



ANNUAL REPORT

2023–2024

**Report of the President, Executive Committee, Studio Nilima:
Collaborative Network for Research and Capacity Building for
the Year 2023-2024 placed in the Annual General Meeting held
on August xx, 2024 at Guwahati, Assam**



To

**The Respected Chairman,
The Hon'ble members**

Studio Nilima: Collaborative Network for Research and Capacity Building
Guwahati, Assam

I am honoured to welcome you to the 8th Annual General Meeting for the financial year 2023-24. It is with great pleasure and deep gratitude that I present to you our most current annual report. This report encapsulates our collective efforts, achievements, and milestones as we strive towards our mission of fostering sustainable positive change and transformation in Assam's correctional homes.

The past year has been marked by significant strides in our work. Through tireless dedication and unwavering commitment, we delved deeper into the complexities of rehabilitation and reintegration, recognizing the inherent dignity and potential for growth of each community stakeholder.

Here, I want to highlight the invaluable support extended to us by the Azim Premji Foundation. We are so grateful for their grant, which provided vital resources and served as encouragement, affirming our belief in the power of collaboration and collective action while allowing us to expand and enhance our grassroots-level interventions. I also take this opportunity to thank our esteemed Governing Council members, including our Chairman, Hon'ble Mr. Justice DN Chowdhury, Mr. Sidharth Luthra, and Mr. Apurba Kumar Sharma, who have championed Studio Nilima's work through their contribution to our central funds.

In the past year, we organised health camps in the correctional homes with the unwavering support and collaboration from Dr. Bhaba Das Foundation and Health City Hospital. Their dedication helped address the lack of health infrastructure within correctional homes and made a meaningful impact in improving health care access for the incarcerated population. The work highlighted the multitude of challenges facing the health infrastructure in correctional homes, which require policy interventions. These gaps indicate the community's requirement and will inform how we design our interventions and programs as we move into the next financial year.

Regards

(Dr. Biju Dutta Choudhury)

President

Studio Nilima: Collaborative Network for Research and Capacity Building

MAJOR ACHIEVEMENTS

Accreditation from Assam State Legal Services Authority (ASLSA) [February, 2024]

Our efforts within correctional facilities through Pratidhwani: The Echo received significant support from the Assam State Legal Services Authority (ASLSA) and the District Legal Services Authorities (DLSAs). Both organisations collaborated with us on every initiative since 2017. Studio Nilima submitted a proposal to ASLSA on Feb.5 and June 3 seeking accreditation as a registered civil society organisation under the Manual for District Legal Services Authorities of 2023. The proposal aims to designate Studio Nilima as a registered civil society organisation/ non-governmental body for the period 2023-2026.

We aim to expand Studio Nilima's initiatives across four correctional homes in Assam: the District Jails in Morigaon, Barpeta, and Diphu, Mangaldoi, and the Central Jail in Nagaon by:

- Providing effective legal and research support to the Legal Aid Defence Office (LADC) under the auspices of the DLSA. This involves enhancing legal representation for marginalised residents during trials by regularising lawyer-client interactions, conducting socio-economic profile research, and maintaining ongoing communication on case updates.
- Strengthening the capacities of the correctional home legal services ecosystem at the grassroots level, including the DLSA office, Legal Aid Counsels, LADC Office and correctional administration. We will foster dialogue among stakeholders, organise knowledge-sharing platforms for policy engagement, identify existing gaps and systemic deficiencies, consolidate best practices, and recommend measures to enhance the prison ecosystem.

Studio Nilima received accreditation from 2023-2026 to work in collaboration with the respective DLSAs in these defined areas.

Access to effective mental healthcare support : Judgement by the Hon'ble Gauhati High Court in Upen Basumatary v. State of Assam, Crl. A. (J) 111/2018 [December, 2023]

Mr. Upen Basumatary was convicted under S. 302 of the Indian Penal Code of 1860 vide judgement dated June 4, 2018, passed by the Ld. Court of Sessions Judge, Karbi Anglong, Diphu, Assam in Sessions Case No. 35/2012. A jail appeal was preferred against the conviction in 2018. The Court appointed an Amicus Curiae to represent Mr. Basumatary's defence. But, because of his deteriorating health, Mr. Basumatary's case

was forwarded to Studio Nilima. The lower court records showed that Mr. Basumatary was mentally disabled and his condition wasn't considered during the trial. We presented this fact before the Hon'ble High Court on Aug. 8, 2023 which directed that Mr. Basumatary will be immediately moved from the District Jail in Diphu to Central Jail, Guwahati, and ordered a detailed investigation of his mental health condition through a three-member committee of psychiatrists at the Gauhati Medical College and Hospital (GMCH). Eventually in its judgement dated Dec. 18, 2023, the Hon'ble Gauhati High Court noted the 'serious irregularity' in the procedure adopted by the trial court, which prejudiced the Appellant and vitiated the course of justice. The Hon'ble Gauhati High Court, while leaning on several precedents laid down by the Hon'ble Supreme Court, found that the trial court had not acted upon its duty under the provisions under Chapter XXV of the Code of Criminal Procedure of 1973, concerning the procedure to be followed when the Accused is a person of Unsound Mind. The Hon'ble Gauhati High Court reiterated the obligation that is cast upon the trial court to ensure that each person of unsound mind is provided a fair chance at trial. It directed Mr. Basumatary's release from incarceration and allowed for his appearance before the Mental Health Review Board, Kamrup (M), which was constituted under Chapter XI of the Mental Healthcare Act of 2017. The Board was given the responsibility to examine Mr. Basumatary's wellbeing and to take a decision on the future course of action. Mr. Basumatary was produced before the Board, which passed an order on Dec. 19, 2023, that he may be admitted as a patient/incumbent at Help Aid, a non-governmental organisation, located at Khetri, Guwahati, specifically instituted for the care of male patients with mental illnesses. Mr. Upen Basumatary has been living at Help Aid quarters and receiving regular check-ups at GMCH. The records mandate that there will be a follow-up on his status after three months when the Board will reconvene and decide on the future course of treatment, and gauge the possibility of his move back to Karbi Anglong, his home district.

This case represented by Studio Nilima has become an important precedent where the judiciary has expressly highlighted the role of the criminal justice system in ensuring that the rights of the mentally disabled individuals are protected under the mandate provided by the Mental Healthcare Act of 2017. Our organisation threw light on how mental illness and disability intersect as another layer of marginalisation in the context of an already disadvantaged incarcerated population in correctional homes.

Facilitating effective legal services: Transfer of individuals from Arunachal Pradesh incarcerated in Assam facilitated through a Writ Petition, *Khoda Tagia v. State of Assam, W.P. (C) 3234/2021* before the Hon'ble Gauhati High Court [June, 2023]

Studio Nilima came across six incarcerated residents from Arunachal Pradesh who were lodged in District Jail, North Lakhimpur, and were seeking a transfer to a correctional facility in their home state. We facilitated a writ petition in the Gauhati High Court, registered as W.P (C) No. 3234/2021. The Hon'ble Gauhati High Court after a detailed consultation with the prison authorities of the State Government in Assam, directed the six residents to be shifted to District Jail, Tezu, in Arunachal Pradesh within a period of two months.

Inside outside collaborations between musicians and resident poets: Releasing Aaxa: Songs of Hope

Aaxa explores the lived experiences of incarcerated individuals through poetry and music. Conceived by Studio Nilima in partnership with Vadya Music, this project brings together present and formerly incarcerated individuals and musicians from Assam. Aaxa, released in October 2023, features four songs inspired by poems written by incarcerated people.

The musicians—Ambar Das, Upatyaka Dutta, Arghadeep Barua, and Riaz Ahmed—collaborated with incarcerated poets Suraj Saikia, Md. Dildar Hussain, Papu Das (District Jail, Golaghat), and Bijit Kalita (Central Jail, Guwahati). These songs express longing, pain, regret, and hope, offering a unique glimpse into the lives of the incarcerated population in Assam.

Incarceration deeply impacts an individual's sense of self, complicating rehabilitation and reintegration. By engaging with art and music, the Aaxa project addresses the psychosocial well-being of inmates, fostering agency and empowerment. This engagement allows them to reclaim their narratives and assert their identities beyond incarceration.

The four songs produced in the project include:

1. ***Xosa Bhaalpuwa***/'True Love', penned by Md. Dildar Hussain, while he was incarcerated in District Jail, Golaghat
2. ***Aaxhar Jibon***/'Life of hope', penned by Papu Das, while he was incarcerated in District Jail, Golaghat
3. ***Nisthur Jibon***/'Ruthless Life', penned by Suraj Saikia, while he was incarcerated in District Jail, Golaghat
4. ***Aair Biloi***/'A Mother's Lament' penned by Bijit Kalita, a resident of Central Jail, Guwahati. (published in Spondon, a collection of writings from Central Jail, Guwahati)

The EP is streaming on all platforms since October 2023 and has been widely welcomed by listeners. As the music reaches a wider audience, it sparks important conversations about justice, rehabilitation, and the transformative power of creativity in incarceration. Each song challenges stereotypes, inspires compassion, and underscores the inherent dignity and humanity of all individuals, regardless of their circumstances.

Sharing Aaxa with the pan India community of Justice makers facilitated by Agami

Studio Nilima presented **Aaxa** to the pan India Justice makers community facilitated by Agami. Ambar Das, Arghadeep Barua and Riaz Ahmed. The musicians offered a set of four songs, starting with Bijit Kalita's "Aair Biloi" (A Mother's Lament), a song about proclaiming immeasurable love for one's motherland. Arghadeep Barua performed "Mone Aar Naire," a song by the Bengali folk collective *Bhoomi*. This song, which accompanied the Aaxa team throughout the creation of the EP, conveys feelings of loss, longing, and abandonment. Ambar Das continued with "Aaxar Jibon" (Life of Hope), penned by Papu Das about the fear of rejection and the confinement of prison walls. The performance also included an Assamese translated version of John Lennon's "Imagine," reflecting continued hope. The final song was Md. Dildar Hussain's "Xosa Bhalpuwa" (True Love), which envisions love beyond societal inequalities. The songs were performed against the backdrop of Siddhanth Purkayastha's artwork for Aaxa. The program was made accessible by sign language interpreters Ananta Jain, Sarah Sharma and Saurav Roychowdhury, supported by Dr. Renuka Rameshan, President of the Association of Sign Language Interpreters, India. Studio Nilima acknowledges and is grateful for their contributions.



Aaxa was presented to the incarcerated residents and correctional staff at District Jail, Morigaon on Dec. 25, 2023. The songs were warmly received, sparking an impromptu exchange of words and music between musicians and residents some of whom had stayed up the night before crafting words to share as their peers cheered them on. This event highlighted Aaxa's evolution into a broader movement aiming to reimagine correctional homes as spaces for dialogue through art, music, and poetry. Sharing the album with the community that inspired it, the Morigaon celebration showcased the hope that this idea will extend beyond prison walls, fostering radical dialogue about incarceration. In the coming year, we plan to bring Aaxa to more correctional homes across the state.

