

Contents

Sl. No.	Title	Pages
1.	Introduction	1
2.	On inmate population	3
	1. Juveniles 2. Mentally ill and disabled inmates 3. Women and Children 4. Convicts 5. Under Trial Inmates	
3.	On Capacity	8
	1. Overcrowding 2. Stakeholder Capacity <ul style="list-style-type: none"> a. Understaffing and Jail Administration b. Legal Services Authority 	
4.	On Conditions	10
	1. Living conditions of inmate population 2. Living and working conditions of correctional home administration	
5.	Meeting with panel of Legal Aid Counsels and Jail Visiting Lawyers of Morigaon	12
6.	Meeting with Inmates	17
7.	Meeting with Deputy Commissioner, Morigaon	18



COLLABORATIVE NETWORK FOR RESEARCH AND CAPACITY BUILDING

C1 | Damayanti Mansion | Satya Bora Lane | Dighalipukhuri East | Guwahati 781001 | Assam | India

Mobile +91 8134960253 | **Email** info@studionilima.com | **Website** studionilima.com

<https://docs.google.com/document/d/1lwIhod3XgxhPEAd92OjbNY5vAmQzGVLU/edit>

Visit to District Jail, Morigaon

15th September, 2019

1. Introduction

The team reached the Circuit House, Morigaon at 10 am. Mr. Nilay Dutta and Mr. R.C Borpatragohain, Advocate General, Assam had a meeting with the panel of Legal Aid Counsels and Jail Visiting lawyers of Morigaon. Mr. Pranjal Das, District and Sessions Judge, Morigaon and Mr. Anurag Jintoo Borah, Secretary, District Legal Services Authority ("DLSA"), Morigaon were present.

The purpose of the visit was to understand and observe the implementation of the recommendations made by the Hon'ble Supreme Court in its orders in *Re-Inhuman Conditions in 1382 Prisons* W.P(C) 406 /2013 and the National Legal Services Authority's ("NALSA") Statement of Procedure(SOP) for the UnderTrial Review Committee ("UTRC") by the District Judiciary and the Jail Administration; as well as identification of grievances and shortcomings the Legal Aid Counsels (LACs), the District Legal Services Authority ("DLSA") and the Jail Administration along with the inmates, with respect to free legal aid, living conditions and so on.

The team from Studio Nilima: Collaborative Network for Research and Capacity Building (hereinafter referred to as Studio Nilima) consisted of the following members:

1. Mr. Nilay Dutta, President
2. Mr. Surajit Bharali
3. Mr. Nandan Sarkar
4. Mr. Arnab Das
5. Ms. Moonmoon Laskar
6. Ms. Ankita Paul
7. Ms. Bonnya Boruah
8. Mr. Anubhab Atreya



Mr. Ramesh C. Borpatragohain, Advocate General, Assam, had joined us for the Morigaon District Jail visit.

On conclusion of the meeting, the details of which are recorded below at Section no. 5, the team proceeded towards the jail. The interaction between the team and the jail authorities and inmates was facilitated by the DLSA members and the District and Sessions Judge. Mr. Gautam Borah, Jailor and Mr. Tapash Kr. Bhuyan, Assistant Jailor welcomed Mr. Pranjal Das, District and Sessions Judge ("DSJ"), Morigaon, Mr Nilay Dutta, President, Studio Nilima, Mr. Ramesh BorpatraGohain, Advocate General, Assam, and Mr. Surajit Bharali, Advocate, Gauhati High Court. The team interacted with the jail staff led by Mr. Pradip Kr. Bharali, Superintendent of Jail, Morigaon. After a preliminary exchange of views, the team proceeded into the jail, guided by Mr. G. Borah, Jailor. The team focused on inspecting the physical aspect of the jail premises and noted the complaints of the inmates of the jail.



