

# THE PRISON PROJECT

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## *Testimony of Prashant Rahi*

### REVISITING THE PAST

*Prashant Rahi spoke with PUDR on a series of phone calls following his release from prison in March 2024. His testimony, reproduced with only stylistic edits, draws attention to the multiple challenges of incarceration in prisons and the presence/absence of judicial oversight.*

*Prashant Rahi suffered prolonged wrongful incarceration in two cases spanning nearly 17 years (2007-2022; 2013-2024). In both cases he and his fellow comrades were acquitted.*

#### Timeline

##### **1. Nanakmatta PS, Uddam Singh Nagar (Uttarakhand)**

*2007-2022: arrest, incarceration, bail and acquittal*

*2007: arrested in Dehradun city on charges of alleged Maoist activities under Nanakmatta PS, Uttarakhand along with three activists. (See PUDR investigation of state repression in Uttarakhand, 2008).*

*2007-2011: incarcerated in jails in Haldwani, Dehradun, Pauri Garhwal and Hardwar. Granted bail in August 2011 for delay in trial.*

*2022: January: Sessions Court, Uddam Singh Nagar district acquitted Rahi and other accused as prosecution failed to prove its case.*

##### **2. Gadchiroli PS, (Maharashtra):**

*2013-2024: arrest, incarceration, bail and acquittal*

*2013: arrested in Raipur city in alleged Maoist activities. Four other activists were also arrested in the same case over a period.*

*2013-14: Rahi incarcerated in Nagpur Central Prison before being granted bail.*

*2017-2024: following conviction pronounced by the Gadchiroli sessions court, Rahi was sent to serve his sentence at the same Nagpur jail. On 21 March 2017, he was transferred to Amravati Central Prison, where he spent the following seven years.*

*2024: Acquittal by Nagpur bench of Bombay High Court as prosecution failed to prove its case*

*Time spent as an undertrial and as a convicted prisoner between 2007 and 2024 in two cases: 12 years.*

*The present testimony of Prashant Rahi (aged 65 years) is about his experiences of Nagpur Central Jail and Amravati Central Jail where he spent eight years, between 2013 and 2024.*

## **Living conditions**

*Nagpur jail is around 200 km from the Gadchiroli court where Prashant Rahi and his co-accused were facing trial. This was the preferred jail for the administration for the secure custody of prisoners charged, whether in Gadchiroli, or Gondia or Chandrapur district, under “the Naxal category”. As per Prashant Rahi, the number of arrests in this category had seen an increase from 2006 onwards. On admission to Nagpur jail, Prashant Rahi was first kept in a common ward, for around six months, and later shifted to one of the “Anda Cells,” i.e., in solitary confinement.*

*While in the common ward, Prashant Rahi was allotted to barrack number 8. The capacity of this barrack was around 50-60 persons, but it usually held 75 prisoners, on average. Of the total inmates in the barrack, only 10-12 were implicated in “non-naxalite” cases, i.e., cases other than those under UAPA or similar provisions under the Indian Penal Code, such as, “sedition,” “conspiring or preparing to wage war” or “waging war against the state,” with or without some violent political action. The size of the barrack was about 14 metres by 7 metres, equivalent to about 40 feet by 20 feet. There was space just enough to lie down on 2 feet-wide, cotton mats, covered with a couple of coarse, cotton blankets, placed close to each other, in two rows, perpendicularly aligned to opposite walls, with the space in the middle also fully occupied by the excess inmates. Galvanized iron wires were strung along the walls, for the belongings of the inmates to be hung. No inmate was allowed with a bag inside the barracks, all the excess luggage kept deposited in a store room right inside the jail gate, the valuables, including watches, mobiles, wallets, also kept away in the jail office, to be collected before exiting.*

*From amongst their own belongings, the inmates were allowed just one or two sets of clothes, underwear, a small towel, soap, dental brush and paste, plastic mug and bucket (though few people actually had the luxury of owning a bucket or mug). The two, at the most three, cotton blankets, the narrow, 2 feet-wide dhurrie of 6 feet length, a white sheet and a thin pillow were all that were allotted as bedding for each inmate. Only patients admitted for medical care, itself a rare commodity, had comfortable cots and mattresses. Only one of the barrack walls had “windows” at the top, permanently open - in the form of iron rods, but since they opened inside the jail compound, there was no pleasing view outside. Fans, fitted high up on the ceilings, were hardly sufficient to ensure circulation, much less cooling, of the air. Inmates were provided germanium plates to eat, and germanium pots to keep the curries and vegetables when served, and also to pull up water, from a tank by the side of a huge well in the middle of the undertrials’ yard, to bathe. The few buckets were shared for washing clothes. Inmates were, according to the rule, allowed to keep a very limited number of books, though it wasn’t always enforced rigidly. The “naxal” inmates, on account of their collective strength, in terms of numbers and their sporadic agitations, were more often than not able to assert their right to read and write as they pleased, as long as the books had permissible content.*

