



LAC

DISTRICT JAIL VISIT

Organized in collaborations with the District
Legal Services Authority, Gautam Buddha
Nagar, Uttar Pradesh

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Report by Jayanti, Vaishali & Sourajit



ABSTRACT

Abstract: This event was conducted on 30/08/2018 in association of DLSA. Ms. Neelu Mainwal ,the Civil Judge Senior Division & Secretary DLSA along with the jailer of Kasna Jail was present at the ceremony which was attended by 20 members of the legal aid cell along with Prof. Ankur Sharma the head of LAC. Co-Convenor Pranav Bhaskar Tiwari along with Para- legal volunteer Vaishali Singh gave a speech on the basic fundamental rights of the inmates. Prof. Ankur Sharma introduced the LAC to the inmates and jail authorities and explained about the roles and responsibility of LAC. The students got an opportunity to interact with the inmates and filled the questionnaires.

I. Concept Note

The legal aid center at Symbiosis Law School NOIDA is moving forward in achieving its goals for the betterment of the society and fighting for human rights. The aforesaid program was part of endeavor of the center in furtherance of its 'aim and objectives'. The areas and the topic identified through these programs are of vital importance and extremely necessary to be discussed and acknowledged. Keeping its aim in mind, the visit was conducted and successfully culminated.

As of 31 December 2014, there are 1387 functioning jails in India having a total capacity to house 356,561 prisoners. As of the same date, there were 419,623 inmates in jails across in India. The population has been significantly increasing. The population of the prisons increased from 272,079 to 418,536 prisoners in 2014. Almost 40% increase over a span of 14 years.

Positioned at the very end of the criminal justice system, prisons and prisoners get minimal attention. Intended to keep the convicted away from society, prisons are often places of injustice with little possibility of rehabilitation. In many countries, particularly where a legacy of colonialism has left the police unaccountable, where the judiciary is slow and the bar uncaring, prisons are full to overflowing with people yet to be proven guilty of a crime. All too often, they remain jailed for longer than the maximum sentence they would have received—if properly tried. Many have not had the benefit of a lawyer. Several are juveniles, mentally ill, jailed for petty crimes that don't demand incarceration or just unwanted. Most have little idea of why they are inside. Almost all are poor.¹

According to The 'Prison Statistics India 2015' report, which was released by the National Crime Records Bureau (NCRB) in October 2016, Sixty-seven per cent (two-thirds) of the people in Indian jails are undertrials which amounts to over 200,000 under-trial prisoners.

Poor public defense and under-utilization of non-custodial measures add to the growing malaise of unnecessary or prolonged detention. Lack of inspections and sketchy implementation of oversight mechanisms turn prisons into frightening wrecks with shoddy living conditions. This rot in the criminal justice system impacts the psychological condition of a prisoner making the person more vulnerable than before to criminal propensities. The prisoner may get out of jail ruined and not reformed.

The volunteers of the Legal Aid Cell, Symbiosis Law School, NOIDA thus organized a visit to understand the living conditions of the Kasna Jail and spread awareness among the inmates regarding their rights and the legal aid that they have the right to get. Another motive of the visit was to recognize the under trial victims so that necessary aid could be provided to them.

¹ World Prison Brief Data

II. OBJECTIVES

The objectives of the visit were as follows:

1. provide legal awareness to the inmates
2. get the necessary information regarding the living conditions in the jail
3. Understanding the environment in a jail
4. identify the under trial prisoners

III. Preliminary Preparations

To fulfill the objectives of the event, the volunteers of the Legal Aid Center:

- Made Posters and Pamphlets that would attract attention of the inmates
- Made different questionnaires for under trials, women prisoners, convicts and foreign nationals
- Read up on the various rights of the prisoners that we need to make them aware of
- Prepared a short note on the various rights of the prisoners which were told to them during the visit.

The topics were divided between the members and the members took turns to talk on the topic.

IV. Conducting The Event

The event was organized in Kasna Jail, NOIDA. The main focus was to target the under trial prisoners and identifying how much time they had already spent in the jail and the legal services that they had availed. The focus was also on taking note of the living conditions of the prisoners and issues such

as over-crowding, diet of the prisoners, health and educational facilities provided to them, mulaqaat services etc.

The team made the prisoners aware of their rights by speaking to them and informing them of the rights that they possessed. The motive of this exercise was to make the educated inmates aware of their rights so that they could later on help the others to avail their rights. Posters were used to attract the attention of the prisoners during the presentation.

Subsequently, all the volunteers interviewed the prisoners to fill in their details like their offence, the time spent in the jail, the time spent in police custody, whether they were physically abused, the time taken to present them in front of a magistrate to identify the flaws and the implementation of the legal system of India.

Different forms were filled for women prisoners, under trials and convicts. During the interview, the volunteers answered the queries of the prisoners regarding legal aid and other issues that they might be facing.

In the end, the volunteers talked to the jailer who gave us more information regarding the jail, the various vocational activities being provided to the prisoners, toilets and the population of the jail. Overall, the visit was a success with the volunteers gaining field experience and a memorable experience.

V. Response of the Prisoners

The volunteers got a first-hand interaction with the prisoners and the various problems that they might be facing in the jail. The prisoners actively participated in the interview and told the volunteers their view. There were a lot of prisoners who had not met their family for a long time. This was either due to the fact that their family lived far away, or because they were not

getting enough support from the family. Most of them had a private lawyer that the family had hired for them while some of them even had lawyers that were appointed by the DLSA. According to the prisoners, the services provided by these lawyers was better than the ones provided by the private lawyers.

The medical services and the food provided to them were upto the standards and special diet was also provided to pregnant females. However, there was a lack of female doctors. There was hardly any female gynecologist that was available to look into the problems of the woman prisoners.

There were vocations services provided to the prisoners and they could work in the prisoners and earn some money for their family. However, the major complaint was that the stipend promised to them, had not been given to them since the last few months. The jailor clarified the issue that the due would be cleared in some time when the government gives the funds.

The response of the prisoners helped us to realize the plight and grievances of the prisoners and provide them with assistance.

VI. Future plan of action

Such visits will also be conducted in the near future and the information gathered subsequently would be conveyed to DLSA so that the shortcomings observed can be rectified. Efforts shall be made to ensure that the undertrials who have not yet received legal counsel shall avail so with immediate effect.

VII. Suggestions

The volunteers were not able to visit the barracks and see the cells of the prisoners. It would have been better if the same was done to understand the things better.

VIII. Conclusive remarks

The volunteers got an opportunity to see the prison life firsthand and understand the environment in a jail. In the whole process, they themselves got to know of many laws regarding the same and were able to enhance their own knowledge. Overall, it was great experience.

Photographs