2. On inmate population:

1. **Juveniles:** We came to know of one juvenile (suspected) during our visit to the Correctional home; Dilbahadur Moral had been at the Correctional home for about a month, having Jagiroad P.S. Case no. 547/19. He was booked under section 363/376 of the Indian Penal Code. Studio Nilima shall send a letter to DLSA, Morigaon recommending ossification test for the aforementioned (suspected) juvenile and follow up on the matter.

On our previous visits, it was mentioned to the team that often the age of juveniles were increased owing to the disinclination of jail officials to send them to juvenile homes located far from the correctional home. Construction of juvenile homes at district level could be seen as a solution and the same can be taken up with the government by the team from Studio Nilima.

2. **Mentally ill and disabled inmates:** Before the correctional home visit, 11 cases of mentally ill inmates were referred to the team visiting the correctional home, wherein the inmates—due to the stressful conditions of prison life – had become mentally ill upon confinement. Mr. Nilay Dutta had an interaction with one such inmate, Mr. Rajiv Sinha, who resided in ward no. 9 of the correctional home and looked rather desolate. Rajiv Sinha, an under trial prisoner and a resident of West Bengal, had been residing at the correctional home for almost 5 years. During the first session between stakeholders, his case had been discussed by members of Legal Aid Counsel (hereinafter referred to as “LAC”) and he had mentioned to one of the LACs that in case he is released on P.R bond he would return only if it is feasible to him.

An inmate, named Md. Abdul Jabbar, diagnosed to be suffering from facioscapulohumeral muscular dystrophy by Guwahati Medical College Hospital (GMCH), is 80% disabled according to a disability certificate issued by District Social Welfare Officer, Morigaon.

The jail hospital was functioning with two rooms- one for the doctor in attendance and another for the pharmacist; no ward for hospitalisation was located. A room is marked for



establishing an appropriate ward. Funds were found to be severely inadequate to maintain necessary infrastructure and facilities that are required for running a proper hospital; there were no hospital wards specifically for women. At the jail hospital, a list of mentally ill inmates was displayed, which mentioned the following names (subject to verification):

1. Jyoti Kr. Nath
2. Adaham Ali
3. Puni Ram Nath
4. Alam Basar
5. Rajkumari Biswas
6. Kushal Hira
7. Atikul Islam
8. Rartam Medhi
9. Tankeshwar Das
10. Hansadhar Bhattacharya
11. Simanta Hira

A check at the prescriptions for the mentally ill inmates, revealed that many patients were prescribed the same drug, irrespective of the condition/illness. There were concerns raised about the jail doctor on deputation and his inadequacy treat patients properly. A psychiatrist visits the correctional home two to three times a month and prescribes the mentally ill inmates medicines that are required, which are arranged for from Nagaon along with other medical supplies. The team considers the same to be inadequate and has advised appropriate procedures stipulated in the law as well as directions of the Supreme Court. This aspect will need to be monitored in regular intervals.

3. **Women and children:**

While Mr. Nilay Dutta (President, Studio Nilima), Mr. Ramesh BorpatraGohain (AG, Assam), Pranjal Das (DSJ, Morigaon) and Anurag Jintoo Borah (Secretary, DLSA – Morigaon) along with members of Studio Nilima, Collaborative Network for Research and Capacity Building (hereinafter referred to as “Studio Nilima”), District Judiciary and



jail administration staff visited the Jail Hospital, female members of Studio Nilima visited the women's ward.

The female ward of the correctional home housed two inmates, Joymoti Das and Bibha Gogoi, and a child. Our team had met Joymoti Das during the previous visits and thus she was quite comfortable with us. Bibha Gogoi, though new to Studio Nilima's work, was open and candid. She revealed that she was subjected to domestic violence in the hands of her husband as well as her in-laws. Upon filing a case, the husband was called for questioning by the police. She claims that the husband committed suicide – unable to deal with the pressure – and the in-laws lodged a complaint against Bibha Gogoi. However, as we exited the women's ward, a Para Legal Volunteer ("PLV") gave a different insight. The PLV claimed that Bibha Gogoi informed her husband of her wish to leave him upon his return (the husband was out of station), which the husband could not bear and thus committed suicide.

