

## Legal Awareness Programme, Jail Visit, 1<sup>st</sup> June, 2023

With the approval of the I.G. Prison of Assam, 33 students and 2 faculties, Dr. Diptimoni Boruah and Dr. Monmi Gohain, organized the Legal Awareness and Legal Aid Programme in Gauhati Central Jail, at Lokhra. The students were divided in various groups and differently address various group of persons locked in jail, suggested them about the facilities and procedures of free legal aid services. Few instances of interactions and some students experience in the form of report may be mentioned as follows:

### **Pranav Gandhi and Arnav Awasthi Report**

#### *Interaction 1*

(All information provided by under trial prisoner)

Name: - Kashim Alam

Native: - Rampur village, Ghugri, Khagria, Bihar

Family: - Wife and 4 children (elder children around 11, younger children around 4 (wife from Jamalpur, Munger), 6 brothers (not together for 5-6years)

Arrested on: - 2<sup>nd</sup> June 2023, friday

Charges: - Gold Smuggling

Occupation: - Thela puller at Kamakhya Station

Prior criminal record :- None

Education:- None

Health:- Neck Bend issue in neck due to carrying load

His statements: - He met a person outside Guwahati station who asked him to carry a schoolbag sized bag to Kamakhya station. He also took number of Kashim alam, and said he will meet him at kamakhya station. Kashim carried the bag to kamakhya station where he was detained by the

police. Police seized the bag and informed him he has been arrested under the charges of God smuggling.

Kashim was taken brought to Central jail on 3<sup>rd</sup> June, 2022

Kashim has been in communication with his wife. According to kashim his wife is trying to arrange an advocate for him. He has refused need for a DLSA provided council for the time.

His next appearance in court is scheduled on 9<sup>th</sup> June.

### *Interaction 2*

Name: - Mangal das

Advocate:- Sima Kaur

Resident:- Rail Bazar, Navison Colony, Filter house, Alipurdwar

Charges:- NDPS

His statements: - In 2018 He was a conductor in a 12-wheeler truck number AS01JC4637. He was on his way from Agartala to Guwahati after delivering aggregate material in Agartala. He stopped at a place with driver to eat, while he was eating the driver said asked mangal das to eat and he will go and comeback from somewhere fast. The driver took the truck and came back by the time Mangal das finished his food.

The truck was checked at a outpost and 1.5 tones of Ganja was recovered.

Case status: - Under trial, Govt Advocate provided by NALSA.

Case has been transferred for speed trial

The driver died 3 years ago

### **Gauri Goswami Report**

#### *Interaction 1*

Amana Begum

Resident: Lokhra, Guwahati Assam

Charges: NDPS

Statement: Caught while taking drugs near Lokhra, Guwahati. Even had a small two years old child along with her in the jail. In Section 2(xxiii), 'psychotropic substances' are defined as any substances, whether natural or synthetic or any natural derivative or for that matter any preparation of such substance or derivative on the list of psychotropic substances specified in the Schedule of NDPS Act. For example: Amphetamine, Methaqualone, Diazepam, Alprazolam, Ketamine, etc. Persons who produce, manufacture, possess, sell, purchase, transport, and traffic in illegal cannabis are subject to punishment depending on the amount seized. Accordingly, if found in possession of a "small quantity" of cannabis, detention can result in a rigorous prison sentence of up to one year with a fine of up to Rs 10,000.

Case Status: Under Trial

### *Interaction 2*

Dolly Kalita

Resident: Goalpara, Assam

Charges: Cruelty with Murder

Statement: She was in Chennai when her daughter in law has committed suicide. She used to eloped from house for many times since she was in love with someone but had a small child with her married husband and one day she killed herself by hanging when her husband and mother in law was not there. According to Dolly Kalita she has committed suicide but her daughter in law, mother had falsely accused them for murdering her girl. Her statement was clearly on the basis of non-presence of both of them when the whole incident had happened. Currently, both of them were in Central Jail, Guwahati.

