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Anil Pradhan, IPS (Retd.)
Special Rapporteur, North-East Zone
National Human Rights Commission
New Delhi



23 4151/2014-PRP/1
15/3742/CA
15/9/14

'Ratnalaya', Upland Road
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Dear *Shri. Kochher,*

Enclosed, please find a report on my visit to the District Jail, Hailakandi on August 28, 2014. I was accompanied by Shri. Sarfroz Haque, ACS, Executive Magistrate, Shri. Kamal Chandra Bora, DySP (Hqs.), Hailakandi, Shri. Habibur Rahman Borbhuiyan, Superintendent, Hailakandi District Jail and Shri. Abhikesh Sarkar, Jailor, Hailakandi District.

*1098/AS(P&A)
10/9*

N.H.R.C.
SP DIVISION
3 CELL UNIT
22 SEP 2014
Dy. No. 199

best wishes,

Yours sincerely,

[Signature]
10/09/2014
(Anil Pradhan)

*4530/DS(A)
22/9/14*

Shri. J.S. Kochher
Joint Secretary (P&A)
Manav Adhikar Bhawan
Block 'C', GPO Complex
Behind INA Market
New Delhi 110023

MS Suta, PA
SPM
DS CAT
15/9

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HAILAKANDI DISTRICT JAIL, ASSAM

1. **Date of Visit:** I visited Hailakandi District Jail, on August 28th, 2014, around 10:50 AM. I was accompanied by Shri. Sarfroz Haque, ACS, Executive Magistrate, Shri. Kamal Chandra Bora, DySP (Hqs.), Hailakandi, Shri. Habibur Rahman Borbhuiyan, Superintendent, Hailakandi District Jail and Shri. Abhikesh Sarkar, Jailor, Hailakandi District.

2. **Introduction:** This jail was established in **1901** as a lockup jail till 1980. In 1981, it was declared as a District Jail.

The jail is situated in the heart of the town, in a very congested locality hardly a stone's throw from the Circuit House. A busy road runs just outside the thick perimeter wall of the jail.

3. **Prison Population:** This jail was meant to accommodate only 58 (M=54; F=4) when it was a lockup jail. Today, there are 112 (M=108; F=4). As such, there is **massive over-crowding** in this jail.

The breakup of the inmate population is as follows:

CATEGORY	MALE	FEMALE	TOTAL
Convicts	48	0	48
Under Trial Prisoners	58	2	60
Child with Prisoner	1	2	3
Foreigners (Bangladesh)	1	0	1
TOTAL	108	4	112

The 3 (three) children are with their mothers; one mother has 1 son, the other, 2 daughters. All the children are less than 3 yrs. old.

Of the 60 UTPs, only 7 (seven) cases have been Charge-Sheet. The remaining 53 (fifty-three) are still with the Investigation Officers (IOs) of different police stations of the district. The details are:

YEAR	No. of Cases
2009	1
2010	1
2011	2
2012	2
2013	3

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HAILAKANDI DISTRICT JAIL, ASSAM

2014	48
TOTAL	57

This discrepancy in figures is because SNo. 8 has 3 cases (+2) pending against his name; SNo. 26 has 2 cases (+1) and SNo. 29 has 2 cases (+1). This totals to 7 cases; so 57-7=50 cases (**Annexure 'A'**).

4. **Staff:** There are 26 staff members in the Hailakandi District Jail. This includes the Medical and Health Officer and the Lower Division Assistant (LDA). One post of Warder (M) and another of Warder (F) are lying vacant here. The sanctioned strength and actual strength is given below:

Staff	Sanctioned Strength	Actual Strength	Vac.
Superintendent	1	1	
Jailor	1	1	
Asst. Jailor	1	1	
Head Warder (M)	2	2	
Warder (M)	15	14	1
Warder (F)	3	2	1
Doctor	1	1	
Pharmacist	1	1	
LDA	1	1	
Driver	1	1	
Sweeper	1	1	
TOTAL	28	26	2

There is no vehicle attached to the jail though a driver is available here.

5. **Land and Building:** The area of the jail complex is barely 1.5 bighas. Of this, 1 bigha holds the jail complex and is enclosed by a brick wall built in 2002-03.

I was informed that 20 (twenty) bighas of land has already been acquired at Narainpur village, about 5 (five) kms. from the town. A

new jail is under construction there. I visited the outskirts of the land but could not go to the spot owing to the absence of a motorable road.

There are 7 wards here. Six are for Males while one is for Female inmates.

Only one staff quarter is available for the Jailor and another one for the Male Warders. The one meant for the Head Warder is in an unserviceable condition.