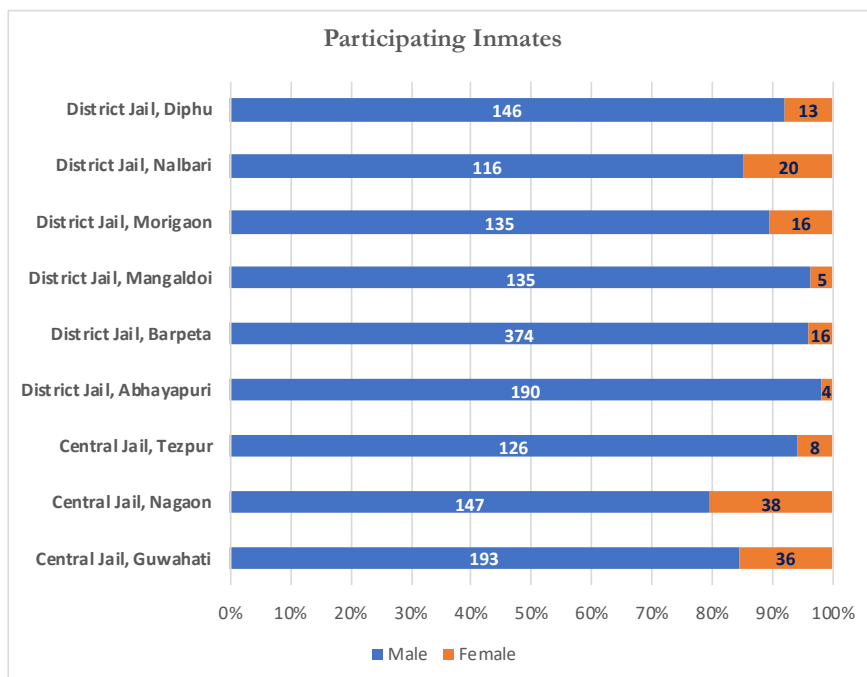
ACCESS TO EFFECTIVE HEALTHCARE

Organising Health Camps in the Correctional Homes

The initiative of organising health camps in the correctional homes has continued from the past year (2022-23). This year we conducted six health camps in Central Jails Guwahati (Aug. 9, 2023) and Tezpur (Oct. 11, 2023), and in the District Jails Abhayapuri (May 24, 2023), Mangaldoi (Sept. 13, 2023), Barpeta (Jan. 24, 2024) and Diphu (Feb. 21, 2024).

Health City Hospital under their Corporate Social Responsibility initiative and Dr. Bhaba Das Foundation collaborated with us to assess the existing healthcare infrastructure in the correctional homes by conducting a day-long review of the health conditions of participating incarcerated residents. We are deeply grateful for the support and guidance received from the Hon'ble Gauhati High Court, the Office of the Inspector General of Prisons, the Correctional Home Administration including the respective Superintendent and Jailors, the District Administration, Assam State Legal Services Authority and their District counterparts in conducting these health camps.

Overall, 1718 incarcerated residents from the six jails mentioned participated in these health camps. During these camps we prioritised care for residents, with critical medical conditions, geriatric patients, residents with mental illness or drug abuse. Priority was also given to evaluating the health and welfare of incarcerated women and children. The findings and observations were recorded in reports along with recommendations from the visiting doctors. .

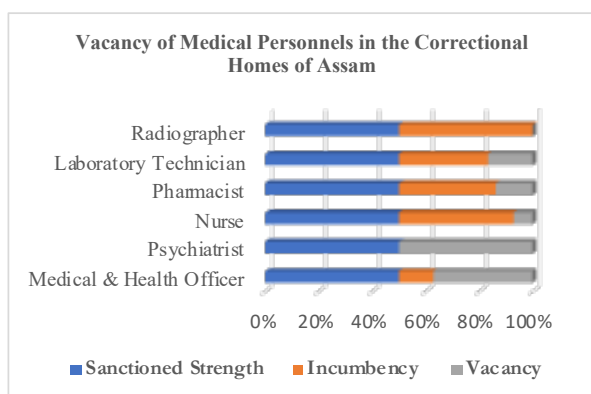


Our investigations found that certain medical conditions are commonly found in the resident population across the different institutions which require administrative policy changes. Often, such conditions manifest owing to structural inadequacies which need to be addressed through sustained efforts. Some of these deficiencies have been highlighted below.

Inadequate Medical Infrastructure & Shortage of Medical Staff

Most of the correctional homes are functioning without permanent medical and health officers. The district jails in Barpeta and Abhayapuri have medical officers on deputation and a resident pharmacist. In case of vacancies, they are filled by staff deputations from other correctional homes or the Office of the Joint Director of Health Services from the respective districts. In the context of correctional homes, specifically in Assam, the regulatory framework that governs this aspect is the Assam Jail Manual (including the Assam Prisons Act, 2013); Model Prison Manual, 2016 (MPM, 2016); Mental Healthcare Act, 2017. However, the mandates prescribed under these standards have not been implemented till date.

Provisions Under MPM 2016	Sanctioned posts in Assam
Chief Medical Officer	Medical & Health Officer
Assistant Civil Surgeon	N/A
Staff Nurses	Nurse
Pharmacist	Pharmacist
Male/female nursing Assistant	N/A
Laboratory Technician	Laboratory Technician
Psychiatric Counsellors	Psychiatrist
Junior Assistant	N/A



Lack of Emergency Medical Care

In Assam, 46% of the 76 sanctioned posts for medical professionals in the correctional homes are vacant, which is a critical concern. In times of medical emergency, the correctional staff is forced to make alternate arrangements and transfer residents outside the correctional homes. There is an urgent need of installing a first response set-up in each correctional home to address medical emergencies.

Lack of care for Geriatric patients with comorbidities

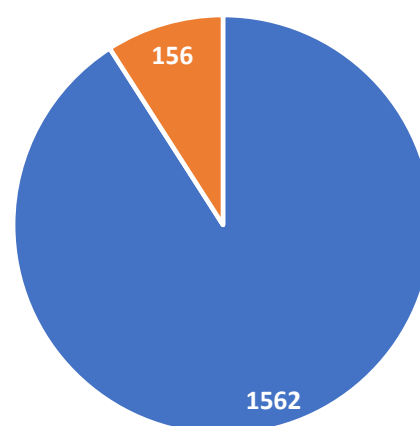
There was a concerted focus on the health conditions of the older residents (ages 60 years and more) which was monitored comprehensively during the health camps. It was found that most of them were suffering from comorbidities such as **high levels of blood sugar** and critically **high blood pressure** which had advanced into **chronic hypertension**.

Another issue that the geriatric patients often face is the unregulated and inappropriate use of multiple medications (**polypharmacy**). Older adults are at particular risk for adverse medication reactions because of age-related changes in the metabolism, clearance and delivery of many medications. For example, many older residents have multiple concurrent medical conditions such as diabetes, hypertension, heart disease and chronic obstructive pulmonary disease. Since many diabetic patients are on multiple medications, a geriatric patient who has diabetes and any additional medical condition is at great risk for polypharmacy.

Condition of Women and Children

Women represented 9% of the participating residents in our health survey. Some of them were facing various gynaecological issues requiring advanced treatment, which remain unaddressed because of a lack of understanding of gynaecological needs, compounded by an absence of female medical officers and nurses. In such instances, initial medications were prescribed to alleviate symptoms, but these residents were advised to undergo thorough medical examinations by gynaecologists for comprehensive care. Additionally, to ensure that children receive proper nutrition while residing with their mothers in correctional facilities, visiting doctors recommended regular consultations with paediatricians to consult on dietary needs effectively.

A gendered division of the participating group of inmates



Care for residents with History of Drug Abuse and Mental Health illnesses

The visiting medical professionals observed that mental health concerns among the incarcerated people were often complex and a result of a combination of other issues such as substance abuse, personality disorder, brain injury, intellectual disabilities and history of trauma, some of which are symptoms that manifest as conditions before imprisonment. The existing structure of mental health support included monthly visits by psychiatrists under the District Mental Health Programme. In the correctional homes, there is a practice of recording prescriptions of patients, who are under the programme. They are regularly administered medications with the support of the in-house pharmacists and fellow residents.

But, this system does not include support for residents who have a history of drug abuse and who require medical support as they navigate withdrawal symptoms. Substance use and dependence is an issue that was encountered among the younger residents, primarily in the age of 18-30 years, who have been booked under anti narcotic laws. Our medical team observed that these young adults are in urgent need of psychiatric treatment with constant regulation according to their improving or deteriorating withdrawal symptoms such as depressive thoughts, anxiety and palpitation. Their conditions are exacerbated by sedentary lifestyle in confinement and poor nutritional diet and reduced water intake.

Infections and infestations

There is a high prevalence of various infectious disease in the prisons, which primarily included various bacterial and fungal infections such as skin infections (scabies), tinea capitis (fungal infection of scalp hair), burning micturition (infection of the urinary tract), ringworm, infections of the ears, lungs, sinuses, skin, throat etc. The common complaints included itching all over the body, itching in the inguinal region, nasal congestion, which was accompanied by irregular fever in certain cases. The aforementioned issues were primarily attributed to inadequate maintenance of hygiene, as the symptoms are proliferated by damp and overcrowded living situations, and become perennial within the correctional home population. To address this condition, our team suggested that beddings need to be replaced urgently to ensure that infections cannot spread. We also recommended regular inspection of the living quarters by the correctional staff.

Gastrointestinal Complaints and Nutritional Deficiencies

A large section of the population had perennial gastrointestinal complaints such as chronic gastritis, diarrhoea, or constipation. Most of these complaints were rooted in diet deficiencies. Without proper nutrients, the residents experience deficiencies in essential vitamins and minerals, weakening their immune systems and leaving them more susceptible to infections and illnesses.

Intervention made by Studio Nilima following the death of Mr. Omar Ali at District Jail, Barpeta [June, 2023]

The Studio Nilima team visited District Jail, Barpeta on June 19, 2023, where we learned about the death of Omar Ali, aged 72, on Dec 2, 2022. Mr. Ali was diagnosed with hypertension and critical cardiological issues: left ventricular Hypertrophy, mild Mitral Valve Regurgitation and Grade-I Diastolic Dysfunction. This diagnosis was done in 2022 in GMCH and he was put on a regime of medication. The day he died, Mr. Ali complained of uneasiness in the morning, while preparing for his Friday Jumma prayers. He had acute respiratory distress and without the presence of a medical officer in the correctional home, the correctional staff transferred him to the Fakhruddin Ali Ahmed Medical College and Hospital (FAAMCH), Barpeta.. Unfortunately, he was declared dead by the FAAMCH authorities. The Studio Nilima team discovered that the Jail Hospital at Barpeta had been functioning without a permanent Medical and Health Officer. Non-availability of adequate medical staff was strongly cited as one of the reasons why Mr. Omar Ali could not be given urgent medical attention, despite his grave condition. Accounts of the prison staff state that on the day of his death, the pharmacist was not available on campus and the deputed doctor too had to be consulted via telephone.

In June 22, 2023, we sent a report to the Inspector General of Prisons, Assam, highlighting the circumstances that led to Mr. Ali's death. The communication threw light on the risk posed by the lack of emergency medical care in prisons, which may often lead to fatality, especially for the elderly residents with critical health conditions. This lack of medical support violates basic human rights of the incarcerated. Ms. Pubali Gohain took urgent notice of the situation that we presented. A communication was sent to the Joint Directors of Health Services in 29 districts of Assam, dated June 26, 2023, requesting them to appoint doctors in the correctional homes, including a female Obstetrician and Gynaecologist. A radiogram was also sent to all the superintendents of all the correctional homes directing them to organise monthly health camps in collaboration with the office of the Joint Directors.



POLICY

Representation to the Secretaries, Department of Health and Family Welfare [May, 2023] & Directorate of Social Justice and Empowerment [September, 2023], Government of Assam

Studio Nilima filed a Public Interest Litigation (PIL) in the Gauhati High Court (No. 55 of 2017) to highlight and monitor the condition of incarcerated residents with mental health conditions. The petition addressed the inaction of the State Government in adhering to the standards under the Constitution of India, forcing the mentally ill to live in incarceration in institutions, which did not have the basic health and infrastructural facilities to ensure their adequate care and treatment.

The PIL was first instituted to highlight the deplorable situation of mentally ill residents in the District Jail, Morigaon. Our team, during our regular visits, observed that these patients were suffering from multiple conditions including schizophrenia, senile dementia, depression, etc. In due course, it became apparent that this pressing issue needed monitoring across the State. Through the course of the PIL, the State Government was directed to set up Mental Health Review Boards under the Mental Healthcare Act, 2017, headed by the District and Sessions Judge(s) as Chairpersons. These Boards were given the responsibility of the welfare of the mentally disabled housed in state prisons. In response, the State Government informed the Court that such boards will be set up regionally, in the districts of Kamrup (M), Barpeta, Sonitpur, Dibrugarh and Cachar. To expedite the process, the Hon'ble High Court in a landmark order on Dec. 13, 2022, directed the Government of Assam to implement the 2017 Act in toto to ensure functioning of the various authorities provided under the statute. It further laid down March 31, 2023 as a deadline for the State Government to approve earmarked budget for the Boards and ensure that they are fully functional by April 1, 2023.