The women's ward's only child was the four year old son of Joymoti Das; an extremely shy boy; repeated coaxing from his mother failed at making him tell us his name. It was a grave concern, for not just the mother but the female staff at the jail, that the boy was so shy. They attributed his nature to the lack of human interaction outside the four walls of the women's ward. He is not allowed to mingle with the children of the staff quarters which, the female warder believes, would help him become more sociable. An "anganwadi worker" visits the jail once a week to teach the child while Bibha Gogoi does what she can with whatever limited resources they have.

When asked about the lack of facilities at the women's ward, the inmates stated that they wished they had access to training and resource materials and a provision to earn daily wages like the male inmates. However, unlike the wards for male prisoners, the women had beds made of concrete. In comparison to the previous visits of Studio Nilima to District Jail, Morigaon, the women's ward was not overcrowded and thus there was a



sense of serenity. Although, sanitary napkins are provided, there are no gynaecologists with frequent access to the jail.

4. Convicts –

Inmates, whose cases had been taken up by Studio Nilima during the previous visits, inquired about the progress in their case. Jitra Heera was informed that the case is with our team and that follow-up would be done on the same and communicated with him through the Jail Administration and/or the Para Legal Volunteers residing within the correctional home of Morigaon. Dipak Medhi was informed that his case had been sent to the Supreme Court; he also requested that his sentence be reduced by half. Raboti Bharali, an inmate whose sentence had been commuted from life imprisonment to 8 years; Nagendra Kumar has served 10 months of his life sentence, hails from Bihar and has not been able to prepare his documents (members of Studio Nilima plan to forward his case to the Gauhati High Court Legal Services Committee); Shankar Patowary stated to be serving 20+20 years sentence, which everyone assumed to be concurrent sentencing - he claims that his family is illiterate and thus unable to proceed with the case and has been advised to contact the LACs. He needs further treatment for his hernia condition. A common problem, identified by the jail visiting lawyers, amongst most inmates tends to be their lack of knowledge about general and specific rights available to them.

- Capital Punishment: information received with respect to Death Sentence Ref. No. 1/2015; name of appellants being Sri Sanjay Chandra, Sri Bhim Das alias Susanka and Sri Mohan Teron, charged under section 302/364A/201 read with section 34 of the IPC.

(Note: In a letter addressed to the Inspector General of Prisons, Assam, inmates sought for leave on the grounds of visiting their parents or children or to help in repair work for their houses. It was signed by 39 inmates. They mentioned that constables took money to compensate for the charges for leave; Mr. Nilay Dutta asked the PLV, Abul Hassen, to make efforts to connect with inmates on their legal matters).



5. Under Trial Inmates-

The topic of onerous bail conditions and the interventions therein was put up for discussion during the meeting with the panel of LACs and Jail visiting Lawyers as would be further available in the records under Section No. 5 below. Most of the lawyers present stated that there was no active intervention on their sides and were advised to bring these cases to the notice of the Under-Trial Review Committee ("UTRC"). One of the lawyers pointed out that even during their last visit there was a case where parole was claimed but they were sceptical as they were not confident about the conduct of the inmate. (The case of Rajiv Sinha who is an undertrial on a charge under S. 376 IPC was highlighted as he has been in the home for almost 5 years. However, he mentioned to one of the LACs that in case he is released on P.R bond he will return only if it is feasible to him.)

At the said meeting, it was unanimously agreed upon that bail remains the main issue for undertrial inmates. However, there are not too many cases of default bail under S. 167 CrPC which is encountered by the jail visiting lawyers. Mr. Dutta mentioned about the role that organisations like Studio Nilima can play in situations which are beyond the means of lawyers based locally.