*The barrack opening timings were as follows: 6:30 / 7 am (Summer/Winter) to 12 noon in the first session of the day. Breakfast was served within an hour of the barrack being opened and lunch at around 10:30 / 11 am (Summer/Winter). Then, the barrack was closed only to be reopened from 3 pm to 5:30 / 6 pm (Summer/Winter). Dinner was served around 4 pm. The opening timings were essentially meant for serving meals, washing up and exercising.*

*Prashant Rahi states that this barrack was “won” by the inmates accused of “naxal” cases, after a hunger strike. These inmates (around 55 in number in Barrack No. 8, when he was admitted) were earlier lodged in separate barracks, and were routinely harassed in various ways by the relatively rich gangs housed in virtually every other barrack, including the forced services of cleaning up, washing clothes and utensils, and also denied the basic facilities, because they were mostly poor adivasis and a few dalits*

Following their hunger strike for basic amenities, they were allotted this barrack on the first floor (all other barracks in the jail had just the ground floor). As per Prashant Rahi, the 55 inmates shifted were mostly Adivasis from distant, rural parts of Gadchiroli. The others were Hem Mishra, Sudhir Dhawale and his four co-accused - three youth activists from Chandrapur district, and one alleged Maharashtra State Committee member of CPI(Maoist). This barrack had a capacity of 50, but it was holding more than 70 on most days, as was evident from the counting down many times each day. The barrack was internally monitored by a few convicts, who received paltry wages as "watchmen." As water could not be pumped to a higher floor, there was no water supply, originally, and the inmates were allowed to live in the barrack on condition that they would manage their own water requirements. The barrack had just two toilets to share among 70-80 inmates, all of the 16 hours of lock-in, among 24 in a day. The bathing and washing of clothes had to be done from the water tank, next to the common well, during the unlocked period of the day. The well was at the center of the undertrials' yard, known as, "Badi Gol," i.e., the larger of two Circles of the Prison, the smaller Circle accomodating the convicts. The inmates of the "naxal" barrack number 8 periodically stood side by side from the well to their barrack on the first floor, to transport water in 15-litre tins (available freely after the kitchen oil was used up). Inside barrack No. 8, the water was then poured into two big Syntex tanks (about 1000 litres) and stored, regularly, twice a day. The inmates themselves cleaned these tanks, every week, as they divided into groups, formed in rotation, to also sweep, swob and clean up the whole barrack, its fans and the passages outside. Since there was no piping system to the toilets, a separate set of tins were used for sanitation. Water was thus collected from the well below, twice a day, after bathing, in the morning and late afternoon.

The barracks had televisions and the electrical supply was alright, with just short interludes of power failure. After all, the jail, on account of its carceral functions, has generators, which have to be kept ready, though there have been times when they also fail. Mosquitos are rampant, and use of mosquito nets was not allowed. Some of the inmates, who had friends and relatives visiting them at their courts, sometimes managed to procure mosquito coils though. Spraying/fumigation was done by the jail authorities once in a couple of months, but it never helped much.

The inmates were allowed to purchase Odomos ointment from the prison “canteen,” but it would not serve the purpose in the barracks or even the cells due to the extent of open spaces. Rats were also a problem in the barracks. Inmates could seek money from their families or lawyers, though only by Money Order. In jails of Maharashtra usually only packed items were sold in the canteens, but they have only recently, since about 2022, commenced the provision of freshly cooked food on payment from the money deposited in prisoners’ personal accounts. This includes chicken available about two or three times each month as well as other spicy, vegetarian dishes, like paneer or chhole. Earlier, such meals could be purchased on payment only on festival days, about eight or nine times in a year.

Inmates implicated in “naxalite cases” in Nagpur jail were, generally, not allowed to work, even after conviction. This constraint had been imposed since about 2016. Similar is the constraint, since then, in respect of furloughs and paroles. Thirteen categories of prisoners, including those convicted for terrorist activities, and politically motivated violence, are ineligible for furlough and also regular parole, as per a 2016 circular in force. Prashant Rahi states that, after persistent efforts ever since his conviction in March 2017, it was only in January/February 2024 that he was allowed to do gardening outside the Anda cell, but on the condition that no wage would be payable. It was a concession which the administration used every trick possible to avoid granting, until it had become quite evident that his acquittal was now on the cards.