Observing the non-compliance of the order, a Representation was forwarded to the Secretary, Department of Health and Family Welfare, on May 23, 2023 bringing their notice to the directions laid down for the effective constitution of the Boards, which

had still not been made functional. The Representation highlighted that the legal framework available under the 2017 Act is completely dependent upon the existence of the Boards, which for the purposes mandated by the legislation are to be constituted by the State Authority. The non-compliance leads to several marginalised sections of the society, including incarcerated individuals with mental illness, being deprived of their entitlements and the protection guaranteed under the Act. A similar representation was also submitted to the Secretary, Directorate of Social Justice and Empowerment, Government of Assam on Sept. 12, 2023 who are responsible for the welfare of persons with disability.

However, since no response was received from the authorities, an Interlocutory Application (IA) No. 2366/2023 was filed in the Gauhati High Court in the PIL on Aug. 10, 2023. The IA brought the Court's attention on the non-compliance of its order from December 2022. Upon hearing, the Hon'ble Gauhati High Court received a reassurance from the Government that the Mental Health Review Boards had been constituted although no funds have been allocated to them. Vide its Order dated May 29, 2024, the Hon'ble Gauhati High Court directed the Government of Assam to ensure that the funds be disbursed and made available to the Mental Health Review Boards for their effective functioning and closed the matter.

Representation to ASLSA on the matter of Mr. Uttam Sutradhar, in District Jail, Barpeta [October, 2023]

The Studio Nilima team met Mr. Uttam Sutradhar during one of their visits to the correctional home. He was convicted under S. 304 (B) of the Indian Penal Code, 1860, read with S. 113 B of the Indian Evidence Act, 1872. He was sentenced to undergo rigorous imprisonment of 10 years, with a fine of Rs. 20,000, in default of which he will serve another 6 months of simple imprisonment. Due to difficult economic circumstances, a jail appeal was preferred in the Hon'ble Gauhati High Court against his conviction which was filed in 2019. His primary grievance was that in the five years since his appeal, there was no opportunity to interact with the appointed Legal Aid Counsel. Furthermore, there has been an unexplained delay of 5 years, during which no communication has been forwarded to Mr. Sutradhar regarding the developments in the matter.

Accordingly, documenting his grievances a representation was sent to the Member Secretary, ASLSA on Oct. 17, 2023 praying for an intervention to expedite the disposal of the pending jail appeal. This representation was forwarded to the Gauhati High Court Legal Services Committee, and the matter has been listed regularly since December 2023 for final hearing.

Representation to Deputy Commissioner, Morigaon on designing collaborative initiative on improving conditions in District Jail, Morigaon [October, 2023]

To facilitate a collaborative effort between the District Administration and Studio Nilima to work collaboratively towards improving the conditions in District Jail, Morigaon, a representation was submitted to the office of the Deputy Commissioner (DC), Morigaon on Oct. 2, 2023. On that day, a jail inspection visit was also planned in collaboration with the District Administration, which was led by Mr. Kausar Jamil Hilaly, Secretary, Department of Sports & Youth Welfare and Directorate of Social Justice & Empowerment, Government of Assam, Member, Governing Council, Studio Nilima and Dr. Biju Dutta Choudhury, President, Studio Nilima. The Representation highlighted the following concerns: :

- **Overcrowding in the Barracks**

The living condition in a correctional home is dictated by the rate of overcrowding. District Jail, Morigaon's capacity is 252, but it houses beyond that number. Such circumstances are aggravated by the inadequate availability of barracks, impeding residents' mobility and access to open space. It impacts the barracks' ventilation, floor space, hygiene, and in-cell sanitation. These conditions also hinder the rule of segregation of UTPs from convicts, that is a mandatory practice in carceral settings. The situation in the women's wards is worse in Morigaon. The current facilities in the women's barracks are limited to accommodate only 10 residents. The condition is further worsened when there is overcrowding in the barracks during the summer months, especially if there are mothers living with children. As is seen in the other correctional spaces of Assam, the women in Morigaon are confined to a smaller area, almost as an afterthought. These conditions can be alleviated through building larger living quarters which are to be planned through the office of the DC, and sanctioned by the office of the Inspector General of Prisons, Assam. Through the Representation, the DC was also apprised of how the issue of overcrowding also impacts the security within the correctional home, as there is an imbalance in the ratio of residents to the correctional staff.

- **Healthcare Conditions**

The Representation highlighted the gross deficiency in the medical infrastructure in the correctional homes. The lack of emergency medical care was also highlighted. A request was also made to provide the women residents and their children access to the services of Accredited Social Health Activists (ASHA) and Anganwadi Centre's (AWC) services, under the Integrated Child Development Services Scheme.

Representation for transfer of residents to Inspector General of Prisons, Assam [January, 2024]

During the visits to District Jail, Morigaon, several residents expressed their desire to be transferred to a correctional home that is closer to their permanent residence. L. Inaocha Singh, approached Studio Nilima, as his family had been adversely affected by the ongoing conflict in Manipur. Mr. Singh's family was based in the district of Churachandpur, where the conflict first erupted. In the process, his family home was burnt down and his kin was forced to move into camps set up by the Government. His name, along with the names of five others were forwarded to the office of the Inspector General of Prisons, Assam, seeking their transfer to their preferred districts and States in Jan. 29, 2024. As there has been no response to the Representation from the office of the Inspector General of Prisons, Assam, a petition under the writ jurisdiction of the Hon'ble High Court is being contemplated to be filed by Aug. 1, 2024.

Workshop on Menstrual Hygiene in District Jail, Barpeta [July, 2023]

Studio Nilima collaborated with the Bodhana NGO, an initiative of the Eco Hub, and organised a gender sensitive awareness program on Menstrual Health Management in District Jail Barpeta on July 23, 2023. The workshop was designed under the aegis of the ASLSA and in consultation with the office of the Secretary, DLSA, Barpeta. The workshop addressed a request forwarded by the Secretary, based on the lack of an institutional supply of menstrual products for the female residents.



The program targeted the correctional staff and the women, who reside at the District Jail through discussion on the process of menstruation with anatomical and scientific perspective. We addressed queries from residents regarding menstrual health, debunked misinformation, myths and taboos surrounding menstruation. We discussed solutions regarding the structural challenges that the staff and women residents face within the correctional home regarding menstrual health, including existing health concerns, lack of awareness surrounding reusable menstrual products and access to wash facilities. A total of 12 incarcerated women, along with women staff members attended the workshops.

As a part of the workshop, 10 residents were provided with a Menstrual Hygiene Kit from Bodhana NGO and Eco Hub. Each kit contained:

- 2 packets of regular sized pads - containing 10 pads/packet
- 2 packets of extra-large sized pads - containing 6 pads/packet
- 2 reusable cloth pads

The District Jail was also provided with 12 more kits, and the Secretary had assumed the responsibility of supplying the kits, as required.



Appointment of Convict Para Legal Volunteers (PLV) in District Jail, Barpeta [July, 2023]

Studio Nilima's persistent engagement with the DLSA, Barpeta, along with ongoing discussions with the District and Sessions Judge, in capacity as the Chairperson of the DLSA, yielded significant positive outcomes for incarcerated individuals. As a result, two convicts, Mr. Ganesh Barman and Mr. Mainul Haque, have been appointed as PLVs. This development enhanced access to legal aid, providing incarcerated people with invaluable support and guidance in navigating the legal system. The direct assistance from individuals with first-hand experience of incarceration, has empowered residents with crucial legal knowledge and fostered a sense of agency and self-advocacy within the prison community. This collaborative initiative serves as a testament to the transformative impact of proactive advocacy and partnership between legal organisations and judicial authorities.



LEGAL INTERVENTIONS

Activities Undertaken under the Azim Premji Foundation Grant (April, 2023-)

Continuing Visits to Correctional Homes

The Azim Premji Foundation (APF) funding has been instrumental in expanding our outreach and impact within the correctional homes. Our efforts have now extended to include Barpeta and Morigaon. This expansion has allowed us to deepen our engagement with incarcerated individuals and gain a more comprehensive understanding of the prevailing conditions within the correctional facilities. Through regular visits and ongoing interaction, we have been able to identify and address the pressing issues surrounding legal aid access. By collaborating closely with relevant stakeholders, including judicial authorities and the respective DLSAs, we have worked towards implementing effective solutions and promoting greater access to justice and empowerment within correctional homes.

Appeals against conviction and bail applications filed on behalf of inmates

The following are the matters which have been initiated and are supported by the grant from APF:

- ***Sajen Puma v. State of Assam & Anr. CrI. A. 3/2023***

Sajen Puma, 22, is serving his sentence of rigorous imprisonment of 20 years in District Jail, Morigaon and a fine of 20,000 INR. An appeal challenging the conviction has been filed under S. 374 of the Code of Criminal Procedure, 1973. In this case, he was found guilty under S. 376 (3) read with S. 506 of the Indian Penal Code, 1860, along with S. 4 of the Protection of Children from Sexual Offences (POCSO) Act, 2012. Mr. Puma is an original inhabitant of Karbi Anglong, who had interacted with members of Studio Nilima in 2022, seeking legal aid support. Accordingly, the matter has been pursued after deliberation with the correctional staff and his family members who are based in Karbi Anglong.

- ***Brajeswar Bordoloi & 4 Ors. v. State of Assam & Anr., Crl. A. 204/2022, Nikhil Biswas v. State of Assam & 7 Ors., Crl. Leave Petition 24/2023***

We met Brajeswar Bordoloi on a routine visit to District Jail, Morigaon. He preferred an appeal through Studio Nilima, which was admitted on September, 2022. An Interlocutory Application (Crl.) 421/2023 was filed seeking bail on the ground that Mr. Bordoloi was suffering from high blood pressure, continuous headache on the left side, migraine and other related problems. The bail was granted June 5, 2023 and he was released on June 7, 2023, for two months. Another I.A. (Crl.) 646/2023 was filed seeking extension of the bail. Our plea that Mr. Bordoloi had been suffering from multiple minor strokes and critically high blood pressure for which he needed further medical investigation at Gauhati Medical College and Hospital (GMCH) was accepted and the bail was extended until August 16, 2023. We presented to the Hon'ble Court's that during his incarceration the continued complaints of headache by Mr. Bordoloi was misdiagnosed as migraine by the Jail Medical and Health Officer-I, while he was actually suffering minor strokes due to uncontrolled hypertension. His reports from GMCH further showed that these incidences have led to white matter injury in his brain, which has significantly affected his cognitive and motor abilities. The strokes also worsened his previously diagnosed condition of senile dementia. These were a part of a subsequent hearing on Aug. 17, 2023, when the interim bail was extended till Aug. 24, 2023, with the condition that the family has to ensure that Mr. Bordoloi is admitted at the GMCH and a comprehensive report from the Neurology Department was sought through the office of the Medical Superintendent. However, owing to their financial difficulties, this condition could not be fulfilled. The team of Studio Nilima was informed by one of Mr. Bordoloi's sons, Mr. Jayanta Bordoloi, that the eldest son in the family, Mr. Sushil Bordoloi, who was suffering from tuberculosis passed away early in the morning of Aug. 24, 2023 when the I.A. was listed for hearing. This sudden loss to the family was also relayed to the Court, based upon which the interim bail was extended to Sept. 7, 2023. The extremely challenging socio-economic realities of the family, who live in a remote village called Kaliajari in Morigaon were placed before the Court through a sworn affidavit from Mr. Jayanta Bordoloi. However, despite these submissions the plea was rejected and Mr. Bordoloi was directed to surrender before the correctional home authorities on Sept. 7, 2023, "irrespective of whatever health condition he is in and whatever situation which is prevailing in his home". Adhering to this condition, he surrendered on the aforementioned date and has been incarcerated in District Jail, Morigaon since.

