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4/2/2016-PRP

Agenda No.

**NATIONAL HUMAN RIGHTS COMMISSION**  
**PRP&P Division - Director Unit**

**Sub: Report of Shri A.K. Jain Special Rapporteur, NHRC on his visit to female jail, Ludhiana District on 14<sup>th</sup> January 2016**

Shri A.K. Jain Special Rapporteur, Special Rapporteur, NHRC visited to female jail, Ludhiana District verify the living conditions of the inmates and to determine if the human rights of the inmates are being adequately protected by the prison and other concerned authorities.

2.The visit report of, Shri A.K. Jain Special Rapporteur, NHRC to female jail, Ludhiana District is placed at Annexure-'A'

**The important observations/recommendations are as under:-**

**Infrastructure**

- Though for the present the land area is sufficient, in future if it is converted into a model Female Jail with all the facilities, some more land may be required. Land is available in adjoining area or it may be taken from adjoining jail. The overall condition of the buildings is satisfactory except that the old building in some parts needs repairs.

**Prison Population**

- In the Female Jail, Ludhiana, female convicts from all over Punjab and under trial female prisoners from three districts are kept. There is no overcrowding in this jail and the average occupancy is slightly above 50% of authorized capacity.
- The higher authorities may review the female population in other jails in Punjab and if there is problem of overpopulation in female barracks, some more female prisoners can be transferred to this jail.

**Food**

- The overall condition of kitchen and storerooms etc. is quite good. However, fly proofing arrangements need to be looked into.

- Food should be cooked in steel utensils. Some cooking equipment such as kneading machine, chapatti making machine, mixers and grinders may be provided.
- The wages paid to the convicts for cooking or any other job may be reviewed in the light of minimum wages prescribed, nature of job, hours of work required etc.
- The instruction of adjusting extra items of diet consumed in providing Halwa on festival days against monthly quota of ration of a prisoner may be reviewed.
- Proper record of tasting of food by M.O. and Dy Superintendent or any other authorized officers should be maintained in a register.
- There is hardly any change in menu which consists chapattis and dal in both morning and evening meals. Only on a day nutritinuggets are given. No potatoes or fresh vegetables are being provided in meals.
- Dietitian and M.O. The daily/ monthly per capita expenditure on diet be also reviewed and if required, enhanced.
- The quality of food served to the prisoners was found to be quite good. Overall cleanliness and hygiene standards in cooking and distribution of food are also reasonably good.
- The diet chart and menu need to be reviewed in consultation with the dietician.

### **Water**

- The water is supplied through tube wells. RO/ Water Coolers have been installed. The water supply is adequate and there are no complaints.
- Proper record of cleaning and maintenance of water tanks/ RO/ Water Coolers be maintained in cleaning and maintenance diary.
- The record of chemical and bacteriological examination of water in approved PH labs in the form of test reports and actions taken thereon wherever required, should be maintained and checked by the Superintendent.

### **Personal Hygiene**

- The prisoners claim that they take bath daily and also wash their clothes. Installation of laundry machine for washing clothes and solar water heaters for warm water supply may be considered.

### **Sanitation**

- Toilet to prisoner ratio is about 1:8 which is less than the model ratio of 1:6 w.r.t. authorized capacity. It is suggested that the toilets be tiled on sidewalls also as this is important from hygiene point of view. In due course the number of toilets should also be increased as per norms.
- The District or Municipal Health and Sanitation Officers is not visiting the jail. This should be ensured.

### **Recreation and Cultural Activities**

- The Jail authorities should take extra initiative in organizing more functions such as film shows, music functions and annual sports day. More and more prisoners should be motivated to participate in such functions. Some more skill based indoor games may be also provided.

### **Communication**

- Authorities may examine removing restrictions of fixed days for interviews for different categories of prisoners. The restriction on number of interviews per week may, however, continue.
- There is no washroom for visitors and adequate drinking water facility is not available for them. This should be arranged.
- The biometric E Phone Call System Machine was not functional. The same should be repaired on priority basis. As the machine goes out of order frequently, may be due to mishandling by the prisoners, installation of another standby machine may be considered by the authorities.

### **Power**

- There are interruptions in power supply. This must be looked into and if required, taken up with power supply organization that should ensure that the jail is declared as load shedding free zone and it gets uninterrupted power supply.
- A maintenance logbook of the Gen Set should be maintained in which it's periodic servicing and repairs record be kept and checked by the Superintendent.

### **Education Arrangements**

- Jail authorities should try to motivate more and more prisoners, especially those who are younger, to join regular distance learning programmes. Illiterate prisoners may be motivated to join literacy classes, which may be arranged through an educated convict. The vacant post of teacher should be filled up soon. NGOs may also be involved in this effort.

