available for 18-20 hours. Although a back up generator of 7.5 kg capacity is available, the same is **dysfunctional**. A new generator of higher capacity is needed in the jail.

Food supply

The condition of the kitchen is very bad with no proper ventilation as exhausts have not been provided for. Cooking is done in coal- fired stoves. The quality of the food supplied is very poor. One of the young prisoners complained to me that he doesn't get sufficient quantity of food to fill his stomach. The others complained about the quality. It is learned that expenditure is Rs 39/- per person is too meagre, especially compared to the the soaring food prices in the market. At this minimum cost only poor quality food could be supplied. In fact, when I reached the jail it was noon time. I could find a near rioting situation as rice cooked was exhausted and the prisoners were protesting. Timely distribution of food, that too the right quantity and quality to the prisoners is a must in any jail.

It was also noticed that the concrete seatings provided to prisoners for having their meals have outlived their utility and prisoners had no proper place for taking their meals in peace.

Right to education

The HRD of the state government is stated to be implementing the *Prerna* program in jails for imparting basic education to prisoners. It is unfortunate that even this basic program is not being implemented in the jail. No computer training programs are being run in the jail; although a computer with internet facilities are said to be available. Basic literacy program could be run with volunteers from among the prisoners.

Right to health

Primitive hospital facilities are available in the jail, with 18 beds. Only 5 beds were occupied at the time of my visit. The hospital was filthy and unhygienic. As stated there is only an MO on call to take care of the patients. Services of a lady MO are not available. It was stated that the Civil Surgeon sets up a medical Board to examine the patients and those who are very ill are referred to the Government hospital for treatment. This procedure is time taking and difficult to implement. It is not clear as to what prevents the civil surgeon from posting two regular doctors, including a lady doctor, instead of following this cumbersome procedure. One health worker is on deputation from MJK Hospital, Bettiah. An ambulance is said to be available for emergency services. *With 16 children and nursing mothers lodged in the jail, it is a pity that health care is one of the most neglected areas in the jail.* The whole atmosphere of the jail hospital is one of neglect and indifference. Although it was stated that screening is done for malaria and other diseases, patients have not been segregated. No isolation wards have been set up. Regular health camps need to be organized in the jail. Regular screening for contagious diseases like Malaria, TB, and chronic diseases like cancer, diabetes etc also needs to be taken up. No diagnostic facilities are available in the jail. Every time a test is to be conducted on the patient, he/she has to be escorted and taken out to an already crowded government hospital.

Video-conferencing

It was stated that on the average 40 prisoners are being produced before the court through video-conferencing. However, I was told that the system is not functional due to a strike by the employees of Beltron staff due to non-payment of salary.

Legal Aid

Only 40 prisoners have been provided legal aid so far. Legal aid system should be more effective and efficient.

Lok Adalats

It was stated that Lok Adalats are being held in the jail. The prison authorities were not able to state the number of cases disposed of. No review appears to have been done to evaluate the program.

Appeals filed-legal assistance/surety

It was indicated that no such cases have come to the notice of the prison authorities. It is clear that no monitoring is done of the cases.

Parole

It was stated that there were no prisoners on parole at present. It would appear that no case of parole is allowed to prisoners or else this is not being monitored properly. This is a serious matter. Parole should be allowed as per rules and a strict watch should be kept on return of prisoners from parole.

Telephone facility/waiting room for visitors

There is presently no system of prisoners being allowed telephone facility to communicate with their families. There is no waiting room where meeting with family members are facilitated. It was stated that a new waiting room is under construction. Not allowing communication with their families and not providing facilities for the same are again serious violations of human rights. A visitor's Board is not functional.

Recreation

It is seen that no programs for recreation of the prisoners have been taken up are taken up.

Library

The library with 123 books is poorly maintained.

Cultural programs

It is understood that no cultural programs are being organized in the jail.

Sports

It was stated that cricket and badminton are being organized in the jail. A Gym is available.

Religious activities

Yoga

No yoga programs are organized in the jail.

TV/News papers

TV sets are available in all wards. News papers are stated to be supplied to the prisoners.

Vocational Training

It is seen that vocational trainings are not being organized in the jail. In Bihar jails skilled workers are paid Rs.192 and 152 semiskilled and Rs 151 for unskilled work. In the absence of any program the prisoners are deprived of their earnings.

Drug De-addiction program

No program on Drug de-addiction program has been started in the jail.

Inspections

It was stated that regular inspections are carried out in the jail. I was told that the DM/Sp had inspected the jail. It is clear that inspections reports are not being followed up.

References from NHRC

A reference relating to the custodial death of one Ramnath Ram s/o Dunmun Ram has been received in the jail from NHRC. The viscera investigation reports have already been sent to the Commission vide letter Nos.2400 dated 20-12-2013 and 2513 dated 27-12 2013. The first Class Judicial Magistrate has been requested to conduct the Magisterial inquiry vide letter No. 2514 dated 27-12-2013.

Security

It was reported that a raid was carried out in the jail on 21-12-2013 and 4-5 mobiles being illegally kept by the prisoners were recovered. There are 15 CCTVs in the jail; all are stated to be in working condition. All four towers are well guarded.

It was indicated that with the help of Beltron 15 Nos of CCTVs, 2 Hand Metal Detectors, 2 Door Metal Detectors, one generator and VC system, an IBM computer with UPS, one siren and 15 walkie- Talkies have been procured for the jail. However, the CCTV Camera and other equipment are not currently working due to a *hartal* by the employees of Beltron.