As of June 18, 2024, we received information that his health condition had deteriorated, with a spike in his blood pressure levels. He was taken to Civil Hospital, Morigaon for a health check-up, where it was suggested that he should undergo an ECG, and taken for further investigation to a Medicine and ENT OPD. On June 20, 2024, on a follow up visit to the Civil Hospital, Mr. Bordoloi was admitted because the consulting doctor expressed concern over his extreme weakness and further tests were conducted. Based on the opinion of the doctors and the results of the tests, another I.A. (Crl.) under section 389 of the CrPC, 1973 seeking interim bail has been filed before the Hon'ble Gauhati High Court which is pending hearing at the time of filing this report.



- ***Ratan Medhi v. State of Assam & Anr., CrI. A. 234/2023***

Ratan Medhi, a resident of District Jail, Morigaon was convicted on March 22, 2022 in order passed by Ld. Sessions Judge, Morigaon in Sessions Case No. 155/2014, where he was sentenced to undergo rigorous imprisonment for 10 years and pay a fine of 5,000 INR. An interlocutory application has been filed, linked with the criminal appeal, seeking condonation of delay in filing the appeal against the sentence. This matter was brought to the notice of Studio Nilima by the correctional staff at the District Jail. Mr. Medhi is a patient of schizophrenia and is currently undergoing treatment at Civil Hospital Morigaon, while incarcerated. Mr. Medhi's mental health condition was not considered by the Ld. Trial Court nor any assessments were made to ascertain whether Mr. Medhi had the cognitive abilities to stand trial, which is a mandatory requirement of law. The Appeal has been mounted on this ground amongst others. The matter was last listed on July 24, 2023, and a request letter has been submitted to the Registrar (Judicial), Gauhati High Court to expedite the matter and get it listed in July 2024.

- ***Manirut Jaman @Moni v. State of Assam, CrI. A. 392/2023***

Md. Zaman was convicted under S.21 (c) of Narcotic Drugs and Psychotropic Substances Act, 1985. he was sentenced to undergo rigorous imprisonment for 10 years with a fine of 1 lakh INR and a default stipulation in connection with NDPS 71/2021 passed by the Ld. Session Judge cum Special Judge, Morigaon on July 27, 2023. He is currently incarcerated in District Jail, Morigaon. An appeal has been filed under S. 372 (2) of the CrPC challenging the judgement on Sept. 20, 2023, registered as CrI. A. 392/2023. An I.A. (CrI.) under S. 389 of the CrPC, 1972 had also been filed which was listed for hearing in March, 2024. Mr. NNB Choudhury, Advocate, Gauhati High Court is engaged as an external counsel to represent his case. The matter was heard on May 30, 2024 and June 10, 2024, and the judgement was reserved since.

- ***Bapmoni Deka v. State of Assam & Anr., I.A. (Crl.) 947/2023, Crl. A. 151/2024***

Mr. Bapmoni Deka was convicted under S. 18 of the POCSO Act, 2012 and S. 451 (house trespass) of the Indian Penal Code, 1860 IPC. He was sentenced to 10 years in prison and a fine of 10,000 INR and in default of three months and also to undergo 1 year imprisonment under S. 451 of Indian Penal Code, 1860 and a fine of 2,000 INR with default stipulation. The correctional staff at District Jail, Morigaon forwarded this case. Studio Nilima was informed that Mr. Deka's matter was earlier sent to the Gauhati High Court Legal Services Committee (GHLSC) to be registered as a Jail Appeal. However, considering the delay that is usually seen in the processing of the applications, it was forwarded to Studio Nilima to expedite filing of appeal against the conviction. A delay condonation was filed under the S. 5 of the Limitation Act, 1963 which was registered as I.A (Crl.) 947/2023, praying the 87 days delay in the matter to be condoned. The matter was listed on June 3, 2024, when the appeal was admitted and registered as Crl. A. 151/2024.

- ***Md. Abul Bashar @ Abdul Bashar vs. State of Assam, Crl. A. 468/2023t***

Md. Bashar was convicted under S. 302 of the IPC, sentencing him to undergo rigorous imprisonment for life and imposing a fine of 30,000 INR and in default, he was to undergo further simple imprisonment for 1 year. This sentence however was passed in May 2017, and owing to failure of the legal aid machinery within the correctional home, an appeal against his conviction has not been filed through the last six years. His matter, as suggested by Studio Nilima was forwarded to the Registrar (Judicial), Gauhati High Court to pursue a Jail appeal. As there was further delay in the processing of this application, on behalf of the correctional staff, the matter was taken up by Studio Nilima and an appeal memo has been filed on behalf of Md. Bashar, who is currently 27 years old, and is undergoing treatment for schizophrenia at the correctional home. The lower court records also show that about 3-4 months prior to the incident he had been admitted to the Lokopriya Gopinath Bordoloi Regional Institute of Mental Health in Tezpur, Assam. Md. Bashar had been convicted of murdering his father, who was his caregiver as he struggled with his mental illness. An interlocutory application under S. 5 of Limitation Act, 1963 has also been filed for condonation of a delay of 1552 days. This is an illustration of how the existing state machinery often fails to cater to the needs of the most marginalised. Meeting with Md. Bashar reflected that one of the main reasons for this exorbitant delay in filing an appeal against his conviction is primarily due to his mental illness, limiting him from expressing his grievances to the correctional staff and PLVs. This highlights a concerning issue that the mentally disabled might be the most marginalised and 'forgotten' group of people within the context of a correctional home, emphasising how structural inequalities manifest within such spaces.

- ***Puni Ram Nath @ Koniwar Nath v. State of Assam, Crl. A. 16/2024***

An Appeal was filed on behalf of Mr. Puni Ram Nath against the judgement dated Sept. 20, 2017 rendered by the Ld. Session Judge in Morigaon in Session Case no. 57/2016, under S. 302 of the Indian Penal Code, 1860. He has been sentenced to undergo rigorous imprisonment for life, accompanied by a fine of 50,000 INR in the event of non-payment, an additional term of simple imprisonment for 1 year has been imposed. This matter records a delay 1825 days which has been condoned by the Hon'ble High Court under S. 5 of the Limitation Act, 1963. He is currently suffering from schizophrenia and is being treated in the Jail Hospital, in District Jail, Morigaon. An application under S. 389 of the CrPC, 1973 had been filed seeking a suspension of his sentence on grounds of his mental illness.

The matter was last listed on June 19, 2024, where the Court had directed the Public Prosecutor to provide information regarding any standing guidelines which exist, passed under the Rule 10 of the Mental Healthcare (Rights of Persons with Mental Illness) Rules, 2018 by the State or Central Government. This provision pertains to transfer of mentally disabled prisoners from the correctional homes to a mental healthcare institution. The Hon'ble Gauhati High Court vide its Order dated June 25, 2024 directed that Puniram Nath be produced before the Mental Health Review Board, Kamrup before a period of 15 days for an assessment and pass appropriate orders. However, despite multiple efforts on part of the Jail administration and Studio Nilima, Puniram Nath is yet to be produced before the Mental Health Review Board, Kamrup. An interlocutory application is being contemplated to be filed immediately on July 22, 2024.

- ***Kanak Nath v. State of Assam, I.A. (Crl.) 20/2024***

An appeal under S. 374(2) of the CrPC, 1973, on behalf of Mr. Kanak Nath who has been convicted by the judgement and order dated April 6, 2023 issued by the Ld. Additional Sessions Judge cum Special Judge (POCSO) in POCSO Case no. 71/2019 under S. 376(2) of the Indian Penal Code, 1860. Currently he is incarcerated in District Jail, Morigaon. He has been sentenced to undergo rigorous imprisonment for 10 years and ordered to pay a fine of 10,000 INR. Further for his conviction under S. 366 of the Indian Penal Code, 1860, Mr. Nath has been sentenced to undergo rigorous imprisonment for three months. A request letter has been submitted to the Registrar (Judicial), Gauhati High Court to expedite the matter and get it listed in July 2024.

- ***Md. Mansur Ali v. State of Assam & Anr. Crl. A. 21/2024***

Md. Ali was sentenced to undergo rigorous imprisonment of seven years and fine of 5,000 INR, in default of which he is to serve another one month of rigorous imprisonment. The sentence was passed by the Ld. Additional Sessions Judge-cum- Judge (POCSO), Morigaon in connection with POCSO Case no. 59/2019, in judgement and order dated Dec. 19, 2023. The appeal was admitted in January 2024 and as of April the written objections from the Respondent were received. The trial court records have been called for, and after the preparation of the paperback the matter will be listed for hearing. This case was forwarded to Studio Nilima by the correctional staff in Morigaon.

- **Indreswar Dewri v. State of Assam, Crl. A. 150/2024**

Mr. Dewri was sentenced to undergo rigorous imprisonment for 10 years, and to pay a fine of Rs. 5,000 INR in default of which he was sentenced to undergo another month's imprisonment. The sentence was passed by Ld. Sessions Judge, Morigaon in Sessions Case no. 72 / 2021, thereby convicting Mr. Dewri for the offence under S. 376(1) of the Indian Penal Code, 1860. This matter too was forwarded for a Jail Appeal, however, since there was inordinate delay, on request of the correctional staff the responsibility of filing the appeal was undertaken by Studio Nilima. The appeal was admitted on June 3, 2024.

- **Rajib Banik v. State of Assam & Anr, Crl. A. 23/2024**

Mr. Banik is currently serving his life sentence in District Jail, Barpeta. He was convicted in connection with Sessions Case No. 77/2018 under S. 302 of the Indian Penal Code, 1860. A fine of 50,000 INR has also been imposed, in default of which he is to undergo simple imprisonment of another 6 months. His appeal was the first to be forwarded to Studio Nilima from District Jail, Barpeta

- **Jagannath Barman v. State of Assam & Anr., Crl. A. 82/2024**

Mr. Barman has been sentenced to undergo rigorous imprisonment of 20 years, with a fine of 10,000 INR, in default of which he will serve another two years of simple imprisonment. His matter was forwarded to Studio Nilima on one of the regular visits to District Jail, Barpeta in December 2023. His sentence was passed by Ld. Addl. Session Judge -cum- Special Judge (POCSO), Barpeta in Special POCSO Case No. 95/2022. An appeal against his conviction has been filed in the Gauhati High Court. Mr. Barman's matter was handled in the trial stages by a Legal Aid Defence Counsel (LADC). The team's interaction with him highlighted his lack of information in the matter, contents of the judgement, and the sentence that he was served. He was informed of these details during the consultation with the visiting team of Studio Nilima.

- **Sanu Bhuyan v. State of Assam, Crl. A. 93/2024**

Mr. Bhuyan was sentenced to rigorous imprisonment for life, with a fine of 10,000 INR, in default of which he will be serving another six months. He was further convicted under S. 323 and 325 of the Indian Penal Code, 1860. Mr. Anan K Bhuyan, Advocate, Gauhati High Court, has been briefed on this matter as an external counsel, and his offices have agreed to pursue the appeal in the High Court on a pro bono engagement. The appeal memo was filed and listed in March, 2024.

- **L. Sana Meitei v. State of Assam, Crl.A (J) 111/2023**

The matter of Mr. L. Sana Meitei, was brought to the notice of the Studio Nilima team on one of our routine visits to District Jail, Morigaon. Due to his diagnosis of HIV/AIDS, an interlocutory application, I.A. (Crl.) 464/2023, was filed on his behalf, seeking bail on medical grounds by the team members of Studio Nilima, in the ongoing jail appeal where Ms. Dipanjali Borpujari, Advocate had been appointed as his legal aid counsel. However, the I.A. was dismissed without the grant of bail, despite the submission of all medical records. The court took cognisance of his condition and has therefore directed the appeal to be listed for urgent hearing. Studio Nilima is providing legal research support to Ms. Borpujari in the form of written submissions, copies of which have been provided to her.

Appeals supported by Studio Nilima Central Funds

Over the years, there has been overwhelming support for Studio Nilima's work from different stakeholders within the correctional homes' apparatus. We are receiving referrals from districts where Studio Nilima has no direct engagement. In the past year, two requests have been sent to Studio Nilima through the staff in District Jail, Sivasagar, bringing the total of such appeals supported by Studio Nilima's central funds up to three. The matters are listed below.

