

JAIL VISIT AT GAUTAM BUDDHA DISTRICT JAIL

**Report on Visit Organised on July
30, 2021 in Greater Noida, Uttar
Pradesh.**

ABSTRACT: This visit was conducted under the aegis of the District Legal Services Authority of Gautam Buddha Nagar, in order to enlighten law students of the realities of how prisons work in the country and to enable them to interact with and learn from the inmates.

Conducted by:

1. Ms. Aprajita Tyagi, Convener
2. Mr. Devyanshu Sharma, Co-Convener

Under the Guidance of:

Ms. Charvi Kumar,
Head - Legal Aid
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I. Concept Note

The rights of prisoners and the prevailing conditions within Indian prisons are subjects of considerable societal and legal scrutiny. Within the constitutional framework of India, prisoners are guaranteed fundamental rights, foremost among them being the right to life and personal dignity, as enshrined in Article 21. This pivotal constitutional provision establishes the protection of life and personal liberty as inviolable, thereby ensuring that prisoners are entitled to humane treatment.

Integral to the principles of justice, prisoners in India possess the right to legal representation, ensuring a fair trial. The communication rights of prisoners, albeit subject to certain restrictions for security reasons, extend to maintaining contact with family and friends. Furthermore, the right to adequate medical facilities is recognized, underscoring the state's responsibility for the physical well-being of prisoners.

However, the realization of these rights faces challenges within the context of prevailing prison conditions. Overcrowding stands out as a pervasive issue, contributing to an environment characterized by poor living conditions and heightened tension among inmates. Inequities in infrastructure, particularly concerning sanitation facilities and healthcare services, persist in various prisons across the country.

Moreover, the issue of undertrial detention exacerbates the problem of overcrowding, with a significant proportion of inmates awaiting the resolution of their cases. Rehabilitation programs, though existing, vary in availability and effectiveness, emphasizing the need for uniform initiatives promoting skill development and education to facilitate the reintegration of prisoners into society.

Despite constitutional guarantees, human rights organizations have voiced concerns about custodial violence and the overall treatment of prisoners. The imperative for ongoing prison reforms is underscored, calling for sustained efforts to address overcrowding, enhance infrastructure, and fortify rehabilitation programs. As India grapples with these challenges, it underscores the importance of a comprehensive and evolving approach to prison management and justice delivery.

II. Objectives

The main objectives of this event were mainly exploratory. They were:

1. To observe the way the prison worked and protocols followed.
2. To interact with inmates and learn about various aspects of their lives.
3. To be able to prepare for a follow-up visit where these aspects would be covered in greater detail.

III. Preliminary Preparations

Before conducting the event, the organisers made the following preparations:

1. Researched on the rights of prisoners – both undertrials as well as convicts – in India.
2. Read the Jail Manual of Uttar Pradesh and compared it with that of other states (including Delhi).
3. Obtained permission from the Secretary, District Legal Services Authority to conduct the visit.

IV. Conducting the Event

"It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones."- Nelson Mandela

District Service Legal Authority organized a jail visit at Gautam Buddha Nagar District Jail on July 30, 2021 which was conducted under the guidance of Magistrate Vikas Kumar Verma. Symbiosis Law School, NOIDA was invited to take part in the event. Therefore, the Head of the Legal Aid Centre, Ms. Charvi Kumar along with 2 LAC executive members Aprajita Tyagi and Devyanshu Sharma took part in the event.

Mr. Vikas Kumar Verma explained the procedure regarding the induction of the inmates where he explained how the inmates are being kept in temporary cells after antigen test for the first fourteen days to ensure Covid-19 protocols . He informed that after every 7 days RT-PCR test of every inmate in temporary cell and after 14 days the inmate is transferred to regular cell. He also explained the provisions related to arrest, investigation, bail, the provision of default bail and on what condition it is given to the inmates.He then explained the concepts of parole and probation and described how the fundamental rights of every inmate is ensured inside the jail premises. For better understanding he provided the copy of the sample documents like warrants to the students.