Prashant Rahi states that the Anda Cells – where “high-risk” prisoners were kept in solitary confinement – were of a similar kind, in the Nagpur and Amravati prisons. The Nagpur enclosure of cells is around 50 metres (length) by 20 metres (breadth) and the Amravati enclosure is about half that. Both have an outer wall, which is oval or elliptical in shape, which is why it is called, Anda (egg). Inside, there are multiple cells (about 30 in Nagpur and exactly 15 in Amravati). The egg-shape allows the jail authorities to keep close watch on the inmates, as in a typical panopticon. In the middle of the longer elliptical side is the office where guards sit; the entrance to this enclosure is also through that office. There are partitions in the Nagpur enclosure that block the inmates from seeing those detained on the opposite side of the enclosure. Therefore, in the Nagpur enclosure, you can neither see the person detained adjacent to you, nor opposite you.

*When you come out of each cell you come into a compound. In Nagpur you can walk in the curvature on one side of the enclosure, whereas on the other side of it, there was a partition right in the middle of the curvature, which cut off the walking area into two small parts.*

*The cells, slightly bigger at Nagpur, were meant to hold one person, but at times more inmates could also be lodged. The convention, in case more than one inmate was to be kept in a cell, was to have odd numbers, whether three or five, but never in even numbers. Officials gave weird reasons for this convention, such as avoiding pairing for sex, or for ganging up one against another. The cells are generally around 10 feet long and about 2 feet shorter in breadth, with a toilet in a corner and fan high above, but the dimensions would also depend on the location of cells, whether along the curvature, or along a straight section, of the enclosure wall.*

## **Access to court / lawyers / family**

*In February 2014, over 200 of the inmates went on a hunger strike, at Nagpur Central Prison, with due notice to the administration, and the lawyers also informed. It was this strike that led to Prashant Rahi, and many other inmates from Barrack No 8, being shifted to the Anda Cells. Their primary complaint was that they were not being produced in their respective courts. There was no regular or efficient production by video conference either, as there were only two computers then in the entire jail. Three categories of prisoners went on strike: those detained under Maharashtra Control of Organized Crime Act (MCOCA), those in “naxalite cases” and those facing murder trials. Prashant Rahi states that the all three parties were responsible for this situation and denial of access to justice of the inmates: the jail administration, the police and the judiciary, Sessions court and below.*

*The other issue raised by the inmates was of bail judgments being reserved for a long time, also at the High Court. A memorandum of complaints/demands was drafted before the strike, and sent through the Superintendent, in advance, to Nagpur bench of the Bombay High Court. 35 of the striking inmates, all involved in “naxalite” cases, including Prashant Rahi, were immediately shifted to the Anda Barrack. The other inmates participating in the strike were also shifted to disparate barracks. This was done to sever mutual communications. As a result, while some of the inmates did not continue with the strike, the 35 inmates shifted to the Anda Barrack continued their protest.*

Gradually, this number also declined to around 15 inmates, as some gave up the hunger strike or fainted. On the 9th day of the strike, there was a compromise reached, as the memorandum was admitted in the High Court, and tagged with a Public Interest Litigation already filed by Shoma Sen, and still pending. Further, this protest also led to a district jail being opened in Gadchiroli, i.e. closer to the court of trial, within about a year of the strike; yet not many of the inmates were transferred there. Production in courts was resumed, and bail orders also began to be passed without undue delay.

Nagpur jail had a coin box facility, which inmates could use to speak to their families. But, as in the case of work allotment, certain categories of prisoners, especially “naxals” were not allowed this facility, citing a specific circular issued by the jail administration from 2016, when many other restrictions were imposed, whether supported by an official order or not. Therefore, Prashant Rahi could not speak with his family by phone, until video calling was commenced for all, much later. Until then, the only means of communication was either physical mulaqats or through letters. Meeting with lawyers was possible, post-conviction, only through physical meetings, which made it a rare possibility, given the distance of 200 km from Nagpur, where his lawyers were based, and Amravati.

A few months into the lockdown imposed during the COVID pandemic, the video conference facility was introduced, only as a substitute to the physical mulaqats, which had become impossible. After the pandemic, it took about a year for the video calling facility to be reinstated on a permanent basis, as an alternative to physical mulaqats. As an undertrial, mulaqats, whether physical or video calls, were allowed once a week, whereas for convicts it was once in 15 days.

## **Medical Facilities**

Nagpur jail has a dispensary in a separate two-storied building on the jail premises. A basic level pathology laboratory and doctors’ rest room are on the first floor, and down below are a total of 20 beds and 5-6 isolation cells for patients requiring constant observation and care. There is also another ward of similar capacity, though without cots, for psychiatry patients, who are attended to by the visiting psychologist.