- Mirija Begum v. The State of Assam & Anr., Crl. A. 73/2022***

Mustt. Mirija Begum was convicted under S. 302 of the Indian Penal Code, 1870. She is currently incarcerated in Central Jail, Guwahati and is undergoing treatment for schizophrenia. Her case was forwarded to Studio Nilima through the correctional staff because her family has abandoned her, leading to a delay in the filing of an appeal against her sentence of conviction in the Gauhati High Court. This matter will be soon listed for final hearing.
- Mirija Begum v. The State of Assam & Anr., Crl. A. 73/2022***

Mustt. Mirija Begum was convicted under S. 302 of the Indian Penal Code, 1870. She is currently incarcerated in Central Jail, Guwahati and is undergoing treatment for schizophrenia. Her case was forwarded to Studio Nilima through the correctional staff because her family has abandoned her, leading to a delay in the filing of an appeal against her sentence of conviction in the Gauhati High Court. This matter will be soon listed for final hearing.
- Bablu Das v. State of Assam & Anr. Crl. A. 463/2023***

An appeal, on behalf of Mr. Bablu Das, has been filed under S. 374 (2) of the CrPC, 1973 and Section 389 (2), challenging the verdict and sentencing order issued on September 21, 2023, by the Ld. Sessions Judge - cum- Special Judge (POCSO), Sivasagar. This pertains to Special (POCSO) case no. 32/2021, wherein he received a 20-year sentence, with a fine of 20,000 INR in default of which, he faces an additional 1 year imprisonment. Mr. Das was convicted under S. 6 of the POCSO, 2012 and an additional six month imprisonment under Section 448 of the Indian Penal Code, 1860. This matter was forwarded to us through the correctional staff in District Jail, Sivasagar along with the lawyer, Mr. Sudeep Majumdar, who had appeared as the defence counsel in the trial. Mr. Das was incarcerated in Sivasagar, and was completely confined to the bed in the Jail Hospital suffering from full body paralysis due to a stroke that he suffered while the trial was underway. Owing to his worsening health, an application for suspension of sentence and bail under S. 389 of CrPC, 1973 has been filed, as per the the correctional staff's request. Sivasagar District Jail officials report that their facility doesn't have the advanced level of medical support that Mr. Das now requires.

On March 30, 2024, Studio Nilima was informed of his declining health, therefore another I.A. (Crl.) no. 322/2024 was filed on April 1, 2024, to bring the Court's attention to the urgency of the matter. It was pleaded on Mr. Das's behalf that he should be shifted to a medical facility outside the campus of the correctional home for his treatment. It came up for hearing on April 8 where the Hon'ble Gauhati High Court called for a medical report from the Medical Officer posted in the correctional home, with regards to Mr. Das's current health condition and particularly seeking their opinion on the requirement of him

being shifted to a health facility. In a communication dated April 9, Dr. Diwakar Singh, Medical & Health Officer-I (M&HO-I), informed the Hon'ble Court that Mr. Das's condition poses serious challenges and he requires constant medical attention and support. It was categorically mentioned that, "Bablu Das may be at risk of further complications, including decreased quality of life, loss of independence, and presence of bedsores can lead to serious infections and potential deterioration of their overall health." This echoed the continuing concerns, voiced by the correctional staff regularly, that the current infrastructure at the correctional home is not adequate to address the specialised medical assistance that was required for Mr. Das. The hospital inside the correctional home only had an M&HO-I, who had been recently posted, and a Pharmacist. Without the presence of any other healthcare workers, fellow residents had been entrusted with nursing Mr. Das, despite them not having any specialized training or skills to fill in the role of healthcare workers. The health report submitted by the M&HO-I, further requested the Court to ensure that Bablu Das receives the necessary medical care and support, including access to rehabilitation services and physiotherapy that may be required to maintain his health and well-being. However, when this report was presented on April 10, the Hon'ble Gauhati High Court sought for another report from the Superintendent, to be prepared in consultation with the M&HO-I, and directed the matter to be listed again on April 22. Mr. Das succumbed to his health conditions at Assam Medical College and Hospital (AMCH), Dibrugarh on April 14 where he was referred for urgent medical assistance from Civil Hospital, Sivasagar where he was transferred from the Jail Hospital on April 12 after sudden deterioration of his condition. This was brought to the notice of the Court through an Additional Affidavit filed by us on April 20, in which the Cadaver Report issued by the AMCH, was appended. The Report dated April 12 recorded the cause of death as Cardiopulmonary Arrest.

With Mr. Das's death the appeal against the sentence stands abated as per Section 394 of the CrPC, 1973 which provides for abatement of appeals on the death of the accused, except an appeal filed against a sentence of fine. According to the Proviso, the concerned Appellant's near relatives are liable to pay the fine, or seek leave to continue with the appeal within 30 (thirty) days of the death of the Appellant. The Explanation to this Proviso under Section 394 refers to "near relative" as a parent, spouse, lineal descendent, brother or sister. With the support of the correctional staff the application for leave of continuation of appeal was filed, on May 13, 2024, after it was confirmed by Mr. Bablu Das's brother, Mr. Ranjan Das, that the family was not in a financial position where they could furnish 10,000 INR immediately to pay the fine.

- **Ajay Pantanti v. State of Assam & Anr., CrI. A. 460/2023**

Another matter which has been forwarded from District Jail, Sivasagar is of Mr. Ajay Pantanti who has been convicted under S. 6 of the POCSO Act, 2012, and sentenced to undergo rigorous imprisonment for 20 years. Additionally, a fine of 20,000 INR has also been imposed on him, in default of which he will serve another six months.

Owing to his family's difficult socio-economic circumstances, the engaged Legal Aid Counsel in the trial, Mr. Aditya Kr. Borah, along with the staff at the correctional home, requested Studio Nilima for the appeal to be filed on Mr. Pantanti's behalf.

Accordingly, the memo has been filed under S. 374(2) of the CrPC, 1973 against the Judgment and Order passed by the Ld. Sessions Judge Cum Special Judge (POCSO), Sivasagar, on Oct. 17, 2023, in the matter of Special POCSO Case no. 38/2023.

Strategic Litigation

- **Studio Nilima: Collaborative Network for Research and Capacity Building v. State of Assam, PIL 55/2017 before the Hon'ble Gauhati High Court**

Studio Nilima filed a PIL before the Hon'ble Gauhati High Court in 2017 and relentlessly has been pursuing the issue of mentally ill residents languishing in the correctional homes across the state of Assam. Their continued incarceration and the facilities available to them are in stark violation of the mandatory requirements of the Mental Health Care Act, 2017; Mental Health Care (Rights of Persons with Mental Illness) Rules, 2018; Assam Prisons Act, 2013 and the Model Prison Manual, 2016. In spite of the favourable final order passed by the High Court on Dec. 13, 2022, directing the State Government to ensure that the provisions of the 2017 Act to be implemented in toto across the State, the mandates are yet to be completely adhered to.

As discussed earlier, representations were sent to the Secretary, Department of Health and Family Welfare, Government of Assam, seeking information on the steps undertaken to implement the High Court's orders in May 2023. The Secretary is ex-officio Chairperson of the State Mental Health Authority, who has been given the responsibility for the constitution of Mental Health Review Boards under the Mental Healthcare Act, 2017. A similar representation was also sent to the Secretary, Directorate of Social Justice and Empowerment, Government of Assam who is. However, no response was received from the authorities, therefore, another I.A. No. 2366 has been filed to revive the matter and seek an update from the respondent authorities on the developments regarding the directions passed by the High Court.

In an Affidavit-In-Opposition filed by the Secretary, Department of Health and Family Welfare in November 2023, highlighting that all the Boards in the five zones of Kamrup (M), Barpeta, Sonitpur, Dibrugarh and Cachar are functional. Minutes of meetings organised by the Boards, attested to affidavits filed by the Respondents also reflected that they were in the process of setting up sub-committees in the different districts which come under the jurisdiction of each Board. These sub-committees, headed by a Judicial Officer, have been mandated to carry out the functions provided under the 2017 Act and report to the Zonal Boards. However, there was no reference made to the budgets which have been allocated to each Board for their effective functioning. This was highlighted by another Affidavit-In-Reply filed by us in January 2024 addressing that this essentially renders the Board ineffective. During the final hearing of the I.A., the State assured that the funds will be released as deemed necessary. Recording this assertion, the Court disposed of the I.A. on May 29, 2024.

- ***Studio Nilima v. State of Assam, PIL 10/2020 before the Hon'ble Gauhati High Court***

Pursuant to several consistent media reports on the increasing number of deaths of declared foreign nationals (DFN) while in incarceration in Assam's jails, Studio Nilima filed a Public Interest Litigation before the Hon'ble Gauhati High Court which was registered as PIL 10/2020. The instant PIL highlights the inhuman living conditions, unnatural deaths and the gaping deficit in providing proper medical infrastructure, hygiene and sanitation facilities within the correctional facilities. The petition emphasizes the particular case of Nareswar Koch, whose death marks the third recorded death in the District Jail, Goalpara since 2018 and the 29 deaths of a DFN since 2016. In an order dated Dec. 13, 2022, the Hon'ble High Court directed the State to submit a chart with particulars about the deceased residents including their names, jails in which they were incarcerated, and cause of death (whether natural or unnatural according to the Government). In a following order dated Feb. 28, 2023, the Court also directed the medical records of the 19 deceased s to be placed on record. Following that, the parties to the matter have also been asked to address the responsibility of the correctional staff in case of custodial deaths in correctional homes. This matter is in the final stage of hearing, where the Hon'ble High Court is currently deliberating the quantum and responsibility of paying compensation to the next of kin of the deceased DFNs and residents who have died in custody. On the last date of hearing in the matter on July 19, 2024, the Government of Assam has given an assurance to the Hon'ble Gauhati High Court that a compensation policy has been drawn up by the State of Assam which will be placed before the Cabinet for its approval.

- ***Habeas Corpus Petitions***

Santanu Borthakur vs. Union of India, W.P. (Crl.) 2/2020 with Nurut Zaman Dewan vs. Union of India, WP (Crl.) 3/2020 with Dipika Sarkar vs. Union of India, WP (Crl.) 4/2020 with Abantee Dutta vs. Union of India, WP (Crl.) 6/2020 and IA 2270/2020, & Abantee Dutta vs. Union of India, WP (Crl.) 7/2020 and IA 2271/2020

This series of 5 (five) habeas corpus writ petitions have been filed before the Hon'ble Gauhati High Court seeking its judicial attention on the illegal and arbitrary incarceration of the Declared and Convicted Foreign Nationals in the detention centres set up in the six correctional homes of Assam. Their detention in the correctional homes of Assam is in violation of the existing legal framework applicable for individuals declared as foreign nationals apart from being in violation of the order of the Hon'ble Supreme Court. By way of Order dated Oct. 7, 2020 the Hon'ble Gauhati High Court in the above-mentioned series of habeas corpus petitions found that the correctional homes in Assam could no longer function as detention centres. It also found that detainees cannot be treated as prisoners and

confined to the correctional homes and deprived of basic human rights and dignity. The order further noted that as per the directions of the Hon'ble Supreme Court, communications of the Ministry of Home Affairs and the Model Manual for Detention Centres, 2019; detention centres must exist as separate entities and outside the jail premises.

Pursuant to regular hearings in the past year, the process of making the Transit Camp (as detention centres are referred to) at Matia functional was expedited. On Jan. 29, 2023, the foreign nationals from District Jail, Goalpara were shifted to Matia. In subsequent hearings of the matter, the Court was apprised that the Government has acted beyond its administrative powers and converted a part of the transit camp into a temporary jail to accommodate individuals who have been arrested under the anti-child marriage drive initiated by the government in early February, 2023. This action of the State Government has been further challenged. The matter was concluded on June 18, 2024 wherein it was observed that;

"...we are of the view that whether the recourse adopted by the State Government in using the detention centre for lodging UTPs is permissible in law or not, would definitely be a pertinent issue to be considered by this Court as and when the occasion arises. However, this issue is beyond the remit of these proceedings as the matter, in the opinion of this Court, gives rise to a new cause of action...As such, by granting liberty to the Petitioners and/or any other aggrieved party to raise the aforesaid issue by filing an appropriate petition...we close the Habeas Corpus petitions, as infructuous."