Jail In-charge Shri J.P. Tiwari then explained the daily routine of the inmates and how a balanced diet is provided to all the inmates. He also talked about the skill development program running inside the jail premises.We were awe-struck when we

were told that more than 1 lakh masks were produced by the skill development unit in the last quarter. He also talked about the various the language programmes running for the inmates. Moreover, various other leisure events are organised by the jail authorities such as music tournaments and cricket tournaments for the inmates.

The Medical Officer of the jail was also invited to the program, he talked about the health facilities, which are given to the inmates and how they are referred to the other hospitals for better treatment. He also told the students about the special dietary provisions for pregnant women which were being followed religiously.

All the students were then given a visit to the control room which helped in giving a better understanding on how the security of the jail is maintained and what is the course of action in the case of any breach. The students also visited the jail hospital where they were explained about the medical facilities available in the jail premises. Furthermore, all the students visited temporary cells to see how Covid-19 protocols are being followed inside the jail.

The law students were given the opportunity to ask their queries from Mr. Vikas Kumar Verma and other jail officials. To one of the student's query Mr. Vikas Kumar Verma explained jail reforms and also asked the students to research about voting rights and conjugal rights in jail.

It was a great learning opportunity for all the students. District Legal Service Authority, Gautam Buddha Nagar did a great job in sensitizing students regarding the rights of the inmates and jail reforms. I would take this opportunity to thank Mr. Vikas Kumar Verma and other jail authorities who have been patient with us and giving us an informative tour of the jail.

V. Response of the Target Population

Unfortunately, the target population (the jail's inmates) were not able to interact with the students visiting, due to Covid protocols as well as a paucity of time.

VI. Future Plan of Action

As interaction was not possible during this event, a follow-up event has been planned later in the semester, where the students of the Legal Aid Centre can come back, equipped with in-depth questionnaires to further explore and understand the lives of the inmates as well as gauge their knowledge of their rights.

VII. Suggestions/Feedback

During the visit, the participating students identified an inmate who was evidently a minor. Upon approaching the police officers, they were told that the inmate is in temporary jail and he will be shifted to the Child Correction Home after the quarantine period is over. According to Section 10 of Juvenile Justice Act, 2015 "A child can never be kept in a police lockup or regular jail. The police must bring the child before the Juvenile Justice Board within 24 hours".

According to section 12 of the Juvenile Justice Act, 2015, a child can only be kept in an observation home. The temporary jail in which the suspected child was kept was a regular jail. This seemed like a violation of basic human rights in the name of following Covid protocol. Keeping the well being of the child in

mind, he should have been transferred to observation home and should be produced before Juvenile Justice Board.

Jails in Uttar Pradesh are governed by Uttar Pradesh Jail Manual. There are certain provisions in the UP Jail Manual which violate the basic human rights of a person. For instance- In winters, the temperature in the most part of Uttar Pradesh is in the range of 0-5 Degree Celsius. UP Jail Manual does not make it mandatory to provide footwear and sweaters even in the winters. Jails in Uttar Pradesh such as Gautam Buddha Nagar District Jail has developed a lot but there is a long way to go. We hope that the issues pertaining to violation of JJ Act and providing basic clothing will be resolved in the near future.

VIII. Conclusion

This event proved to be a mixed bag for the participants. On the one hand, it was fascinating to observe the workings of a prison first-hand and learn the various rules and protocols in place to keep a volatile system like that contained and safe.

On the other, there also seemed to be some less than sensible rules, stemming from both lacunae in the UP Jail Manual as well as loopholes in the Covid protocols that were established for the safety of inmates but overlooked the safety of children in conflict with law.

While the utilitarian argument for not changing the way prisons are run in this country is undeniable, one wonders if there might be a better solution so as to protect the rights of these inmates, especially since a majority of them are under-trials and have not been officially convicted of any offence.

GLIMPSES OF THE EVENT

Photography inside the prison was not permitted, but the participants were able to get some pictures outside the jail's façade.