6. **Sanitation:** The overall sanitary condition in the jail premises is satisfactory. The presence of a Sweeper is of considerable help.
7. **Food and Kitchen:** There is one kitchen for the whole jail complex. Food for the female inmates is also cooked here and taken to the Female Ward. However, there is no sanctioned post of Cook. Six UTPs and Convicts help in the daily cooking of food. In the absence of cooking gas, firewood is used here.
8. **Clothing and Bedding:** There are no uniforms for the convicts who are supposed to wear a convict's uniforms as per Rule 235 of the 'Rules for Management of Jails in Assam' contained in 'Assam Jail Rules' Part III made under the Prisoners Act, 1894, (**Annexure 'B'**). Other pieces of bedding items are issued as per scale.
9. **Education:** There is no school inside the jail premises owing to space restrictions. Also, no effort seems to have been taken to look after this aspect of the inmates.
10. **Prison Industries:** There is no Craft Instructor here and no jail industry as space is at a premium here. The inmates have nothing to do.
11. **Interviews:** This facility is granted everyday to the inmates from 10 am to 3 pm with a limit time of 10/15 mins. per inmate, barring holidays. As there is no Interview Room, the gate window of the jail is used for this purpose. A register is maintained.
12. **Correctional programme:** There are no Counsellors in this Jail. As such, this important main-streaming of the inmates has not taken place.
13. **Recreational Activities:** Only some of the wards have TV sets, that too, donated by some NGO or the other. Indoor games like chess, ludo, carom, volley-ball, are available for both male and female inmates. Outdoor activities are not possible owing to non-availability of space. Two newspapers are supplied from time to time.
14. **Health and Hospital:** The doctor informed that there is no hospital inside the jail complex. Only a small OPD is available. Those inmates requiring hospitalisation are referred either to Civil Hospital, Hailakandi or to Silchar Medical College. Medicines are purchased locally as well as procured from Joint Director of Health Services, Hailakandi.

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HAILAKANDI DISTRICT JAIL, ASSAM

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15. **Remission:** Remission is practised in the jail as per Rules for convicts only. The IG (Prisons) can grant remission of 60 days, the Superintendent 30 days while the Government grants remission not only for 30 days but also on the occasion of Republic Day. General remission of 2 days is also granted both for good behaviour and for good work. All this information is written in the History Ticket of each convict who are locked away for more than one year.

16. **Leave and Parole:** This is being practiced here for convicts only. The CJM grants 20/30 days leave on an emergency request after a satisfactory report is obtained from the concerned police station. Earlier, the IG (Prisons) was authorised to sanction this privilege but after 68 or 69 prisoners failed to return to the jail on expiry of their leave or parole period, a more lengthy procedure was put in place.

17. **Pre-mature Release:** Nil

18. **Status of Investigation and Trial pending against UTPs:**

There are many inmates whose cases have not been decided by the investigation officers of different police stations. There appears to be a strong need to appeal to the Magistrates concerned to release those inmates who are behind bars for over 60 or 90 days as per provisions of 167 CrPC. This would not only look after the human rights of these inmates but would also de-congest this over-crowded jail.

19. **Appeal:** Two appeals are pending in the Supreme Court while two more are with the High Court, Gauhati. The details are:

Name of Convict	Pending Court	Date of Appeal
AC 2035 Mena Mia	Supreme Court	23/06/2014
AC 1881 Swapan Rajbonshi	Supreme Court	15/05/2014
AC 2025 Dipu Nayak	Gauhati High Court	03/06/2014
AC 2036 Maktar Ali	Gauhati High Court	05/06/2014

20. **Legal aids for inmates:** The District Legal Aid Service (DLAS) depute lawyers to this jail every second and fourth Saturdays.

21. **Board of Visitors:** The Board of Visitors lapsed in February 2014. It has not been re-constituted, I believe. The dates of visit of this Board to Hailakandi Jails are, 04/02/2012, 14/02/2012 and 25/04/2013. Notification No. HMB.89/82/Pt.I/46 dt. 04/02/2014 is at **Annexure 'C'**

22. **Departmental Inspections:** The Inspection Register has been mixed up with the Visitor's Book. Rule 11 and Rule 12 of the 'Rules for Management of Jails in Assam', contained in 'Assam Jail Rules' Part III

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HAILAKANDI DISTRICT JAIL, ASSAM

made under the Prisoners Act, 1894, contain instructions regarding Inspections of jails by the Inspector-General and its transmission to the Superintendent of the concerned jail (**Annexure 'D'**):

23. **Interaction with inmates:** Most of the inmates I interacted with had just two complaints – old age inmates and completion of 20 years imprisonment, with remission.

Truly pathetic were the cases of old inmates. Their details are:

- | | | |
|----------------------------|---|-----------------|
| 1. Jalal Uddin Choudhury | - | 85 years |
| 2. Hussain Ahmed | - | 80 years |
| 3. Safique Uddin Barbhuiya | - | 80 years |
| 4. Isai Mia Barbhuiya | - | 78 years |
| 5. Abdul Hakim Laskar | - | 70 years |
| 6. Smritikanta Das | - | 65 years |
| 7. Abdul Matim | - | 65 years |
| 8. Moina Deb | - | 65 years |
| 9. Amar Singh Chettri | - | 65 years |

Convict Mia Barbhuiya claimed that he was a juvenile when the offence was committed. He was sentenced to RI for 8 years in 2003. **His case deserves a second look as the trial court does not appear to have carried out an age-determination medical test at the nearby Silchar Medical College.**

Convict Smritikanta Das, a life convict, complained of not being released even after completion of 20 years, including remission period.