In the course of the visit into the jails, various inmates came to us seeking help and furnished details about their cases; Md. Mirjahan Ali was one of the 19 people accused in the same case, who had surrendered, he claimed to be charged under section 379 of Indian Penal Code ("IPC"); Samsher Ali was identified as a professional bailor, however, he later informed the Studio Nilima team members that he was wrongfully accused of kidnapping a woman when he went to collect owed money from her husband and that he does not have a Legal Aid Counsel. The attention of the Legal Aid Counsel, Jail Authorities and the representatives of the DLSA, Morigaon took elaborate notes as regards such grievances of the inmates. Studio Nilima will continue to monitor the development on later visits and correspondences with DLSA, Morigaon in future.



3. On Capacity:

1. **Overcrowding:** The correctional home authorities furnished us with a document outlining the prison population, which showed a total population of 284 inmates at the jail, however, the total prison population was 288 inmates according to the board outside the Superintendent's office. The lodging of inmates as on 15th of September, 2019 was as follows:

	MALE	FEMALE	TOTAL
Remanded UTP	160	1	161
Sessions UTP	20	-	20
Convict SI	3	-	3
Convict RI	93	1	94
TOTAL	276	1	273
Civil Prisoner	-	-	-
Under NDPS Act	9	-	9
ULA(P) Act Prisoner	1	-	1
TOTAL	286	2	288

During the interactive session between the team members of Studio Nilima, the Advocate General of the State of Assam and participants from the Morigaon District Judiciary, it was noted that the problem of overcrowding did not arise, until recently when 19 accused in the same case had surrendered. There were no cases of custodial death at District Jail, Morigaon.

2. Stakeholder capacity

a. Understaffing and Jail Administration

The posts for two head warders are vacant and correspondence about the same had been sent to the prison headquarters up to five times but the posts are yet to be filled. Posts for a



female warder and two male warders also remain vacant. This poses a problem for the existing staff members in executing their duties fully. Although the Morigaon District Jail has an in-house jail doctor, an LAC informed us that doctors are not very keen on being permanently posted in jails and suggested deputing doctors on a short time basis from Civil Hospitals outside the region.

b. Legal Services Authority

Legal Aid Counsels have separate days demarcated for visits to jail in such a manner that one or the other lawyers is visiting every day. It was found later during the visit that the common hall in the correctional home is used as a space for the lawyers to meet with the inmates during the visit every day from noon to 2 pm. There was no mention of understaffing as such, however, the Legal Aid Counsels were asked to go through the directions of the Hon'ble Supreme Court.

On the functioning of UTRCs, Mr. Dutta noted that the minutes of the meetings of the UTRC which have been obtained through RTI revealed that often UTRCs in their resolutions advise the UTPs themselves to prefer applications instead of sending recommendations to the Trial Courts. The point being that this concern has already been articulated in clear terms in the Standard Operating Procedure. If the UTRC works well, a lot of the issues in the correctional home will be resolved. It was also noted that preferring Jail Appeals should be encouraged by LACs because it is a really simple process. The delay in preferring Supreme Court appeals, identified as a problem by Studio Nilima, is also primarily caused because the orders passed by the High Court appeals are not being communicated. By the time the result reaches the inmate in the jail, the appeal gets barred by limitation. The responsibility of informing the inmate about the status of the case is on the Registry of the High Court. This will need to be discussed with the High Court Registry. Once the rejection or dismissal order is received, a petition from the jail itself can be written to the Supreme Court Legal Services Committee ("SCLSC") through the DLSA for appeal on a pro-bono basis.



4. On Conditions:

1. Living conditions of inmate population

In its judgment dated 13.12.2018 in *Re-Inhuman Conditions in 1382 Prisons* W.P(C) 406 /2013, the Hon'ble Supreme Court, in para 11, stated that it is mandatory for State Governments and Union Territory Administration to modify prison manuals, rules and regulations. However, vide Affidavit-in-opposition dated 20/04/2018 in PIL 55/2017 before the Hon'ble Gauhati High Court, it was stated that while the Model Prison Manual, 2016 had not been adopted, the State Government has recently constituted a Committee for revision of the Assam Jail Manual on the basis of the newly enacted Assam Prisons Act, 2013. According to the affidavit, it would also adopt the provisions of the Model Prison Manual, 2016 with such modifications as are relevant to the State of Assam.