498A. Cruelty includes both physical as well as mental torture done upon a woman by her husband or his relatives. The word 'wilful conduct' as mentioned in Explanation (a) of Section 498A means an act done with intention. However, the proof of wilful conduct depends upon the

direct and indirect evidence. Husband or relative of husband of a woman subjecting her to cruelty.—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Case Status: Under Trial

### **Dorothy Baruah Report**

1. *Name – Pratap Basumatary ( Farmer)*

Add- Nagira Sonapur,

Convicted under Murder 2005

20 years in Jail

Reason – Met with a fight with the neighbour

Legal aids- Yes

Went home for 1month in very year within these 20 years ( police permission)

Family Details

2 boys, 2 grandchildren, 2 daughter in law and A wife

2. *Name -Oli Devi (House Wife)*

Address- Hatigoan

Under trail for commitment of attempt to murder (husband suspected for money laundering case)

1 month 14 days

Family detail

6-year-old daughter

3. *Name – Rimu Bonia*

Address- SixGoan

Case- for Dowry death

Under Trail for 17 days

4. *Name: Mandal Das*

Add- North Bengal Alipurduar

Case- NDPS

6 Years Of Jail

Family Detail

Mother, Brother, Father

Legal Aids – yes

5. *Name – Sapon Sakar*

Add- Guwahati Udalbakhana

Case – POSCO

4 Years In Under Trial

This report provides a detailed account of the jail visit program organized by the Pro Bono Club of National Law University and Judicial Academy, Assam, which took place at the Central Jail in Guwahati. The visit provided us with a valuable opportunity to gain insights into the functioning and living conditions of the inmates. On 1st June, 2023, our group visited the Central Jail, Guwahati, which houses approximately 1800 inmates, predominantly under trials. The prison appeared to be a vast facility, accommodating individuals involved in various types of offenses such as murder, smuggling, sexual offenses, and more.

The visit began with an interactive session with some of the inmates. We had the opportunity to engage in conversations with them and learn about their experiences. It was notable that many of them were awaiting bail. Interestingly, none of the inmates expressed any significant complaints regarding their living conditions within the prison. After the interactive session, we were given a guided tour of the prison. Notably, there was a separate living space for women prisoners, which also included a creche facility. Additionally, the jail authorities had designated specific cells for individuals with communicable diseases and for transgender inmates, ensuring their safety and well-being.

One striking observation was that the inmates were permitted to move freely within the premises until 5 PM. This freedom of movement appeared to provide some respite from the confined environment. During the tour, we also visited the jail hospital and the kitchen. The kitchen was quite spacious, and we learned that individuals serving rigorous imprisonment were responsible for cooking and cleaning duties. Furthermore, the prison showcased several facilities aimed at recreational and skill development purposes. We observed a well-equipped library, a music room, and a skill development center within the premises. These facilities aimed to promote educational opportunities, creativity, and vocational training among the inmates.

Additionally, the Central Jail accommodated places of worship for different religions, reflecting the commitment to ensuring freedom of religious practice among the inmates. Overall, the jail visit provided us with valuable insights into the efforts made by the prison administration to balance security and rehabilitation. We express our appreciation for the authorities' hospitality and willingness to share information, which contributed to a more comprehensive understanding of the criminal justice system.

### **Bhanu Pratap Parashar Report**

The purpose of this report is to provide an overview of a recent visit to Guwahati Central jail. The visit aimed to gain insights into the functioning, conditions, and rehabilitation programs in place within the Indian prison system. The report will cover key observations, notable findings, and recommendations for improving the correctional facilities in India.

The Indian prison system is governed by various state and central laws. It is responsible for the custody, care, and rehabilitation of offenders. The system faces numerous challenges, including overcrowding, inadequate infrastructure, limited resources, and issues related to prisoner welfare.

The jail visit involved meetings with prison officials, interactions with inmates, and observations of the facilities and activities within the prison premises. The focus was on understanding the conditions of the inmates, the effectiveness of rehabilitation programs, and the overall management of the prison.

### Key Findings

- a. **Overcrowding:** One of the significant challenges observed was the issue of overcrowding. The prison facility visited had a capacity to hold 419 inmates, but it housed nearly triple that number, leading to cramped living conditions, increased tensions, and difficulty in maintaining order.
- b. **Infrastructure:** The infrastructure within the prison was found to be inadequate. The buildings were old, poorly maintained, and lacked essential amenities. Sanitation facilities, healthcare provisions, and recreational spaces were substandard, hindering the overall well-being of the inmates.
- c. **Rehabilitation Programs:** Although efforts were being made to provide rehabilitation programs, there was a need for improvement. Vocational training, education, and skill development programs were limited and not adequately integrated into the daily routine of inmates. This hindered their chances of successful reintegration into society upon release.
- d. **Staffing and Training:** The prison staff appeared to be under-resourced and overburdened. There was a lack of sufficient personnel, resulting in limited supervision, security concerns, and delays in addressing the needs of the inmates. Furthermore, there was a need for ongoing training programs to enhance the skills and capabilities of the staff.
- e. **Mental Health Support:** The visit highlighted the importance of mental health support for inmates. Many prisoners exhibited signs of distress, anxiety, and depression. The availability of mental health professionals and counseling services was inadequate, and there was a need for more comprehensive mental health programs.