The problem of release from jail after completion of 20 years imprisonment, including remission period, appears to have cropped up after September, 2013. The IG (Prisons), Assam vide Memo No. PRI.268/2012/71 dt. 06/09/2013, conveyed the following Supreme Court order (**Annexure 'E'**):

"There is a misconception that a prisoner serving life sentence has an indefeasible right to release on completion of either fourteen years or twenty years imprisonment. The prisoner has no such right. A convict undergoing life imprisonment is expected to remain in custody till the end of his life, subject to any remission granted by the appropriate Government under section 432 of the Cr.P.C. The grant of remission is statutory. However to prevent its arbitrary exercise, the legislature has built in some procedural and substantive checks in the statute. These need to be faithfully enforced.

Remission can be granted under section 432 of the Cr.P.C in the case of a definite term sentence. The power under this Section is available only for granting "additional" remission, i.e. for a period over and above the remission granted or awarded



to a convict under the Jail Manual or other statutory rules. If the term of sentence is indefinite (as in life imprisonment), the power under Section 432 of the Cr.P.C. certainly be exercised but not on the basis that life imprisonment is an arbitrary or notional figure of twenty years of imprisonment.

Before actually exercising the power of remission under Section 432 of the Cr.P.C. the appropriate Government must obtain the opinion (with reasons) of the presiding Judge of the convicting or confirming Court. Remission can, therefore, be given only on a case-by-case basis and not in a wholesale manner."

In other words, the proposal of the IG (Prisons) to the State Government should contain the view of the convicting or confirming court. This appears to have resulted inordinate delay, thus **violating the human rights of the convicts**. The remedy to this problem may lie in processing the case of such convicts a few months in advance.

24. Summary and Recommendations:

1. The jail is over-crowded and in the heart of the city. It is an old structure of 1901. Most of the wards are in a dilapidated condition. The inmates deserve to be treated with due human dignity. The construction of a new jail may be expedited.
2. The 2 vacancies Male Warder (1) and Female Warder may be addressed early.
3. Water supply to the latrines inside the wards may be improved to obviate the foul smell during the night.
4. The kitchen needs immediate improvement by way of basic renovation, running water supply and a switch-over to gas.
5. Convicts may be issued their proper uniforms. Currently, all the inmates are dressed in casual civilian clothes and all of them are mixed together. In other words, UTPs and convicts mix about freely and there is no segregation.
6. There are no Counsellors assigned to this Jail. There is a special need for them here.
7. The cases of pre-mature release may be decided early. An element of unlawful detention appears to have crept in here.
8. Police investigation needs to be speeded up. A number of UTPs are detained beyond the prescribed legal period.

HAILAKANDI DISTRICT JAIL, ASSAM

9. The cases of the four convicts who have appealed to the Supreme Court and to the High Court, Gauhati may need attention.
10. An Inspection Register as provided for in Rule 11 and Rule 12 of the 'Rules for Management of Jails in Assam' contained in 'Assam Jail Rules' Part III made under the Prisoners Act, 1894 may be maintained.
11. The cases of the 9 (nine) inmates who are in their 60's and 80's need immediate attention. They hardly seemed a threat to society, judging by their physical appearance and mental frame of mind.



10/09/2014

(Shri. A. Pradhan) IPS (Retd.)
Special Rapporteur, NE Zone
National Human Rights Commission

(9)

LIST OF UTPs OF DISTRICT JAIL HAILAKANDI AS ON
28-08-2014.

A Page-1.
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S/No.	Name of UTP	Case Ref. & Section	Police station	C.S. — dt. —	Remarks.
1.	Rabindra Gowala,	G.R. C/NO. 684/2014 U/S. 448/376(2)(G) IPC.	Katlichehra Police Station	C.S. NO. 57, dt. 12-8-14	
2.	Debendra Reang	Sessions case No. 13/2014 U/S. 302 IPC	Ramnathpur P.S.	CS	
3.	Kabir Husain Laskar.	G.R. Case No. 611/2014 U/S. 380 IPC.	Ramnathpur P.S.	C.S. NO. 22, dt. 31-5-14	
4.	Abdul Rahim Laskar @ Futul Mia.	Hailakandi P.S. C/NO. 411/2014 U/S. 379/511 IPC.	Hailakandi P.S.	C.S. NO. 162, dt. 27-7-14	
5.	Shahim Uddin Kazi	Sessions case No. 31/2014 U/S. 376 IPC.	Algapur P.S.	CS	
6.	Chutotal Gowala.	G.R. C/NO. 667/2014 U/S. 376(2)(b)(i)(n) IPC.	Algapur P.S.	C.S. NO. 51, dt. 25-6-14	
7.	Raju Das.	G.R. C/NO. 1055/2014 U/S. 380 IPC.	Panchgram P.S.	C.S. NO. 25, dt. 31-7-14.	