Inadequate infrastructure poses serious problems for not just inmates of correctional homes but the jail administration as well. The jailor spoke of the lack of vehicle for production of prisoner in courts and ambulance as well. There is, however, a vehicle provided by the District Commissioner, Morigaon for the psychiatrist to visit the jail. As indicated above, a psychiatrist visits the correctional home two to three times a month and prescribes the mentally ill inmates medicines that are required, which are arranged for from Nagaon along with other medical supplies.

Half the toilets, to be used in the daytime, did not have a proper door, the other half was thronged by inmates, waiting in line to use them. The toilet facility within the wards, to be used after lockup, were inadequate.

Up to six gas cylinders has been provided to the correctional home, arranged by the District Commissioner, Morigaon, which translates to cleaner and hygienic cooking space and food. Although, the Jailor did agree when Mr. Nilay Dutta called the taste of food cooked on wood fire unrivalled. During the jail observation, the jailor spoke of the new pillows that had recently been provided to the inmates. The gardens were well maintained. During our discussions with the District Judiciary at the Circuit House, a Legal Aid Counsel had pointed out the fact that many inmates chose to eat inside their wards since the dining hall had a leaking roof. Water filters like Aquaguard cannot be installed due to



the lack of running water. Bunk beds were suggested by Pranjal Das (DSJ, Morigaon) as opposed to sleeping on the floor. Mr. Nilay Dutta gave examples of donations made to other jails in Assam – like the water supply at Central Jail, Jorhat was set up by a person from the Marwari community in honour of his father, while Lions Club constructed a school and provided other necessities for the school at the jail – which could be a method used to attain the essentials for the jail in the face of funding constraints. An LAC also pointed out that due to lack of proper medical facilities, an inmate suffering from epilepsy had been left out in the open during a fit.

2. Living and working conditions of Correctional Home Administration

The office of the jail administration looked exactly as it did two years ago when we visited for the first time. However, it did not evoke a sense of nostalgia revisiting the correctional home where Pratidhwani started its journey, rather it was a wake-up call that much work was yet to be done. The jailor seemed forlorn as he was narrating the events when there was load shedding for two days and the inmates along with the Correctional home administration had to use candles to do their work. The need for a back-up generator was felt by all as he was narrating the story and before mentioning the same to an audience, sitting in the Superintendent of Jail's room, with no rotating fan.

The jailor also spoke of the water logging problems in the offices during the months of monsoon. Correspondence highlighting the issues with staff quarters, vacancies in administration and infrastructure of the jail premises and the respective estimates had been sent to the Assam Prison Headquarters. The jailor called attention to the lack of response by the Assam Prison Headquarters to letters sent to them regarding the shortcomings of the jail.



5. Meeting with the panel of Legal Aid Counsel and Jail Visiting lawyers of Morigaon:

Before the visit to the jail, the team met with the District and Sessions Judge, Morigaon, Mr. Pranjal Das and the Secretary, District Legal Services Authority, Morigaon, Mr. Anurag Jintoo Borah. After a brief introductory session, the team met with the Legal Aid Counsels, lawyers visiting the jails and the Para Legal Volunteers. A discussion on imparting free legal aid and its challenges ensued. Recommendations were made about various issues and participants were notified of the various directions given to them by the Hon'ble Supreme Court vide its orders in *Re-Inhuman Conditions in 1382 prisons W.P.(C) 406/2013*.