Solar Lighting

It is seen that there has been no attempt to harness alternate systems of energy in the jail. This would have minimized energy consumption, reduced the costs and improved the quality of the life of prisoners.

Budget

Tracking the money spent is very important as far as this jail is concerned. Keeping in view the gross mismanagement of the jail, a separate audit is needed to find out the expenditure under various heads.

Jail Manual

It was indicated that the jail has started implementing the new jail manual. It is not clear as to how the new manual is implemented, when even the provisions of the old manual are not being presently followed. Improving the basic facilities in the jail ought to be a pre-condition for implementing the new jail manual.

Modernisation

It was stated that new wards are being constructed in 6 blocks out of which 1-24 wards have been constructed. Extension of the female ward is under consideration. A modern visitor's room with facilities for drinking water/toilets is also under construction. The modernization of the jail appears to be taken up in a piecemeal manner. A comprehensive plan for modernization of the jail needs to be drawn up; thereafter it could be implemented in phases.

Observations/ Recommendations:-

West Champaran is an old and established district in Bihar. Therefore commensurate with the development programs in the district in recent times, modernization of the jail too ought to have been taken up by the administration. Although this jail is in operation since 1999 in the present campus, facilities matching the requirements of a district jail have not been provided, with the result that the inmates are forced to live a degraded life within the prison walls. Some of the suggestions/ recommendations are given below:-

A. Short Term Measures

1. Improving the quality of life of the prisoners should get the top most priority. Basic rights of prisoners to clean and adequate drinking water, sanitation and bathing facilities and day to day needs ought to be ensured, within a month.

2. Getting rid of criminal gangs

Prisoners should be allowed to live in an atmosphere free from fear. Bad elements need to be weeded out quickly.

3. Undertrials

Immediate steps may be taken to reduce the undertrial population in the jail. Accountability needs to be fixed on the DM/SP/Jail Superintendent. The video-conferencing facility should be made operational at once.

4. Scrutiny of cases

Cases relating to elderly prisoners, female prisoners with children need to be scrutinized quickly to find out the extent of their involvement, for taking remedial measures.

5. Lok Adalats

Lok Adalat needs to be organized regularly. To make it more effective, a list of petty cases should be prepared immediately in advance and placed before the court.

6. Legal Aid

With the help of District Legal Authority legal counselling and sanction of legal aid should be made effective.

7. Monitoring of cases

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

8. Remission

A list of remission cases should be got prepared and follow up action taken.

8. Prisoner welfare measures like liberal sanction of parole, telephone facility, facilities for meeting with family members, canteen facilities need to be introduced quickly.

9. Visitor's Board

A Visitor's Board needs to be constituted quickly in the jail.

10. Right to health

a. Posting of doctors

At least two doctors (one MO and a LMO) should be posted full time in the jail immediately. In case no LMO is available on regular basis, at least a senior nurse should be posted in the jail to take care of the day-to-day health problems of female prisoners and their children.

b. Improvement of the jail Hospital

The hospital needs to be white-washed, sanitised and cleaned up. Separate Isolation wards need to be set up. The civil surgeon ought to be made accountable for ensuring decent health facilities inside the jail, within a month.

c. Screening for malaria, TB, HIV/AIDs, chronic diseases needs to be organized immediately

d. Screening for mental conditions may be undertaken with the help of reputed mental health institutions. Mentally ill prisoners after their identification ought to be transferred to mental hospitals.

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Female prisoners with their children ought to be segregated and kept separately. Separate kitchens may be allowed inside the female wards. Inoculation and vaccination of female prisoners/children/others ought to be taken up on priority. The nearest Anganwadi could be tagged to the jail.

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The cost of food supplied to the prisoners needs to be re-fixed. Supply of adequate quantity and quality of food should be ensured

Kitchen should be made clean and hygienic. LPG stoves are to be installed. Ventilators' are to be provided. Water sources should have well-built platforms around them. Eating spaces/ platforms need to be repaired quickly.

13. Literacy

Literacy program should be started immediately, both for male as well as female prisoners, with the help of volunteers from among the prisoners. Those appearing for Matriculation /intermediate exams should be coached.

14. Vocational programs need to be restructured so that the prisoners are occupied and are able to earn their livelihood.

Repair of equipment

All equipment in the jail should to be repaired on priority. The contract with BELTRON needs to be reviewed if needed.

B. Long Term Measures

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2. Filling up of vacant posts should get high priority

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Items which can be delegated to Superintendents of jail should be identified and action taken.

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The posts of medical officers need to be sanctioned in the jail, as also those of supporting staff.

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

7. Mental illnesses

A system for regular screening for mental illnesses with the help of reputed institutions needs to be put in place. Tie-ups with such institutions would be necessary.

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A comprehensive literacy and educational program both for male and female prisoners needs to be chalked out. It should be implemented with NGO support. A Computer centre for training both boys and girls should be started.

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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.

19. Alternate energy needs to be harnessed to have lighting, heating cooking etc.

20. 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.

22. Untied funds

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

23. Jail Manual

Although a new Jail Manual is put in place in the state its implementation is tardy. The provisions of the new Manual ought to be shared with the prisoners. Jail staff should be trained in implementing the Manual.