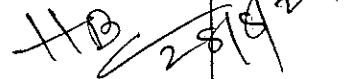
H/O
28/8/2014

Superintendent
District Jail, Hailakandi

28/8/14

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1	2	3	4	5	6
8.	Aimul Haque Laskar.	① G.R. C/NO. 54/2012 U/s. 447/294/335/427/506 ② G.R. C/NO. 1115/2012 U/s. 326 I.P.C. ③ Sessions C/NO. 6/2009 U/s. 302 I.P.C.	Lala P.S. —do— —do—		
9.	Gangaram Kabaz	Sessions C/NO. 69/2014 U/s. 366 (A) I.P.C.	Hailakandi P.S.		
10.	Ratanlal Rikhasan	Sessions case NO-48/14 U/s. 366 (A) I.P.C.			
11.	Abdul Kalam	Panchgram P.S. C/NO. 75/2014 U/s. 457/380 I.P.C.	Panchgram P.S.		
12.	Alim Uddin Laskar.	Lala P.S. C/NO. 215/2014 U/s. 379 I.P.C.	Lala P.S.		
13.	Dilip Roy.	Katlichera P.S. C/NO. 124/2014 U/s. 302 I.P.C.	Katlichera P.S.		
14.	Abul Husain Mazharulhuq	Hailakandi P.S. C/NO. 442/14 U/s. 420/406/468/384 I.P.C.	Hailakandi P.S.		


 Superintendent.
 District Jail, Hailakandi
 28/8/14

Contd to P/3

1	2	3	4	5	6
15.	Abdul Husain Barbhuiya.	Hailakandi P.S. C/No. 455/14. U/s. 380 IPC.	Hailakandi P.S.		
16.	Isak Ali Mira.	Panchgram P.S. C/No. 59/14 U/s. 302 IPC.	Panchgram P.S.		
17.	Rahan Uddin Choudhury	Panchgram P.S. C/No. 59/14 U/s. 302 IPC.	Panchgram P.S.		
18.	Bwehan Uddin Choudhury	— do —	— do —		
19.	Dilwat Husain Mazarbhuiya	Ramnathpur P.S. C/No. 55/14 U/s. 302/39 IPC.	Ramnathpur P.S.		
20.	Smti Ayesha Begom Mazarbhuiya along with two female children.	— do —	— do —		
21.	Kishore Satma.	Hailakandi P.S. C/No. 482/14 U/s. 379 IPC	Hailakandi P.S.		
22.	Islam Uddin	Sessions C/No. 57/14 U/s. 366 (A) IPC.	Algapur P.S.		
23.	Kamal Uddin Choudhury	Ramnathpur P.S. C/No. 29/14. U/s. 147/447/307 IPC. R/W-sec. 27 Arms Act.	Ramnathpur P.S.		
24.	Abul Hussain.	— do —	— do —		

HB
28/5/2014
Superintendent
District Jail, Hailakandi
28/5/14

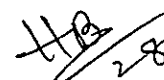
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1	2	3	4	5	6
25.	Faruk Ahmed Barbhuiya	Hailakandi P.S. C/NO. 450/14 u/s. 341/384/506 IPC.	Hailakandi P.S.		
26.	Sabil Husain Jalukder @ Abdul Kalam Jalukder	G.R. C/NO. 828/11 u/s. 379 IPC ② Hailakandi P.S. C/NO. 366/14 u/s. 457/380 IPC.	do do		
27.	Rahim Uddin Laskar	G.R. C/NO. 884/13 u/s. 448/353/354/332 IPC	Hailakandi P.S.		
28.	Makliskur Rahman Barbhuiya.	G.R. C/NO. 648/13 u/s. 378/420/324/34 IPC.	Katlichera P.S.		
29.	Jahur Uddin Mozumder	G.R. C/NO. 69/14 u/s. 353/307/120(B)/34 IPC R/W Sec. 27 Arms Act. ② G.R. C/NO. 56/14 u/s. 447/365/120(B)/34 IPC.	Ramnathpur P.S. do		
30.	Riju Ahmed Barbhuiya.	G.R. C/NO. 829/11 u/s. 379 IPC.	Hailakandi P.S.		
31.	Ziadul Haq Laskar	Lala P.S. C/NO. 222/14 u/s. 395 IPC.	Lala P.S.		
32.	Shahin Husain Mozumder.	do	do		

HD
 Superintendent
 District Jail, Hailakandi
 28-8-2014
 21/9/14


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1	2	3	4	5	6
33.	Abjal Husain Barbhuiya.	Algapur P.S. C/NO. 64/14 WS. 366 (A) IPE.	Algapur P.S.		
34.	Abdul Rauf Mazumder.	Panchgram P.S. C/NO. 11/14 WS. 365/379 IPE.	Panchgram P.S.		
35.	Birbal Bhumi to	Sessions case 60/14(A) WS. 147/341/325/326/307/341A	Lala P.S.		
36.	Atom Uddin Barbhuiya	G.R. C/NO. 1487/10 WS. 341/323 IPE.	Hailakandi P.S.		
37.	Skalin Uddin Laskar.	Hailakandi P.S. C/NO. 434/14	— do —		
38.	Jakir Husain Laskar.	Lala P.S. C/NO. 180/14 WS. 341/325/302/34 IPE.	Lala P.S.		
39.	Akram Uddin Laskar.	— do —	— do —		
40.	Mojibul Rahman Laskar.	— do —	— do —		
41.	Raju Baishnab.	G.R. C/NO. 916/13. WS. 457/380/411 IPE.	Hailakandi P.S.		
42.	Abjal Husain Laskar.	Hailakandi P.S. C/NO. 368/14. WS. 379 IPE.	Hailakandi P.S.		