- ***Mustt. Halima Khatoon v. Union of India, Writ Appeal 120/2021, along with I.A. (Civil) 504/2021 and I.A.(Civil) 3444/2023 in the Gauhati High Court***

Studio Nilima intervened in the case of Halima Khatoon, who was in a detention centre for 11 years on the basis of an ex-parte order passed by the Foreigner's Tribunal, Nagaon. Mustt. Khatoon, along with her 2-year-old, was at the Central Jail, Nagaon on the basis of an ex-parte opinion dated Feb. 5, 2008. During her detention, she was eventually transferred to District Jail, Kokrajhar, where she was lodged when she was released on bail on the basis of the order of the Hon'ble Supreme Court passed on April 13, 2020, in I.A No. 48215/2020 and 48216/2020 in Suo Moto W.P (C) No. 1/2020.

It transpired that Mustt. Khatoon had approached the Hon'ble Gauhati High Court by way of a writ petition registered as W.P(C) No. 295/2009 against the order of the Tribunal which had been dismissed. However, till the time we intervened in the matter, no appeal had been filed in the High Court even after the lapse of more than eight years. An appeal was prepared with an application for condonation of delay of 2945 days/ eight years approximately before the Hon'ble High Court. The Hon'ble Gauhati High Court, after hearing the matter, was pleased

to allow the application for condonation of delay by way of its order dated March 22, 2021. Thereafter, the writ appeal was admitted for hearing on April 7, 2021 and the opinion of the Foreigners Tribunal and the Quit India notice against the appellant have been stayed in the interim by the Hon'ble Gauhati High Court.

The Hon'ble Court passed an order on June 2, 2023, directing the Appellant to pay the cost of 10,000 INR for her non-appearance before the Tribunal, after there was a delay in filing her Written Statement in respect of F.T. Case No.344/2006. The Hon'ble Court also noted its disagreement with the dismissal of the original writ petition from 2009, as well as the ex-parte order passed by the Tribunal from 2008. Mrs. Khatoon was also directed to appear before the Tribunal on July 1, 2023 after showing proof of payment of the cost to be deposited before the District Legal Services Authority, Nagaon, and the appeal was disposed of. These directions were diligently followed, however; in this process the local counsel appearing on behalf of her was also informed that the lower court records which had been sent to the High Court Records Department during the course of the writ petition have been misplaced. Accordingly, I.A. (Civil) 3444/2023 has been filed on behalf of Mrs. Khatoon, apprising the Hon'ble High Court of the developments, seeking further directions.

Research Support to the LADC

From the month of February 2024, we have been actively working with the office of the LADCs in the districts of Morigaon, and Karbi Anglong, providing them research support in ongoing trials. This is an activity supported under the APF Grant. We have been conducting visits to each of these districts and extensively conferring with the members of the respective LADC offices. In the past months, we have worked on 12 matters which are as follows:

From District Jail, Morigaon

- **State of Assam v. Babul Ali, NDPS Case No. 47/2021**

Babul Ali's house was searched on June 1, 2021 by police officers, who were told that there were narcotic substances at his house. Mr. Ali was charged under S. 21(b), 20(b) Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985. A research note was being prepared to be shared with Mr. Mintu Kumar Nath, Dy. Chief LADC, Morigaon who was representing Babul Ali. However, it later came to our attention that Babul Ali had opted to retain a private lawyer for his case, thereby transitioning away from the legal services previously provided.

- **State of Assam v. Pinku Nath, Sessions C/No. 13/2024**

Mr. Pinku Nath was suspected of allegedly murdering his wife, and arrested under S. 302 of the IPC, 1860. The case is currently in the stage of evidence, and

deposition of witnesses are being recorded. After conferment with Mr. Milan Kumar Nath, Dy. Chief LADC, Morigaon, we have provided research support around the law governing circumstantial evidence, that mere suspicion does not lead to strong leads for conviction. A compilation of relevant precedence was submitted based on the proposition with the facts of the judgements and identifying the relevant paragraphs.

- ***State of Assam v. Abul Kalam Azad, Sessions Special Case No. 04/2023***

Md. Abul Kalam Azad is currently incarcerated in Central Jail, Guwahati. However, since there are multiple cases against him in districts of Barpeta and Morigaon, the one that has been registered at Moirabari police station is being heard at the session court in Morigaon. He is one of total nine accused persons in the matter, and has been accused U/S 17/19/20/21/39/40 Unlawful Activities (Prevention) Act, 1967 and S. 120(B)/201/121/121(4) IPC, 1860. Mr. Azad, a driver by profession, was accused of helping some of the co-accused travel from one place to another to attend a religious meeting. In this matter, the multiplicity of cases and adequate information on those cases presents a formidable challenge for formulation of defence ground. The lack of access to requisite documents pertaining to these additional matters complicates the formulation of a comprehensive defence strategy. The matter in Morigaon is in the evidence stage, and we're awaiting copies of the deposition of the witnesses to frame an effective research note for the LADC.

- ***State of Assam v. Nasiruddin, NDPS 17/2024***

Mr. Nasiruddin was apprehended with narcotic products at District Jail, Morigaon where it was alleged that he was trying to smuggle drugs and other contrabands inside the premises of the correctional home. Three plastic vials and one green coloured tobacco container sealed with suspected drugs was recovered from him. The police alleged that during preliminary enquiry they found that he is an alleged peddler and he used to sell drugs in Morigaon. Mr. Nasiruddin has been arrested under Section 21 (b) of the NDPS Act, 1985. A research note on analysis of the facts was submitted which included grounds for cross-examination.

- ***State of Assam v. Milan Nath, NDPS C/No. 6/2024***

Mr. Milan Nath is currently incarcerated in District Jail, Morigaon and represented by Mr. Mintu Kumar Nath as his Legal Aid Defense Counsel (LADC). The available records fall short in providing the necessary foundation for conducting thorough research to support the defence's position extensively. The absence of research requirements from the LADC, and the limited availability of pertinent documents present a significant obstacle to comprehensive preparation. The case had progressed to the stage where the charge against Mr. Nath was being framed.

Since the recording of evidence has not yet started our resources were limited for building grounds and conducting research for the case.

Notwithstanding these challenges, a concerted effort was undertaken to bridge the gap between available resources and the demands. In response, a research analysis note was prepared along with dates and submitted to Mr. Mintu Kumar Nath. During a discussion on this matter, Mr. Mintu Kumar Nath mentioned his concern that Mr. Milan Nath, during the productions and consequent conversations did not display signs of a stable mental state. No steps were taken yet to ensure a psychiatric evaluation by the correctional staff. It is often seen that such residents and their mental health concerns are hidden from the visiting Psychologist, under the District Mental Health Programme. Without understanding the nuances of mental illness, the correctional staff often categorise residents such as Mr. Nath as individuals with intellectual disability. We should also note that intellectual disability is a recognised form of disability under the Rights of Persons with Disabilities Act, 2016.

From District Jail, Diphu, Karbi Anglong

- ***State of Assam v. Bishal Urang, Sessions C. No. 32/2023***

This case was referred to us by Ms. Rashmi Bharali, former Deputy Chief LADC where Mr. Urang has been charged under S. 302 of the IPC, 1860. As per the records, and discussion with the LADC, it was decided that a research note will be prepared on circumstances where the child was the only sole witness. Accordingly, a compilation was prepared on the proposition with a detailed study of the facts of the matter, and relevant precedents.

- ***State of Assam v. Renadi Daulagupu, Sessions C. No 33/20234***

Mrs. Renadi Daulagupu was arrested for allegedly murdering her son-in-law, after an altercation. There was a history of physical violence that the deceased had inflicted on his wife, i.e. Mrs. Daulagupu's daughter. The base file's copies were collected from the office of the LADC. However, Ms. Rashmi Bharali, former Deputy Chief LADC has been appearing in this matter in her personal capacity as an independent counsel, post her resignation from the office of the LADC and therefore, we are no longer engaged in the case.

- ***3. State of Assam v. Naren Momin, SC T2/35/2023***

Mr. Naren Momin had been accused of allegedly murdering his wife. He is booked under S. 302 of the IPC, 1860. The complainant was his own brother, Mr. Soron Momin, who had allegedly seen Mr. Naren Momin inflicting injuries upon his wife with a dao. She was shifted to a hospital in Bokajan, where she succumbed to her injuries. Initially, the case was assigned to us by Ms. Rashmi Bharali, the Deputy Chief of the Legal Aid and Defense Counsel. However, following her resignation from this position, Ms. Bharali decided to continue handling the cases she previously oversaw in a private capacity.

- ***State of Assam v. Amit Difusa, PRC/305/2021***

This matter was being heard in the court of Chief Judicial Magistrate, Karbi Anglong and forwarded to us by Ms. Nikita Das, Assistant Legal Aid Defence Counsel, Karbi Anglong. She was concerned about aspects of the case because Mr. Difusa's statement was taken twice, with one instance being conducted recently on March 22, 2024 via video conferencing without her presence. Such situations deprive the accused of the opportunity to interact with their advocate, potentially rendering the efforts of the defence counsel futile and violating the rights of the accused. Ms. Das mentioned that the case is expected to proceed to appeal in the Sessions Court, if Mr. Difusa is convicted, she would require research support from the Studio Nilima team for drafting the grounds of appeal against conviction. While working on the matter to assist Ms. Das the judgement was passed by the CJM, on April 6, 2024 where Mr. Difusa was convicted under Section 417 IPC, 1860 with an imprisonment of 6 months. After conferring with Mr. Iqbal Alam Fanaji, Secretary, DLSA, Karbi Anglong and Ms. Das it was decided that preferring an appeal would be infructuous as he had already spent 4 months incarcerated during the trial.

- ***State of Assam v. Prince Kujur, Sessions C/No 13/2021***

This is an ongoing trial in the court of the District and Sessions Judge, Karbi Anglong. Court records, including the deposition of the witnesses inform that the accused Mr. Prince Kujur and Mr. Markus Tirki, the deceased, were co-workers at the construction site. On the day of the incident, both of them got into a fight, while in an inebriated state. Later the other workers at the site were informed that Mr. Tirki was not feeling well. He was moved to a hospital nearby, but after medical investigation he was released and brought back to the camp. Unfortunately, he passed away at the camp, and the body was sent back to his family, for his final rites. A couple of days later Mr. Kujur, made a confessional statement in front of the head labourer at the camp that the death of the deceased may have been caused because of their physical altercation. Accordingly, a research note had been prepared on precedents and grounds for cross-examination on the law that governs confessional FIRs, specifically looking for whether such FIRs can be the ground for conviction under Section 302 of IPC, 1860.

- ***State of Assam v. Subodh Kumar Shah, Case No. SC T2/43/2022***

Mr. Subodh Kumar Shah is currently incarcerated in District Jail, Diphu. He has been accused under Section 302 of the Indian Penal Code, 1860 and is being represented by Mr. Dewalu Hasnu as his Legal Aid Counsel. The trial court records, which contained evidence such as the FIR, FSL Report, Arrest Memo, Medical Examination of the accused person, and witness depositions under Sec

164 CrPC, were collected and translated to English. The research note was provided to Mr. Dewalu Hasnu with focus on Section 27 of the Indian Evidence Act, 1872 which pertains to the admissibility of evidence discovered as a result of information given by the accused.

- **State of Assam v. Lakshmi D., NDPS C. No. 59/2021**

Acting on a tip, an emergency search was conducted by Bitupan Chutia, SI, Officer in Charge, Dillai P.S., Karbi Anglong on a bus that was suspected to be carrying drugs. After this search three people were apprehended, including Mrs. Lakshmi D. an original resident of Tiruvallur, Tamil Nadu, who is being provided legal aid service by DLSA, Karbi Anglong. She was charged under u/s 21(c), 27-A, and 29 of the NDPS Act, 1985. This matter was forwarded to us by Mr. Shyamal Sil, who is representing Lakshmi D as a legal aid counsel. A meticulous analysis note was submitted to him after a thorough analysis of the case. We have also been informed by the correctional staff that Mrs. Lakshmi D. has been incarcerated as an undertrial prisoner for three years now and she has had no visitors.