Prashant Rahi states that the dispensary was managed, quite systematically, at the time when he was admitted there, by convicts under doctors' supervision, and also had emergency services and equipment, including an oxygen cylinder and ambulance. Often, the problem with health care in the jail arose due to a deeply ingrained, callous and cavalier attitude of the jail authorities, and the doctors, towards prisoners, in general, and their ill health, which gets amplified because prisoners lodged in the barracks or the Anda cells do not have easy access to the jail administration, to alert them, and ensure they took timely action, on health issues. Further, three qualified doctors (MBBS/ BA MS) were assigned to the jail, along with a pharmacist, and were meant to be available in shifts, for all 24 hrs. But, this was not always the case. Most of the time, it was constables, who were given nursing training or simply convicts who could lend themselves to the requirements of nursing jobs, without any regular training, who performed the tasks of doctors, in the latter's absence, and invariably also assisted the doctors. A psychologist visited each day at Nagpur, to tend to her wards, who were identified, as having psychotic disorders, in the course of general administration, and certified as such by the Medical Officer in charge. Back in 2013, the psychologist at Nagpur jail would interview each and every prisoner at the admission stage, once in a while, at the time when barrack allotment was done. This psychologists' series of personal questions about family background and personal traits and habits, etc. would tend to make some inmates nervous, initially, but it also became a cathartic experience for many, particularly after the trauma of arrest and police custody, plus the anxieties about incarceration for an unknown period.

In Amravati jail, there was a dispensary ward with just about 5-6 beds and 5 isolation cells. In January 2022, Prashant Rahi developed a condition, known as sciatica, as a result of which he suffered greatly during his incarceration, and could not receive adequate care. The sciatica condition was such that he collapsed one early, winter morning, right inside his cell, before the daily opening, and had to be taken away on a stretcher to the dispensary ward, where no medication was administered for about 10 hours, and he was sent back to his cell within five days, before a full recovery, which has caused permanent damage to his knees, as he was not provided with a commode chair for all of four months, thereafter, until an application for the same on his behalf was filed and heard by the High Court during the course of which the government informed the court that they would provide the commode. Further delay ensued until it was actually provided.



Then from July 2022 to February 2023, he suffered from a mysterious gastrointestinal disorder, with acute abdominal pain on eating meals, soon accompanied with loose motions for 10-15 hours at a stretch. Much later, it was revealed that this condition was caused by a nexus of prison inmates whom Prashant Rahi refers to as “feudal” minded within the Anda Barrack, along with a few corrupt jail officers (who were later transferred away for other reasons) conspiring to cause him grievous hurt, by putting some laxative dry seeds in his food, on the sly. The conspiracy was unraveled after one of the same prisoners developed enmity with another, after which he could not keep the conspiracy a secret any more. It was he who revealed the goings on to Prashant Rahi, which led to the identification of the culprits and their doings, within the Anda Barrack, and of the officials concerned. But the matter was promptly and deftly hushed up, despite his verbal and written complaints to the Amravati Jail Superintendent and the Visiting Sessions Judge from Amravati District Court, who came on monthly inspection rounds. The visiting judges from district courts generally visited all barracks and cells, and there was also a complaint box, unlocked only in their presence. But very rarely did the judges bother to go to the root of the matter, as was necessary to deliver the anticipated justice on behalf of the aggrieved prisoners. Only a rare exception among the visiting judges was responsive, and really concerned about prisoners’ needs, and rights as per the rules.

By November 2022, owing to his worsening gastrointestinal disorder, Prashant Rahi had stopped eating entirely, surviving only on puffed rice purchased from the canteen, for a whole fortnight, when his daughter filed yet another application at the High Court, which led to his shifting to the Nagpur jail dispensary ward, on November 15. He was lodged at the Nagpur jail dispensary ward till 5 January, during which period, as the poisoning had ceased, by the very fact of his relocation, and a medical diet was provided, he recovered gradually. Without proper diagnosis, however, he was shifted back to Amravati jail, on 5 January, when as per Prashant Rahi, the judge hearing the matter (Justice Sunil Shukre, who subsequently retired), who had taken over his medical matter in December, did not find any ground in the medical record placed before him to allow an examination by a private gastroenterologist, and disposed off his daughter’s application.

*There was only one doctor available at the Amravati jail, and he was often not available in the day and never present at night. Some doctors were sincere in their duties, but overall the required medical assistance was inadequate and unavailable. There was no psychologist, at Amravati jail, moreover, and neither an ambulance nor the requisite emergency services.*