 28/8-2014
 Superintendent
 District Jail, Hailakandi
 28/8/14

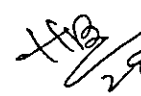

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1	2	3	4	5	6
43.	Amu Debnath	Panchgram P.S. C/No. 68/14 WS. 154/380 I.P.C.	Panchgram P.S.		
44.	Khalil Uddin	Lala P.S. C/No. 222/14 WS. 395 I.P.C.	Lala P.S.		
45.	Faizul Rahman	— do —	— do —		
46.	Kalam Uddin	— do —	— do —		
47.	Nur Islam Laskar	Katlicherra P.S. C/No. 123/14 WS. 354/379/420 I.P.C.	Katlicherra		
48.	Oloyah Husain Barbhuiya	G. R. C/No. 639/14 WS. 302/34 I.P.C.	Lala P.S.		
49.	Mojib Uddin Laskar	Hailakandi P.S. C/No. 464/14 WS. 457/380 I.P.C.	Hailakandi P.S.		
50.	Afjal Husain Barbhuiya	— do —	— do —		
51.	Kutu Das	G. R. C/No. 1083/14 WS. 34/342/302/34 I.P.C.			
52.	Sankar Das	Katlicherra P.S. C/No. 86/14 WS. 304(B)/34 I.P.C.	Katlicherra P.S.		
53.	Babul Banik	Panchgram P.S. C/No. 55/14 WS. 379 I.P.C.	Panchgram P.S.		
54.	Kanai Banik	— do —	— do —		


 Superintendent
 District Jail, Hajjakerani
 28/8/14

Contd to P/7

1	2	3	4	5	6
55.	Kamal Uddin Laskar	Ramnathpur P.S. C/No. 57/14. U/S. 147/148/149/448/326/302 IPC.	Ramnathpur P.S.		
56.	Kabir Husain Mazorbhuiya.	Ramnathpur P.S. C/No. 55/14. U/S. 302/34 IPC.	— do —		
57.	Ali Husain Laskar.	Ramnathpur P.S. C/No. 57/14 U/S. 147/148/149/448/326/302 IPC.	— do —		
58.	Sikwar Husain Laskar.	— do —	— do —		
59.	Sokila Begom Laskar alongwith male child.	— do —	— do —		
60.	Dhiren Ree.	Hailakandi P.S. C/No. 462/14 U/S. 447/325/326/34 IPC.	Hailakandi P.S.		


 28-8-2014.
 Superintendent
 District Jail, Hailakandi.
 28/8/14

Extract of Rules 235 of the 'Rules for Management of
Jails in Assam' contained in 'Assam Jail Rules' Part III
made under the Prisoners Act, 1894

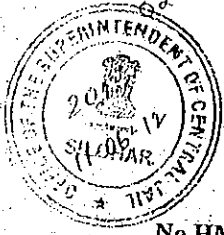
ANNEXURE 'B'

Rule 235. **Clothing for Convicts.** Every prisoner sentenced to rigorous imprisonment shall be provided with jail clothing according to the scale laid down in Chapter XXII.

DEPUTY COMMISSIONER
CACHAR, SILCHAR.GOVERNMENT OF ASSAM
HOME (B) DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 4th Feb/2012

No.HMB.89/82/Pt.I/46 : Under Rule 20 read with Rule 25 of the Assam Jail Manual, the Governor of Assam is pleased to constitute the following Boards of Visitors for Jails in Assam for a period of 2 (two) years with immediate effect.

1. Superintendent Central Jail, Silchar

- | | |
|----------------------------------------------------------------------------------|----------|
| 1. District Magistrate, Silchar | Chairman |
| 2. Chief Judicial Magistrate, Silchar | Member |
| 3. Sri Alok Sankar Dutta, Nag-Naha Lane, Silchar | " |
| 4. Sri Atindra Mohan Sinha, Kali Mohan Road, Silchar | " |
| 5. Sri Dibyajyoti Barua, President, Cachar Zila Parishad, Koombhar T.E., Silchar | " |
| 6. Smti Trishna Nandi, College Road, Silchar | " |

2. Superintendent District Jail, Diphu

- | | |
|-----------------------------------------------------------------------|----------|
| 1. District Magistrate, Diphu | Chairman |
| 2. Chief Judicial Magistrate, Diphu | Member |
| 3. Sri Anil Ch. Hazarika, Barbilgaon, Hawraghar, Diphu | " |
| 4. Sri Kahai Bey, Dongkamakam, Baithlangso, Diphu | " |
| 5. Sri Praloy Kr. Choudhury, M.G.Road, Opp.Latika Cinema Hall, Diuphi | " |
| 6. Smti Sika Beypi, Rukasen, Diphu | " |