From District Jail, Diphu, Karbi Anglong

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REINTEGRATION AND REHABILITATION EFFORTS

Mr. Faruque Ali's induction into the core team at Studio Nilima [June, 2023]

Md. Faruque Ali's induction into the core team at Studio Nilima following his release from District Jail, Morigaon. He has proven to be a transformative addition to our working capacity. Throughout his time of incarceration, our team had been collaborating closely with Md. Ali, recognizing his expertise, dedication, and passion for our mission. By integrating him into our core team, we have provided him with a meaningful opportunity for reintegration into society and also gained a valuable asset to the organisation. Md. Ali's first-hand experience within the correctional system brings invaluable insights and perspectives to our work, enhancing our ability to address the needs and challenges faced by incarcerated individuals. This initiative aligns with our commitment to fostering inclusivity, rehabilitation, and empowerment within our organisation and demonstrates the transformative impact of providing second chances and opportunities for individuals to contribute positively to their communities.



CAPACITY STRENGTHENING

Continuing Legal Education for the Legal Aid Defence Counsels *[March, 2024]*

Until recently, the Indian legal aid system during the trial stages operated under the Assigned Counsel System, whereby Legal Services Institutions assign cases to panel lawyers. However, these services were affected by the panel lawyers' private practices, resulting in their inability to exclusively dedicate their time to legal aid matters. This dual commitment affected their accessibility and availability, causing delays in client consultation and updates on case progress. In the pursuit of professionalising legal services, the National Legal Services Authority adopted another legal aid delivery model known as the "Legal Aid Defence Counsel System" for criminal trials, which have been adopted in a phase-wise manner in Assam.

The Legal Aid Defence Counsel System entails the full-time engagement of lawyers within a dedicated support system, and they report to their respective DLSAs. This unit operates exclusively in the domain of legal aid work for criminal matters at the district headquarters. The Legal Aid Defence Counsel Office's sole focus is on addressing the legal needs of individuals who require assistance in criminal matters within the district or headquarters where it is set up. Its scope of services encompasses the entire spectrum of the criminal justice process, starting from the early stages of a case and extending to the appellate stage. Additionally, this system includes the critical responsibility of visiting correctional facilities to meet the legal needs of inmates who lack representation, ensuring that their rights are upheld.

Studio Nilima and ASLSA along with the respective DLSAs, designed knowledge sharing sessions for the LADCs members with a vision to reflect and strengthen their skills and capacity. More than 40 LADCs and LACs members participated from Barpeta, Darrang, Dibrugarh, Diphu, Kamrup (Amingaon) and Kamrup (M) in the zoom workshops organised on March 3, 2024, and March 10, 2024, . Invited speakers included Mr. Shri Singh, Advocate, Supreme Court of India (on 3 March); and Dr. R.C. Barpatragohain, Senior Advocate, Gauhati High Court, former Advocate General of Assam, and Dean, University Law College, Gauhati University and Mr. Ziaul Kamar, Senior Advocate, Gauhati High Court (on 10 March). A grant from APF supported this initiative.



A team of ten inmate partners was set up who were provided training by Vijaya Nursery as the plantation of the saplings started from 24 May 2022. The Horticulture Unit was inaugurated in 4 June 2022, in the august presence of the Chief Guest Hon'ble Mr. Justice N. Kotiswar Singh, then serving as Acting Chief Justice, Gauhati High Court and currently the Chief Justice, Jammu & Kashmir and Ladakh High Court. Hon'ble Mr. Justice Suman Shyam, Judge, Gauhati High Court and Chairperson, Gauhati High Court Legal Services Committee and Hon'ble Mrs. Justice Rumi Kumari Phukan, Judge, Gauhati High Court and Portfolio Judge, Morigaon (now retired) were the Guests of Honour. Mr. Devajit Saikia, Advocate General of Assam also graced the occasion with his presence as a Special Guest. This initiative was executed under the aegis of Mrs. Barnali Sharma, ACS, former Inspector General of Prisons, Assam and the District Administration of Morigaon. The support from the team of inmate partners, led by Mr. Abul Hashem, Mr. Anis Ahmed, Mr. Sanjay Chandra, Mr. Abdul Motaleb, Mr. Mohan Pator, Mr. Mazaharul Islam, Mr. Iddish Ali, Mr. Rofique Ali, Mr. Ganesh Das and Mr. Bhim Das, as well the correctional staff of District Jail, Morigaon, whose dedication and support have been the driving force behind the successful implementation of this pilot project. Ms. Priya Singh and Mr. Abhinav Dewan from Vijaya have been dedicated partners in this effort, along with their team led by Mr. Dulal Sarkar, Head Gardener, Mr. Arup Mandal, Mr. Ajit Teron and Mr. Mahabir Gowala who have been directly involved in the capacity building of the team of inmates.

After the inauguration, a team of Studio Nilima and Vijaya Nursery periodically visited District Jail, Morigaon to ensure the upkeep of the horticulture unit. The leadership of Mrs. Barnali Sharma, ACS, during her time as the Inspector General of Prisons, Assam has been pivotal as she showed incredible support for the endeavour, and provided blanket access to visit the correctional home as required. Furthermore, Dr. Himanta Biswa Sarma, Hon'ble Chief Minister of Assam and Mr. Diganta Barah, IPS, the then Commissioner and Secretary, Department of Home and Political, Government of Assam (currently serving as Commissioner of Police, Guwahati) had also shown their enthusiasm which was of great importance in the successful implementation of the project.

Legal Awareness camps in Correctional Homes

Organising legal awareness camps in correctional homes is crucial for empowering incarcerated individuals with knowledge about their rights, obligations, and access to legal aid services. These camps serve as invaluable platforms for residents on various legal aspects, including their rights within the criminal justice system and the resources available to them for legal assistance. By increasing awareness among incarcerated people, these camps help mitigate instances of legal ignorance and ensure that individuals are better equipped to navigate the complexities of their legal proceedings. Over the past year, Studio Nilima has organised four such camps, each focusing on enlightening inmates about their rights and obligations while also shedding light on the pivotal role of legal aid services in safeguarding their interests. Two of these took place in District Jail, Barpeta on July 16, 2024, and April 21, 2024. Sessions were also held in District Jail, Morigaon on March 17, 2024 and District Jail, Diphu on April 27, 2024. Through these initiatives, we aim to foster a culture of legal empowerment and advocacy within correctional homes, ultimately promoting fairness, justice, and dignity for all incarcerated individuals. These camps, too, were organised with the support of the APF Grant. They were designed in collaboration with the Hon'ble Gauhati High Court, ASLSA and the respective DLSAs

PROGRAMS FOR THE YEAR 2024-2025

Grant from Rohini Nilekani Philanthropies Foundation

[June 2024]

One of our significant achievements this year has been receiving a grant from Rohini Nilekani Philanthropies Foundation (RNPF) to support and deepen our continuing work in the correctional homes of Assam. As one of the primary patrons of Access to Justice initiatives across India, their support for Studio Nilima gives us the opportunity to significantly strengthen our work in the correctional homes across the State. We will be widening our scope and expanding our work into eight District Jails in the next three years (2024-2027). While legal aid and awareness will remain the core of our interventions, we will also focus on rehabilitative programs which support reintegration of formerly incarcerated individuals back into their communities. Strengthening the mental healthcare infrastructure in the correctional homes will also be one of our primary areas of intervention. Along with the ongoing support that we are receiving from the Azim Premji Foundation, this partnership with RNPF further strengthens our role in the correctional home apparatus of Assam.

The proposed outcomes for the ensuing three years which includes:

- **Expanding the work of Pratidhwani** including deepening the work in the district prisons of Assam and extending it to 8 prisons across Assam.
- **Strengthening the research capacity of Studio Nilima** and to build research on themes centered on the correctional homes including health, everyday peace, peace education in prisons, experiences of incarceration, and to carry out studies including participatory action research leading to policy and action.
- **To implement a Mental Health Intervention Model** that assists and advocates for mentally disabled residents in the correctional homes for their transfer to a care facility including the mental health establishment unit in Central jail, Tezpur. The approach also seeks to provide professional psychiatric and counselling support to the residents in the correctional homes while addressing their legal rights.
- **Building a collective of 10 justice** makers from a group of formerly incarcerated individuals to lead the social justice work in the correctional homes.

Continuing work in Prisons with the support of APF and RNPF

With the support of APF, we have deepened our interventions in the District Jails of Morigaon and Barpeta in the past year. For the coming year, we seek to expand our work to the District Jails, Morigaon, Barpeta, Diphu and Mangaldai with the support of APF and RNPF. The conversations for these interventions have been initiated with the correctional staff and other relevant stakeholders, particularly the district judiciary and the DLSAs. This is what we propose to do:

- **Visits to Correctional Homes:** to regularly audit correctional administration and lives of residents, through continued liaison with correctional staff and interactions with residents.
- **Access to Justice:** Representation to incarcerated marginalised individuals in at least 20 criminal matters in the Hon'ble Gauhati High Court or Supreme Court of India.
- **Support to Legal Service Authorities:** Studio Nilima will provide support to the legal aid counsels in atleast 20 cases through detailed research, case note, comments, etc..
- **Awareness Camps:** We will organise camps in targeting the concerns of residents and the correctional staff in different correctional homes. We will also organise workshops for legal aid counsels, amicus curiae and other lawyers and judicial officers, through active collaboration with the ASLSA.

Access to effective health care and mental well being

Our collaborative initiative with Health City Hospital and Dr. Bhaba Das Foundation to organise health camps in incarcerated homes will continue. This year we have sought to conduct two health camps in Central Jail, Tezpur and in District Jail, Mangaldoi.

The health camps entail a thorough day-long review of the health conditions of the residents. During these camps we shall prioritise care for women and children and residents diagnosed with critical medical conditions, geriatric issues, and mental illness or drug abuse,. The findings and observations from the health camps will be documented and a set of recommendations forwarded in consultation with the visiting doctors.



Residents with mental health, and substance abuse problems are overrepresented in prison populations across India. In Assam, they constitute about 12% of the total prison population, providing both a challenge and an opportunity to undertake individual and public health interventions. Data from sustained health camps organised by Studio Nilima and Government communications reveal that at least 3.64% of the total prison population in Assam has had at least one psychiatric diagnosis including personality and neurotic disorder. An alarming development is the higher prevalence of substance misuse and drug use in most of the district correctional homes, which account for approximately 9% of the total population. Rates of serious mental illness are also disproportionately high, with incarcerated individuals suffering from psychosis and schizophrenia.

To address the challenges faced by this particular group of marginalised incarcerated people, we will work on the following interventions:

- Provide sustained access to psychological, psychiatric assessment, and primary mental health services. Lead an advocacy campaign to engage with the Mental Health Review Boards, established under the Mental Healthcare Act, 2017 in improving access of incarcerated individuals.

Seeds for Change

Seeds for Change is an economic rehabilitative integration program for residents of the correctional homes built through a collaborative partnership between Studio Nilima, a local nursery, and the prisons of Assam. The project is designed to encourage inmates' engagement in jail revitalization, opening avenues for the district jails to become self-sustainable. By providing training, expertise, and material to the resident population to build a jail garden, the project stands to facilitate a pathway for inmates' economic reintegration into society. The project seeks to support the skills of the inmates as growers and strives to build consensus among the diverse set of stakeholders involved in the correctional home ecosystem to engage in economic reintegration of the resident community through public private collaboration. The project cycle is for a period of six months where the focus will be on capacity building and training of the resident participants. All the raw materials including seeds, pencil pots, bamboo standing structures, potting soil, plastic grow bags, preventive insecticides will be provided to the prison. The entire process will be carried out under the care and guidance of the Studio Nilima and the local nursery, who will provide expert supervision at regular intervals. All essential raw materials and supervision will be provided to the concerned prison. In the following year, Studio Nilima in collaboration with the Office of the Government of Assam represented through the

Inspector General of Prisons, and Vijaya Nursery will be implementing the project in Central Jail, Tezpur.