The list of participants of the meeting between Mr. Nilay Dutta and Mr. R.C Borpatragohain and the panel of Legal Aid Counsel and Jail Visiting lawyers of Morigaon has been given below:

Sl. No.	Name	Designation
1.	Kumud Chandra Mahanta	Legal Aid Counsel, DLSA, Morigaon
2.	Azad Uddin Siddique	Legal Aid Counsel, DLSA, Morigaon
3.	Rinti Saikia	Legal Aid Counsel, DLSA, Morigaon
4.	Billal Hussain	Advocate
5.	Hafizur Rajman	Advocate
6.	Palash Pator	Legal Aid Counsel, DLSA, Morigaon
7.	Bulan D. Saikia	Legal Aid Counsel, DLSA, Morigaon
8.	Mintu Kr. Nath	Legal Aid Counsel, DLSA, Morigaon
9.	Niranjan Kr. Baruah	Legal Aid Counsel, DLSA, Morigaon
10.	Shahnaz Begum Shah	Legal Aid Counsel, DLSA, Morigaon
11.	Ritumoni Mahanta	Legal Aid Counsel, DLSA, Morigaon
12.	Ms. Nazima Yasmin	Legal Aid Counsel, DLSA, Morigaon
13.	H. Goswami	Court Manager
14.	Dulal Nath	Para Legal Volunteer
15.	Mallika Deka	UDA, DLSA, Morigaon
16.	Arnav Das	Advocate, Gauhati High Court



Minutes of the meeting have been listed below

- To an open question on what the primary issues in the Morigaon correctional home were, the first response was the issue of medical facilities. Ms. Shehnaz Begum Shah, LAC, noted the absence of any gynaecologist with frequent access was a major issue presently even though the issue of access to sanitary napkins has been solved. She suggested that it was a well known fact that doctors are not keen on being permanently posted in jails and this issue may be solved by deputing doctors on a short term basis from government hospitals. To this, Mr. Dutta pointed out that even civil hospitals have staff shortage with respect to specialists. Ms. Shah stated that there had been a recent incident where a patient suffering from epilepsy had been left out in the open during a fit and no medical help was available apart from first aid.

One of the jail visiting lawyers present (Mr. Mintu) pointed out that most inmates are arrested and admitted to the correctional home without any incidence of mental illness. However, they become mentally ill on staying at the correctional home for some time. They do not receive proper specialised medical attention as a result. He was advised to forward a list of all such persons to the DLSA.

- It was noted that in Morigaon, jail visiting lawyers have separate days demarcated for visits to jail in such a manner that one or the other lawyers is visiting every day. It was found later during the visit that the common hall in the correctional home is used as a space for the lawyers to meet with the inmates during the visit every day from noon to 2 pm.
- A question regarding satisfaction with the facilities available to the jail visiting lawyers was met with a unanimous answer that they were satisfactory. However, one of the lawyers present mentioned that most inmates only talk about their cases and are not aware of the general and specific rights apart from pursuing their cases which is available to them. For example, there are issues regarding grant of parole.
- The topic of onerous bail conditions and the interventions therein was also put up for discussion. Most of the lawyers present stated that there was no active intervention on their sides and were advised to bring these cases to the notice of the Under-Trial Review



Committee ("UTRC"). One of the lawyers pointed out that even during their last visit there was a case where parole was claimed but they were sceptical as they were not confident about the conduct of the inmate.

(The case of Rajiv Sinha who is an undertrial on a charge under S. 376 IPC was highlighted as he has been in the home for almost 5 years. However, he mentioned to one of the LACs that in case he is released on P.R bond he will return only if it is feasible to him.)

- This was followed by a discussion on issues exclusively of the undertrial prisoners ("UTP"). It was noted by all concerned that bail remains the main issue. However, there are not too many cases of default bail under S. 167 CrPC which is encountered by the jail visiting lawyers. Mr. Dutta mentioned about the role that organisations like Studio Nilima can play in situations which are beyond the means of lawyers based locally.
- It was noted that Morigaon's correctional home does not present the problem of custodial death. However, overcrowding, albeit temporary and minimal, has occurred recently due to a recent case where 19 accused in the same case surrendered. Ld. District Judge noted that he has advised Investigating Officers in a recent meeting to avoid unnecessary arrests and create overcrowding in the correctional homes.
- On the functioning of UTRCs, Mr. Dutta noted that the minutes of the meetings of the UTRC which have been obtained through RTI showed that often UTRCs in their resolutions advise the UTPs themselves to prefer applications instead of sending recommendations to the Trial Courts. The point being that this concern has already been articulated in clear terms in the Standard Operating Procedure. If the UTRC works well, a lot of the issues in the correctional home will be resolved.
- It was also noted that preferring Jail Appeals by Legal Aid Counsel should be encouraged because it is a really simple process wherein the Jail Superintendent merely has to forward a letter to the High Court. The problem which Studio Nilima has noted in its work is the communication of the order/intimation to the appellant once the appeal has been dismissed by the High Court. The delay in preferring Supreme Court appeals is