3. Superintendent Sub Jail, Hamren

- | | |
|---------------------------------------------------|----------|
| 1. Sub-Divisional Officer, Hamren | Chairman |
| 2. Sub-Judicial Magistrate, Hamren | Member |
| 3. Sri Richard Hanse, Hamren. | " |
| 4. Smti Rika Timungpi, Dongkamakam, Baithalangsho | " |

4. Superintendent Central Jail, Tezpur

- | | |
|-----------------------------------------------------------|----------|
| 1. District Magistrate, Tezpur | Chairman |
| 2. Chief Judicial Magistrate, Tezpur | Member |
| 3. Dr. Manoj Mirdha, Ward No.5, Ramsing Road, Tezpur | " |
| 4. Sri Batharam Mahanta, Rangamati Bihaguri, Tezpur | " |
| 5. Sri Ashok Basu, Balipara Town, Tezpur | " |
| 6. Smti Ranjana Chakravarty, Advocate, Dhekiajuli, Tezpur | " |

5. Superintendent District Jail, Marigaon

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|-------------------------------------------------------------|----------|
| 1. District Magistrate, Marigaon | Chairman |
| 2. Chief Judicial Magistrate, Marigaon | Member |
| 3. Samsul Haque, Bhuragaon, Marigaon | " |
| 4. Habibur Rahman Siddique, Nagabandha, Marigaon | " |
| 5. Sri Babul Das, Jhargaon, Jagiroad, Marigaon | " |
| 6. Smti Smriti Rekha Gohain, Gohaigaon, Ward No.5, Marigaon | " |

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for up to 11-6-12

ADCL (Moguna)

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| <u>6. Superintendent Central Jail, Nagaon</u> | Chairman |
| 1. District Magistrate, Nagaon | Member |
| 2. Chief Judicial Magistrate, Nagaon | " |
| 3. Sri Bijoy Chakravarty, Jogijan, Nagaon | " |
| 4. Md. Faizul Haque, Gopal Nagar, Hojai | " |
| 5. Sri Bipradas Paul, Lauka, Nagaon | " |
| 6. Smti Abida Begum, Islam Nagar, Hojai | " |
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| <u>7. Superintendent District Jail, Mangaldoi</u> | Chairman |
| 1. District Magistrate, Mangaldoi | Member |
| 2. Chief Judicial Magistrate, Mangaldoi | " |
| 3. Md. Faizul Haque Saikia, Ward No.2, Mangaldoi | " |
| 4. Sri Jyoti Prasad Sahaaria, Bhukabari, Nipajbar | " |
| 5. Md. Fazrul Rahman, Buri Guon, Phalapetia | " |
| 6. Mrs. Preetilekha Barua, Upahapara | " |
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| <u>8. Superintendent District Jail, Biswanath Chariali</u> | Chairman |
| 1. District Magistrate, Sonitpur | Member |
| 2. Chief Judicial Magistrate, Sonitpur | " |
| 3. Smti Bijoya Devi, Golia, Panibhand, Sonitpur | " |
| 4. Sri Uma Basumatary, Lao Dalani, Sonitpur | " |
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| <u>9. Superintendent District Jail, Karimganj</u> | Chairman |
| 1. District Magistrate, Karimganj | Member |
| 2. Chief Judicial Magistrate, Karimganj | " |
| 3. Sri Satu Ray, President DCC, Karimganj | " |
| 4. Sri Ketaki Prasad Dutta, Ex-MLA, North Karimganj | " |
| 5. Dr. Karauluddin Ahmed, Retd, Principal, Karimganj College | " |
| 6. Mrs. Anjali Dutta Choudhury, AP Member, R.K. Nagar | " |
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| <u>10. Superintendent District Jail, Goalpara</u> | Chairman |
| 1. District Magistrate, Goalpara | Member |
| 2. Chief Judicial Magistrate, Goalpara | " |
| 3. Proh. Ranjoo Choudhury, Retd. Principal | " |
| 4. Proh. ASR Ahmed, Vice Principal | " |
| 5. Abdul Baseed, Retd, Addl. S.P. | " |
| 6. Shri Prahlad Das, Ex- Chairman, SC | " |
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| <u>11. Superintendent District Jail, Sivasagar</u> | Chairman |
| 1. District Magistrate, Sivasagar | Member |
| 2. Chief Judicial Magistrate, Sivasagar | " |
| 3. Shri Anil Ch. Dutta, Advocate | " |
| 4. Shri Sankar Agarwala, Social Worker | " |
| 5. Shri Rajani Chankakaati, Retd. Manager | " |
| 6. Mrs. Hiramoyee | " |
|
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| <u>12. Superintendent District Jail, Barpeta</u> | Chairman |
| 1. District Magistrate, Barpeta | Member |
| 2. Chief Judicial Magistrate, Barpeta | " |
| 3. Shri Arjun Ch. Das, Public Utility | " |
| 4. Smt. Prity Das, Advocate | " |
| 5. Shri Harun Ojha, Advocate | " |
| 6. Shri Ranjit Das, Advocate | " |