### Recommendations

- a. **Addressing Overcrowding:** Immediate measures should be taken to alleviate overcrowding, including constructing new facilities, improving legal processes for timely trials, and exploring alternatives to incarceration for non-violent offenders.
- b. **Infrastructure Upgrades:** Investments should be made to improve the infrastructure of prisons, ensuring hygienic living conditions, proper healthcare facilities, and recreational spaces for the inmates.

c. **Enhanced Rehabilitation Programs:** Efforts should be made to expand vocational training, educational opportunities, and skill development programs within the prison system. These programs should be integrated into the daily routine of inmates and designed to enhance their chances of successful reintegration into society.

d. **Staffing and Training:** Adequate staffing levels should be ensured, and staff members should receive regular training to enhance their skills in inmate management, rehabilitation, and security protocols.

e. **Mental Health Support:** Comprehensive mental health support systems should be established, including the presence of trained professionals, counseling services, and the implementation of mental health programs to address the psychological well-being of inmates.

### Conclusion

The visit to the Indian jail shed light on various challenges faced by the prison system in India, including overcrowding, inadequate infrastructure, and limited rehabilitation programs. Addressing these challenges is crucial for ensuring the rights, well-being, and successful reintegration of inmates into society. By implementing the recommendations provided, the Indian prison system can strive to become more effective, humane, and conducive to the rehabilitation of offenders.

### Himanshu Rajpurohit Report

There was a scam case accused to whom bail not granted, in total there was 40 total number of accused in this case where 38 persons granted bail, 2 persons are still not granted bail. The accused are under trial for more than two years. The accused was contending that there is the problem of judicial inefficiency and corruption because of which he did not receive bail.

And there was a lady named Rajima begum who is under trial for more than one year, accused under section 302 of IPC. The problematic issue is that she does not even know her advocate name who is representing her.



**Prakash Malakar, Munmun Burgohain, Bulti Bormon Report**

1) On 01/06/2023, as part of our pro bono program, we had the opportunity to interact with Akash Choudhury, who is currently under trial for the double murder of an elderly couple.

Akash Choudhury has been identified as the prime accused in the double murder case based on the discovery of his fingerprints at the crime scene. He has been in custody for the past two years and maintains his innocence, claiming that he did not commit the crime. It is important to note that Akash states that he cannot afford a lawyer and has been assigned a state-appointed advocate for his defense.

During our jail visit, we had the opportunity to speak with Akash Choudhury regarding his case. The following information was gathered from our conversation:

Akash vehemently denied any involvement in the murder of the elderly couple. He repeatedly emphasized his innocence and went so far as to swear on his child that he did not commit the crime. According to him, there must be a mistake or someone framing him.

Akash expressed dissatisfaction with his state-appointed attorney. He claimed that the advocate does not meet with him regularly and fails to provide detailed information about the trial proceedings. According to Akash, he feels uninformed and believes that his defense is compromised as a result of this lack of communication.

Based on the information gathered, it is evident that Akash Choudhury maintains his innocence and has concerns about the adequacy of his legal representation. These concerns are significant, as access to proper legal representation is crucial for a fair trial.

Our interaction with Akash Choudhury, the prime accused in the double murder case, revealed his consistent denial of the allegations against him. He expressed concerns about the quality of his state-appointed advocate and the lack of communication regarding the trial proceedings.

2) On the same day we had an opportunity to interact with a prisoner who has been held under the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985. The prisoner, whose identity remains undisclosed, was employed as a conductor on a bus where drugs were allegedly found. Both the prisoner and the driver were arrested in connection with the incident.

Unfortunately, the driver later passed away, while the prisoner's case remains unresolved. It has been six years since his arrest, and he is under trial. Notably, he asserts that he was unaware of the drugs present on the bus, claiming that the vehicle did not belong to him.

During our meeting with the prisoner, the following information and statements were gathered:

The prisoner maintained his innocence and emphasized that he had no knowledge of any drugs being present on the bus. He stressed that the bus was not his property, implying that he had no control over its contents. According to him, the discovery of drugs was entirely unexpected and unintended. After six years of incarceration without bail, the prisoner expressed a strong desire to return home. He conveyed his frustration at the prolonged duration of the trial and the impact it has had on his life. He seeks a resolution to his case and the opportunity to rebuild his life outside of prison.

Based on the information provided by the prisoner, it appears that he maintains his innocence and denies any knowledge or responsibility regarding the drugs found on the bus. His assertion that the bus did not belong to him suggests a lack of control over its contents, further supporting his claim of unawareness. The extended duration of his trial without bail raises concerns regarding timely access to justice.