also primarily caused because the High Court appeals are not being communicated. By the time the result reaches the inmate in the jail, the appeal gets barred by limitation. The responsibility of informing the inmate about the status of the case is on the Legal Aid Counsel appointed in the High Court as well as the Registry of the High Court. Once the rejection or dismissal order is received, a letter can be written to the Supreme Court Legal Services Committee ("SCLSC") for preferring appeal on a pro-bono basis.

- The communication issue has been noted previously in Studio Nilima's report too. In *Reena Hazarika v. State of Assam* which has added to law on S. 313 CrPC which was pursued by Studio Nilima through Mr. Shri Singh, Advocate, Supreme Court of India also had tremendous delay as Ms. Hazarika lodged in District Jail, Morigaon was not aware that her appeal had been dismissed by the High Court. It was stated that in case of any communication gap with the SCLSC and the Gauhati High Court Legal Services Committee ("GHCLSC"), organisations like Studio Nilima may be contacted.
- Ld. District Judge brought to the notice of all concerned that Chief Judicial Magistrates and District Judges who make jail visits and inspections as a statutory mandate prepare detailed reports and recommendations which are submitted to the High Court only on the administrative side. Several of these recommendations are very useful and may be compiled on a state-wide basis and may be taken up by the Hon'ble Court on the judicial side. It may be worthwhile to have further discussions with the Registrar (Judicial) of the High Court and the Assam State Legal Services Authority ("ASLSA") in this regard. It was pointed out that the Hon'ble Supreme Court in its orders in *Re-Inhuman Conditions in 1382 Prisons W.P(C) 406 /2013* has encouraged non-governmental organisations to be involved and hence Mr. Dutta suggested that he will request the Registrar (Judicial) if such recommendations can be analysed and compiled on a state level.
- Ld. District Judge noted that one of the recommendations has been to introduce beds, the lack of which is inhumane, especially during the winter months not to mention the concerns relating to hygiene which emanate therefrom. The LACs also mentioned that there have been complaints for access to more clothes/blankets. UTPs as a class of



prisoners have access to their own clothes and even food. However, the need for more clothes/blankets exists even for those UTPs who come from difficult economic conditions.



6. Meeting with inmates at the meeting hall on the jail premises:

As already indicated above, the visit to the jail concluded with a meeting between Mr. Nilay Dutta and Mr. R.C. Borpatragohain and the inmates of the jail. The meeting was facilitated by Ms. Shehnaz Begum Shah. It was primarily held to create awareness about free legal services and the rights inmates have while within the premises of the correctional home. Minutes of the meeting have been listed below.

- Mr. Nilay Dutta informed the inmates that the government has made facility for bail, through District Legal Services Authority (“DLSA”), for those who cannot afford the bail amount. The responsibility has been given to the LACs visiting the jails.
- He highlighted that the DLSA is mainly for those who cannot afford legal help/lawyers and that they mainly conduct their sessions with the inmates in the afternoon (12pm – 2pm) at the meeting hall-cum-library almost every day. Many inmates at the jail are not aware of their right to free legal aid.
- The jail has three PLVs, who should be identified by the inmates and contacted for legal help and to connect with members of DLSA.
- When judgments are given and an inmate loses out, the inmates have been asked to get help for appeal from the DLSA.
- The limitation for appeal will be informed to the inmates and then a simple appeal will be sent to Supreme Court Legal Services Committee which will be done by the lawyers representing DLSA.
- Mr. N. Dutta mentioned that appeals are a right for the inmates and that once a case is dismissed at the Gauhati High Court, it can be taken to the Supreme Court at Delhi where in the process for appeal is simple. They were asked to be aware of their rights and make good use of the facilities provided to them.
- Other problems like parole or remission issues will be taken up at the state level through the ASLSA. Any other issues can be referred to Studio Nilima through the jail administration and the team can help fasten the process.