- 13. Superintendent District Jail, Hailakandi**
 - 1. District Magistrate, Hailakandi Chairman
 - 2. Chief Judicial Magistrate, Hailakandi Member
 - 3. Shri Nurul Huda Laskar, Advocate "
 - 4. Shri Ujjal Kr. Das, Advocate "
 - 5. Shri Basun Kr. Singha, Retd. Professor "
 - 6. Smti Yasmin Choudhury, Social Worker "

- 14. Superintendent District Jail, Nalbari**
 - 1. District Magistrate, Nalbari Chairman
 - 2. Chief Judicial Magistrate, Nalbari Member
 - 3. Shri Dahren Das, Retd. Lecturer "
 - 4. Sshri Kishore Hazarika, Advocate "
 - 5. Shri Rangeela Dutta, Retd. HM "
 - 6. Smti Bharati Deka Patgiri, Advocate "

- 15. Superintendent District Jail, North Lakhimpur**
 - 1. District Magistrate, Lakhimpur Chairman
 - 2. Chief Judicial Magistrate, North Lakhimpur Member
 - 3. Shri S L Baruah, Retd. Engineer, PWD, NLP "
 - 4. Shri Arup Borah, Advocate "
 - 5. Shri Hemanta Kr. Baruah, Retd. Principal "
 - 6. Smti Rekha Phukon, Retd. Principal "

- 16. Superintendent District Jail, Haflong**
 - 1. Sub-Divisional Officer, Haflong Chairman
 - 2. Sub-Judicial Magistrate, Haflong Member
 - 3. Shri T. Changsan "
 - 4. Shri Tihangllai Daulagupu "

- 17. Superintendent District Jail, Majuli**
 - 1. Sub-Divisional Officer, Majuli Chairman
 - 2. Sub-Judicial Magistrate Member
 - 3. Shri Josheswar Hazarika, Lecturer "
 - 4. Sshri Arup Borah, Advocate "

- 18. Superintendent District Jail, Tinsukia**
 - 1. District Magistrate, Tinsukia Chairman
 - 2. Chief Judicial Magistrate, Tinsukia Member
 - 3. Shri Mantosh Dutta, Advocate "
 - 4. Shri Kartick Dutta, Advocate "
 - 5. Smti Sangeeta Sharma, Advocate "
 - 6. Ahri Santanu Das, Retd. Principal "

- 19. Superintendent District Jail, Abhayapuri**
 - 1. Sub-Divisional Officer, Abhayaouri Chairman
 - 2. Sub-Judicial Magistrate, Abhayaouri Member
 - 3. Shri Bijoy Bhagabati, Retd. Principal "
 - 4. Mrs. Marami Barthakur, Eminent poet "

- 20. Superintendent Central Jail, Jorhat**
 - 1. District Magistrate, Jorhat Chairman
 - 2. Chief Judicial Magistrate, Jorhat Member
 - 3. Shri Prafulla Rajguru "
 - 4. Shri Jagat Ch. Barthakur "
 - 5. Shri Bhaba Goswami "
 - 6. Smti Binita Dutta "

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21. Superintendent District Jail, Dhemaji

1. District Magistrate, Dhemaji
2. Chief Judicial Magistrate, Dhemaji
3. Shri Sabeswar Chuti
4. Dr. H M Dewri
5. Smti Binita Garidia Choudhuri
6. Shri Dev Das

Chairman
Member
"
"
"
"

22. Superintendent District Jail, Dhubri

1. District Magistrate, Dhubri
2. Chief Judicial Magistrate, Dhubri
3. Smti Manja Goswami
4. Shri Tezmel Haque, Social Worker
5. Shri Binoy Bhattacharjee, Social Worker
6. Shri Paresh Ch.Das, Social Worker

Chairman
Member
"
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"
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Sd/- G.D.Tripathi,
Secretary to the Govt. of Assam
Home Department

Memo No.HMIL.89/82/pt.1/46-A

Dated Dispur, the 4th Feb/2012

Copy to:-

1. The P.S. to the Hon'ble Chief Minister, Assam.
2. The P.S. to Hon'ble Minister, Jail for appraisal of Hon'ble Minister.
3. The Inspector General of Prisons, Assam, Khanapura, Guwahati-22.
4. The District Magistrate, ~~Silchar~~ *Silchar*
5. The Chief Judicial Magistrate, _____
6. The Sub Divisional Officer (Civil), _____
7. The Sub Divisional Judicial Magistrate, _____
8. All Superintendents of above named Jails, _____
9. All Members above named.
10. The Superintendent, Assam Govt. Press, Bomanihulam, Guwahati-21 for publication of the notification in the next issue of Assam Gazette.

By order etc.,

[Signature]
Joint secretary to the Govt. of Assam
Home Department

Memo.No.CAJ.9/99/46 -A Dated Silchar the 8th June, 2012

Copy to -

1. The Superintendent, Central Jail, Silchar for information necessary action.

[Signature]
Addl. District Magistrate,
Cachar, Silchar.

4/6/12

Extract of Rules 11 and 12 of the 'Rules for Management of Jails in Assam' contained in 'Assam Jail Rules' Part III made under the Prisoners Act, 1894

ANNEXURE 'D'

11. **Inspection of jails by Inspector-General** - (1) He shall inspect all departments of every jail at district headquarters and at Shillong at least once a year and of every jail at sub-divisional headquarters and at Tura, Kohima and Aijal at least once in two years.