This project is part of the **Nilay Dutta Prison Rehabilitation Initiatives**, which is inspired from the life of Mr. Nilay Dutta and his dedication to the cause of welfare and rehabilitation of incarcerated inmates, particularly the vulnerable and the marginalized. The program strives to break down stigmas associated with prison life and seeks to provide wholistic rehabilitation to incarcerated inmates including their social, psychological, and economic reintegration into society. The programs include a Reading Circle in the district jails of Assam and Seeds for Change, a jail revitalization & inmate engagement initiative.

Restorative Reentry Circles

Prisons maintain a dehumanizing authority over those who are incarcerated, stripping them of control and agency over their own lives (*Walker & Greening, 2013*). Incarcerated residents are afforded minimal opportunities to exercise autonomy or make any decisions while incarcerated, and are isolated from their families and communities, lacking positive support systems to rebuild relationships (*Atkinson, 2019*). Yet upon release, they are expected to reintegrate into society independently, without facing economic instability or engaging in criminal behaviour. Data indicates that at least 95% of the people currently incarcerated in the correctional homes eventually return to their communities, but a significant proportion of them are rearrested within three to five years of release (*Hughes & Wilson, 2004*).

A recent comprehensive pilot study conducted with a group of formerly incarcerated residents of District Jail, Morigaon revealed the profound ramifications of incarceration on family and community dynamics (*Dutta, Class Assignment, 2023*). The insights from the interviews underscore the multifaceted challenges faced both by residents and their families, indicating the collateral damages of incarceration.

One of the primary themes elucidated by the interviewed residents pertains to the deleterious impact of incarceration on familial bonds and community ties. Specifically, the study highlights the arduous struggles faced by families in maintaining their economic stability and status amidst financial strain imposed by the incarceration of a family member (*Dutta, Class Assignment, 2023*). The financial strain exacerbates both the emotional distances within familial relationships and impedes visitation, as families grapple with restricted resources and communication barriers (*Dutta, Class Assignment, 2023*). Consequently, incarcerated individuals often find themselves grappling with feelings of abandonment and isolation, further compounded by the societal stigma attached to incarceration (*Dutta, Class Assignment, 2023*).

Despite the statutory provisions of an annual leave of 60 days for residents of Assam's correctional homes, the study reveals a disheartening trend wherein a majority of residents fail to avail themselves of this opportunity (Dutta, Class Assignment, 2023). This reluctance is attributed, in part, to the pervasive stigma associated with incarceration, which deters individuals from reintegrating into society even temporarily. Moreover, bureaucratic hurdles perpetuate a cycle of exclusion, leaving many residents at the mercy of a system fraught with inefficiencies and corruption (Dutta, Class Assignment, 2023).

Beyond the confines of the correctional home, formerly incarcerated individuals continue to grapple with the enduring repercussions of incarceration. Systemic biases, prejudice, judgments and pervasive mistrust hinder their interaction with society, engendering a profound sense of social exclusion and alienation (Dutta, Class Assignment, 2023). Navigating through a labyrinth of perceptions and stereotypes, these individuals have to confront the harsh reality of stigma and discrimination from neighbours and community members alike, undermining their sense of belonging and quest for social acceptance (Dutta, Class Assignment, 2023).

Currently, the Government of Assam lacks a structured program that prepares and supports individuals for their transition back into the community, while addressing their needs to facilitate a successful reintegration. Recognising and addressing the individualized needs of each person can lead to improved outcomes, including enhanced mental and physical well-being, attainment of gainful employment, and more. The prevailing security discourse often portrays incarcerated individuals as being high risk and having significant needs, thus necessitating a comprehensive and holistic approach to re-entry. Research further indicates the importance of focussing on cognitive and behavioural skills, mental and physical health, and strengthening family bonds as individuals reintegrate into their communities and familial environments.

Given this policy gap, there arises an immediate need for an intervention aimed at addressing the systemic inequities ingrained within the Indian criminal justice system. We need to emphasise the dismantling of entrenched biases and foster a culture centered in rehabilitation and societal reintegration. It is imperative for policymakers to strive towards building a more fair and inclusive society that embraces all individuals, regardless of their past indiscretions. We have conceived **Restorative Reentry Circles** with the goal of realizing this vision and we hope to undergo a pilot run in the Morigaon District jail, engaging residents there in an opportunity for healing, reconciliation, and the development of concrete future plans.

Restorative Reentry Circle is conceptualized as a three-hour group planning circle involving individual residents, their families, and prison staff. The aim is to formulate a comprehensive transition for residents nearing release from the correctional home. The plan will outline the resident's needs, encompassing reconciliation with their loved ones, any non-present victims, and themselves, with the



specifics of reconciliation determined collectively by the group to repair harm. The transition plan will also address the resident's basic needs, including housing, employment, or any other necessities crucial for a successful reintegration into society. It will also delineate the steps the resident will take to meet these needs and the support required to implement the plan effectively. The process will comprise of several key steps including; (1) Introduction of Re-entry and Transition Planning Circle Program in prisons, (2) Submitting an application for circle process, (3) Facilitating a Restorative Justice Awareness Building workshop with Circle Applicants, (4) Convening the Circle, (5) Conducting the Circle and (6) Summarizing the Circle outcomes and preparing and communicating the transition plan to participants.

References

- Atkinson, C. (2019). A systematic review of Huikahi reentry circles: A restorative justice process for families impacted by incarceration. [Master's thesis, University of Missouri-Kansas City]. ProQuest.
- Dutta, A. (2023). Lived experiences of incarceration by formerly incarcerated persons: A case study of District Jail, Morigaon. [Class assignment]. Jimmy and Rosalynn Carter School for Peace and Conflict Resolution. George Mason University.
- Hughes, T., & Wilson, J., D. (2004). Reentry trends in the United States. Bureau of Justice Statistics. <https://bjs.ojp.gov/content/pub/pdf/reentry.pdf>
- Walker, L., and Greening, R. (2013). Reentry & transition planning circles for incarcerated people. Hawaii Friends of Justice & Civic Engagement.

Status of Appeal cases before the Hon'ble Gauhati High Court from April 2023- June 2024. Dated: July 29, 2024

SL NO.	CASE DETAILS	UPDATES
1	<i>Sajen Puma v. The State of Assam and another.</i> Crl.A. no. 3/2023. (Morigaon)	Last date - 06.06.2024 Came up for Hearing. Ms. D. Ghosh sought for an adjournment. To get it listed through Registry.
2	<i>Brajeswar Bordoloi and 4 others v. The State of Assam and another.</i> Crl.A no. 204/2022. (Morigaon)	Last date - 19.07.2022 Justice Manish Choudhury said he was the Counsel for brajeswar and family during trial. Another bench will be given. An observation has been made to list it expeditiously.
3	<i>Nikhil Biswas v. The State of Assam and 7 others.</i> Crl. L.P 24/2023. (Morigaon)	Last date - 21.07.2023. No appearance till date. Date Sought - 25.04.2024 (was not posted on the said date). Will ask the registry to follow up and fix a date.
4	<i>Ratan Medhi V. The State of Assam and another.</i> Crl. A. no. 234/ 2023. (Morigaon)	Last date - 24.07.2023. Hearing date - 30.07.2024
5	<i>Manirut Jaman @moni v. The State of Assam.</i> Crl.A no. 392/2023. (Morigaon)	Last date - 10.05.2024 Judgment reserved. The order is not out yet.
6	<i>Bapmoni Deka v. The State of Assam and another.</i> Crl. A. no. 151/2024 (Morigaon)	Last date - 03.06.2024 Appeal is admitted. LCR called for. Matter to be listed after LCR is received.
7	<i>Abul Bashir @ Abdul Bashir v. The State of Assam and another.</i> Crl. A. no. 468/2023. (Morigaon)	Last date - 08.01.2024 Appeal admitted. LCR called for. Matter to be listed after LCR is received.
8	<i>Rajib Banik v. The State of Assam and another.</i> Crl. A. 23 /2024. (Barpeta)	Last date - 18.03.2024 The respondent no. 2 / informant's name is exempted, Matter to be listed after the LCR is received.

9	<i>Puni Ram Nath @ Koniwar Nath v. The State of Assam. Crl.A. no. 16/2024.</i> (Morigaon)	Last date – 25.06.2024 The Hon'ble High Court directed the Mental Health Checkup Committee of the District Jail, Morigaon to place the case of Puniram Nath before the jurisdictional Mental Health Review Board at the earliest for consideration under Sec 103 of the Mental Healthcare Act, 2017 within 15 (fifteen) days from the date order dated 25.06.2024, along with the relevant records including the medical reports. On receipt of the case records from the Mental Health Checkup Committee, the jurisdictional Mental Health Review Board shall give due consideration to the case on its own merits and in accordance with law.
10	<i>Kanak Nath v. The State of Assam. I.A (Crl.) 20/2024 Crl. A. no. 13144/2024.</i> (Morigaon)	Last date – 02.02.2024 Steps taken. Will get it listed through Registry.
11	<i>Md. Mansur Ali v. The State of Assam and another. Crl.A 21/2024.</i> (Morigaon)	Last date - 29.01.2024 Matter to be listed once LCR is received. Received Written Objection in Criminal Appeal on 20.04.2024
12	<i>Mirija Begum v. The State of Assam and another. Crl. A. no. 73/2022.</i> (Kamrup Metro)	Last date – 05.04.2024 Paperbook received. Hearing date – 30.07.2024
13	<i>Bablu Das v. The State of Assam and another. Crl. A. no. 463/2023, I.A. (Crl.)/504/2024</i> (Sivasagar)	Last date – 05.06.2024 Bablu Das earlier 389 application dismissed as infructuous. The IA for substitution allowed. LCR called for. Matter to be listed after LCR is received.
14	<i>Ajay Pantanti v. The State of Assam and another. Crl. A. no. 460/ 2023.</i> (Sivasagar)	Last date: 22.04.2024 Appeal is admitted. LCR called for. Matter to be listed after LCR is received.
15	<i>Indreswar Dewri v. The State of Assam and another. Crl.A./150/2024</i> (Morigaon)	Last date – 03.06.2024 Appeal is admitted. LCR called for. Matter to be listed after LCR is received.
16	<i>Sanu Bhuyan v. The State of Assam and another.</i> (Barpeta)	Last date - 05.04.2024 Appeal Admitted. LCR called for. Matter to be listed after LCR is received.
17	<i>Jagganath Barman v. The State of Assam and another. Crl. A. no. 82/2024.</i> (Barpeta)	Last date - 06.05.2024 Service report of OC called for regarding service to R2 and LCR requisitioned again.
18	<i>Studio Nilima vs. The State of Assam and 8 others. Abantee Dutta vs. The State of Assam and others. I.A.(Crl.) 2366/2023 in PIL 55/2017 (D/O)</i>	Last date – 29.05.2024 Vikram sir highlighted the issue addressed by the Barpeta MHRB about funds requirement and as per that the hon'ble chief has said the funds to be made available in a routine manner as and when required by the boards and committees by the State Government. The matter is therefore disposed of. Keep following up with the boards about the funds if it is received or not in the course of 6 months.
19	<i>Studio Nilima vs. The State of Assam and others. PIL 10/2020</i>	Last date – 18.07.2024 Instructions placed by State before the Court today. Next date- 27.08.2024
20	<i>Habeas Corpus matters</i>	Last date – 04.06.2024 From morning only item no. 1 was being taken up and it looked like it will continue in the 2nd half as well. Since our matter was listed for item no 13-17 it didn't seem to come up today and therefore Angaj mentioned the matter to come up at the top of the cause list. Justice MRP fixed it for 18 June saying no matters are there on the said date and for the matter to come in the top he asked to mention it that day again in the morning.
21	<i>Musst. Halima Khatoun vs The Union of India and three others.I.A.(Civil)/3444/2023 W.A 120/2021</i>	Last date – 11.06.2024 Report has been called for regarding existence of the reference, based on which the FT Case was registered, from the SP(B) and Distt. Election officer (impleaded by court today)
22	<i>Khadem Mandal vs. The State of Assam and another. I.A (Crl.) 397/2024 in Crl. A.(j) 52/2023</i>	Last date -22.06.2024 Service deemed to be completed Next date if none appears, legal aid will be appointed for R-2