- On Studio Nilima's first visit to Morigaon District Jail, a letter signed by 19 inmates sought release from prison- the same was referred to The Hon'ble Chief Minister's office, who upon cross checking came to the conclusion that some 221 cases were pending release; The release of the 221 convicts was announced on the occasion of Atal Bihari Vajpayee's birthday. The 221 inmates of the state were released. Thus the appeal of 19 prisoners ensured the release of an additional 200+ inmates.
- Mr. Ramesh Borpatragohain gave importance to the need for skill development, not just as a measure to earn a living outside the jail but also to keep oneself occupied and mentally stable once inside the correctional home. It would also make it easier for the inmates to transition to life once outside the prison.
- Mrs. Shehnaz Begum Shah, a LAC, spoke of the work done by the PLVs and that they had placed the issues before Sri Nilay Dutta.

7. Meeting with the Deputy Commissioner, Morigaon

- The Deputy Commissioner(DC), Morigaon, Mr. Rituraj Bora, joined the team at the Circuit House post jail visit.
- The Morigaon District Jail had organised an event called "Karagaror Pora Karikor".
- 12 inmates have received certificates from a joint training programme conducted by ITI, the jail authorities and the Rural Self-Employment Training Institute (RSETI); the training was conducted as per ITI curriculum. The Advocate General, Assam believes that the training should be mentioned to the Government of Assam.
- A basic electronic course is to be conducted at the jail; suggestions were made about the creation of herbal garden with funds from Social Forestry rather than government funds.
- There is scope for training for four occupations, to help reintegration of inmates into society, though there is a need for introduction of other courses/trainings.
- Training from all district ITIs can be allowed for the furtherance of skill development.
- The DC requested a visit to the Guwahati ITI and suggested that the focus be shifted from Bachelor and Master of Arts to other streams.



List of members

Studio Nilima, Collaborative Network for Research and Capacity Building:

- | | |
|-------------------------------|------------------------|
| 1. Mr. Nilay Dutta, President | 5. Ms. Moonmoon Laskar |
| 2. Mr. Surajit Bharali | 6. Ms. Ankita Paul |
| 3. Mr. Nandan Sarkar | 7. Ms. Bonnya Boruah |
| 4. Mr. Arnab Das | 8. Mr. Anubhab Atreya |

Others:

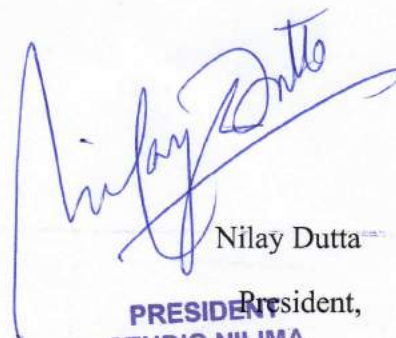
1. Mr. R.C Borpatragohain, Advocate General, Assam
2. Mr. Pranjal Das, Ld. District Judge, Morigaon
3. Mr. Anurag Jintoo Borah, Secretary DLSA Morigaon
4. Ms. Shehnaz Begum Shah, LAC
5. Mr. Bilal, Advocate, Morigaon Bar accompanied by 2 local journalists

District Administration (only at Circuit House)

1. Mr. Rituraj Bora, Deputy Commissioner, Morigaon
2. Mr. Swapnaneel Deka, Superintendent of Police, Morigaon

Names of PLVs

- Abul Hassen
- Nazrul Islam
- Habibur Rahman



Nilay Dutta

PRESIDENT
STUDIO NILIMA

Studio Nilima: Collaborative Network

For Research and Capacity Building