(2) During each inspection he shall personally see every prisoner then in confinement in the jail, he shall give every prisoner a reasonable opportunity of making any application or complaint and shall investigate and dispose of such as relate to jail discipline.

(3) He shall inspect the yards, wards, cells, worksheds, and other enclosures, shall examine the garden, enquire into the character of the water-supply, the conservancy arrangements, and the medical administration, shall see the food and ascertain that it is of proper quality and quantity, and generally satisfy himself that the building and premises are in proper order.

(4) He shall inspect all journals, registers and books maintained in every department of the jail, and initial or countersign them in token that he is satisfied that they are maintained in accordance with rules. He shall satisfy himself that the orders of Government regarding the arrangement and periodic destruction of records are observed.

(5) He shall inspect the warder establishment, satisfy himself as to its proficiency in drill and musketry, inspect its arms and accoutrements, and test the ability of each jail officer of the upper subordinate establishment to drill the guard.

12. **Memorandum of inspection to be supplied to Superintendent** - Immediately after the inspection the Inspector-General shall furnish the Superintendent with a memorandum embodying his opinion of the manner in which the jail is administered, the extent to which the officers appear familiar with their duties, together with any suggestions or order for the guidance of the Superintendent.

GOVERNMENT OF ASSAM
OFFICE OF THE INSPECTOR GENERAL OF PRISONS, ASSAM

No. PR1.268/2012/71

Dated Guwahati the 06/09/2013

OFFICE MEMORANDUM

Government of India, Ministry of Home Affairs (CS Division) has issued advisory vide No. V-17013/2/2013-PR dated 01/02/2013 to all State Governments in respect of granting of remission which is quoted below:-

Section 433-A of the Cr.P.C. reads as follows:-

433-A. Restriction on Powers of Remission or Commutation in certain cases

Notwithstanding anything contained in section 432, where a sentence of imprisonment for life is imposed on conviction of a person for an offence for which death is one of the punishments provided by law, or where a sentence of death imposed on a person has been commuted under section 433 into one of imprisonment for life, such person shall not be released from prison unless he had served at least fourteen years of imprisonment.

The Supreme Court decided that:

There is a misconception that a prisoner serving life sentence has an indefeasible right to release on completion of either fourteen years or twenty years imprisonment. The prisoner has no such right. A convict undergoing life imprisonment is expected to remain in custody till the end of his life, subject to any remission granted by the appropriate Government under section 432 of the Cr.P.C. which in turn is subject to the procedural checks in that Section and the substantive check in Section 433-A of the Cr.P.C. The grant of remission is statutory. However to prevent its arbitrary exercise, the legislature has built in some procedural and substantive checks in the statute. These need to be faithfully enforced.

Remission can be granted under section 432 of the Cr.P.C. in the case of a definite term sentence. The power under this Section is available only for granting "additional" remission, i.e. for a period over and above the remission granted or awarded to a convict under the Jail Manual or other statutory rules. If the term of sentence is indefinite (as in life imprisonment), the power under Section 432 of the Cr.P.C. can certainly be exercised but not on the basis that life imprisonment is an arbitrary or notional figure of twenty years of imprisonment.

Before actually exercising the power of remission under Section 432 of the Cr.P.C.

the appropriated Government must obtain the opinion (with reasons) of the presiding Judge of the convicting or confirming Court. Remission can therefore be given only on a case-by-case basis and not in a wholesale manner.

As per advisory issued, State Governments has directed to take action in conformity with the advisory of the Government of India vide letter No. HMB.85/2005/PI-II/187 dated 04/09/2013. All the Superintendents are to obtain application from the convicts or from their relatives when necessary, at least three months before completion of actual imprisonment of 14 years and sentence of 20 years including remission earned. In doing so, the Superintendents should apply their mind and process every individual case on merit supported by proper records including remission cards. Further, Superintendents should obtain the opinion of the Presiding Judges from the convicting courts and enclose their opinion along with the proposal submitted to the Inspector General of Prisons, Assam. In case the convict has been in Jails away from the jurisdiction of the convicting court, the Superintendent of Jails where the convict has been detained should route the proposal through the Superintendents of the Jail located in the jurisdiction of the convicting court to obtain views from the presiding officers of the convicting courts. In case, it is required to obtain views from the presiding officer of the confirming court, Inspector General of Prisons, Assam shall take steps for obtaining views in such cases. After the processing and considering all the aspects stated in the Government of India's advisory, the Inspector General of Prisons, Assam shall submit the proposal to Government for issue of orders for remission.

s.d./
Inspector General of Prisons, Assam.

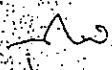
Dated Guwahati the 06/09/2013.

Memo No. PRI.268/2012/71-A

Copy to:-

- 1) The Secretary to the Government of Assam, Dispur for information and necessary action.
- 2) All the Dy. Inspector General of Prisons of Range and Headquarter for information.
- 3) All Superintendents of Jails for information. Dist. Jail/Central Jail.

Haulawandi


Inspector General of Prisons, Assam.