### **Shreya Kumar Report**

On 1st July, 2023 the Pro Bono Club of National Law University and Judicial Academy Assam paid a visit to the Central Jail, Guwahati. Central Jail Guwahati is a prison situated in the heart of Guwahati, a city in Assam, India. It is one of the 31 prisons present in the state of Assam. The prison spans an area of 28 acres, with the actual jail area covering 11 acres. Originally built to accommodate 900 male prisoners and 100 female prisoners, it has a total capacity for 1000 inmates.

The visit began with an interaction with the prisoners. In the conference hall, the students interacted with the convicted and undertrial prisoners, wherein they tried to gauge their life in the prison, its impact on their family and their experience with the judicial system. The prison is well equipped with all the facilities available for its inmates. The facilities include skill development centres, a mosque, a temple, a library, music hall as well as a hygienic mess. There

was a virtual court hearing facility available. The women's prison area included teaching facilities for their children and a yoga room. The prison is well guarded and the security system is equipped with the latest technology. The students also got the opportunity to have a detailed interaction with the jailor present wherein valuable insights were shared with regards to the facilities available, the lifestyle of the inmates etc.

Overall it was an extremely valuable experience for the students who got a real time experience as well as an interactive experience of a prison which forms an integral part of the criminal justice system in India.

### **Satish Chandra Sitrapau and Shambhavi Report**

This report provides a comprehensive account of the jail visit program organized by the Pro Bono Club of the National Law University and Judicial Academy, Assam. The visit took place on June 1, 2023, at the Central Jail in Guwahati. The purpose of the visit was to gain insights into the living conditions and operations of the prison. Central Jail houses approximately 1800 inmates, primarily undertrials involved in various offenses such as murder, smuggling, and sexual offenses. This report presents the observations and experiences from the visit.

#### **Inmates' Perspectives:**

The visit commenced with an interactive session where the group had conversations with some inmates. Most of the inmates were awaiting bail, and it was interesting to note that they did not express significant complaints about their living conditions. However, it was observed that the prisoners lacked awareness about the trial processes and bail conditions. Many assumed that the trials would continue indefinitely, resulting in longer periods of detention compared to potential convictions. Furthermore, the inmates had limited knowledge about plea bargaining, which was an important aspect to note.

#### **Guided Tour of the Prison:**

Following the interactive session, the group was provided with a guided tour of the prison. Notably, the Central Jail had separate sections for women prisoners, including a creche facility. Special cells were designated for individuals with communicable diseases and transgender

inmates to ensure their safety and well-being. The prison authorities' efforts to address the specific needs of these individuals were commendable.

#### Living Conditions and Facilities:

One noteworthy observation was the freedom of movement granted to the inmates until 5 PM within the prison premises, providing them with some respite from the confined environment. During the tour, the group visited the jail hospital and the kitchen. The kitchen was spacious, and inmates serving rigorous imprisonment were responsible for cooking and cleaning duties. Additionally, the prison offered recreational and skill development facilities, including a well-equipped library, a music room, and a skill development center. These initiatives aimed to foster education, creativity, and vocational training among the inmates.

#### Religious Practices and Rehabilitation:

The Central Jail demonstrated its commitment to promoting religious freedom by accommodating places of worship for different religions. This gesture highlighted the importance of ensuring inmates' freedom to practice their respective religions. The visit provided valuable insights into the prison administration's efforts to balance security and rehabilitation. The authorities' hospitality and willingness to share information greatly contributed to enhancing the understanding of the criminal justice system.

#### Conclusion:

The jail visit program at the Central Jail in Guwahati facilitated a deeper understanding of the living conditions and operations within the prison. The observations revealed the need for better awareness among inmates about trial processes, bail conditions, and plea bargaining. The prison's initiatives to address the specific needs of women prisoners, individuals with communicable diseases, and transgender inmates were commendable. Furthermore, the provision of recreational and skill development facilities showcased the prison administration's commitment to education and rehabilitation. The visit provided valuable insights into the efforts made by the prison authorities to ensure a balance between security and rehabilitation.

Picture Gallery



Group Photograph along with the Jailor (Guwahati Central Jail, National Highway,  
Lokhra (Assam))



**REPORT OF PRO BONO LEGAL SERVICES CLUB (MINISTRY OF LAW AND JUSTICE)**



**Pranav Gandhi and Himanshu Rajpurohit interaction with Prison Inmates**





**Ms. Diptimoni Boruah along with her Pro Bono Associates Gauri Goswami and Shreya Kumar interaction with the Prison Inmates**



**Legal Awareness and Legal Aid Programme (Guwahati Central Jail Visit, Lokhra (Guwahati, Assam))**