### **Vocational Training and Work Programmes**

- Jail authorities should make extra effort to motivate more and more to prisoners to undergo vocational courses. NGOs may be involved in this effort. Some new vocational training programmes like computer training programmes may also be arranged.
- The jail authorities should take more interest in keeping the prisoners engaged in productive activities for which they should make extra effort to get orders from private industry.
- Adequate funds should be provided for payment of wages to all those prisoners who are engaged in different kinds of work. The wages paid also need a review keeping in mind the present minimum wages, nature and hours of work and expenditure on food etc. Though a part of wage paid to a prisoner is set aside for payment of compensation to the family of victim, it is not clear as to how the same is being paid and under whose orders. This must be looked into.

### **Health and Medical Care**

- There is a dispensary in the jail. No beds have been sanctioned for the jail. It is suggested that this being the only Female Jail in the state, a proper hospital with modern facilities and equipment as required should be provided here. Moreover, regular specialist camps for check up of all inmates should be held at least once in a year, if not twice. Adequate supply of medicines should be ensured. If required, local purchase powers be enhanced.
- It is suggested that for all the three jails in the complex, at least a dedicated ambulance be stationed in the jail complex itself.
- It is suggested that these machines be installed at Civil Hospital Ludhiana and required technicians and specialists be posted urgently.

### **Custodial Deaths**

- There were 2 cases of custodial deaths in 2015. Both the cases were reported to NHRC and Punjab SHRC. The case of Prakash Kaur has been closed by NHRC as the Punjab SHRC is inquiring in the case. In the other case of Rani, NHRC has called for report from D.M. and Superintendent.

Punjab SHRC is also inquiring into this case. Concurrent inquiry into a case by NHRC and SHRC is not permissible under law. The Commission, which takes the first cognizance, has jurisdiction to proceed with the inquiry. This may be checked with the Punjab SHRC and a view be taken into the matter.

### **Prison officers and staff and their capacity building**

- The vacant posts should be filled up immediately.
- It should be ensured that all officers and staff are sent in time to undergo prescribed training courses. Moreover, those who are required to have training in handling firearms must be sent for shooting practice regularly. For this arrangements can be tied up with local Police authorities.
- The demand of prison officers / staff about revision of their pay scales and allowances particularly in some ranks be examined and decided by the government soon.

### **Board of Visitors**

- Board of visitors including non-officials has not been constituted. This must be done as per rules. It is further suggested that non-official visitors should not be political persons or persons associated with any NGO which has activities connected with Jails or programmes undertaken in Jails. State Human Rights Commission's nominee may be one option.

### **Visits**

- Senior Officers in the prison administration should visit and inspect the Jail more frequently.
- Record of inspection reports and actions taken thereon should be properly maintained in files and registers / computer for perusal during next inspection by an authority.

### **Jail Adalats**

- Jail Adalats are reportedly not being held. This may be discussed with the District and Sessions Judge/ C.J.M. during their next visit.
- Involvement of NGOs
- The level of involvement of NGOs is minimal. To keep the prisoners busy in different activities, involvement of NGOs may be enhanced, if required.

### **Under Trial Prisoners**

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- 2 UTPs are in prison for more than 3 years, 8 for 2 to 3 years and 24 for 1 to 2 years. The cases of prisoners under trial for more than 2/ 3 years may be checked and also brought to the notice of District and Sessions Judge during his next visit. Legal assistance, if any, required by the prisoners concerned may be arranged as per rules.
- Case of UTP Kamal Jot may be placed before CJM during his next visit.
- The jail authorities should keep record of bail petitions of UTPs pending in courts as also appeals filed before Hon'ble High Court. Assistance as per rules may be provided wherever needed.

### **Convicts**

- In the case of bail of Ginia W/O Chotu, action as suggested be taken by the jail authorities and report be sent to NHRC.

### **Foreign Prisoners**

- In case of two foreign prisoners, actions as suggested be taken and report be sent to NHRC.

### **Legal Assistance**

- The Jail authorities should immediately obtain the panels of advocates as pointed from Legal Services Authority and arrange their regular visit to the jail. They should also keep record of counseling/ consultations, petitions drafted and filed and advocates allotted to prisoners.

### **General Remarks**

- A system of receiving complaints by the Superintendent should be introduced in the jail. Proper record of complaints received through box or through Sessions Judge or even higher authorities and actions taken thereon should be maintained in a register or computer.
- The E Smart Cards and E Purse have been introduced from February 2015. This is used to make phone calls and also purchases from the dry canteen. It is a very good initiative that may be emulated by other states if they have not introduced the same so far.
- In the matter of custodial deaths, the issue of fixing standards of maximum quantity of poisonous pesticide substance found in body, which can be termed as fatal, be placed before the commission.

- The issue of medical examination of a prisoner at the time of entry in the jail as per NHRC proforma and difficulties in implementing it, may be placed before the Commission.
- The matter of issuing direction to all the States and UTs that the police and D.M.s reports for processing parole and premature release cases of convicts, initiated by Jail authorities, especially from other States, should be attended to on priority basis and reply be sent within a prescribed time, may be placed before the Commission.
- Considering the fact that a large number of prisoners are confined in three jails in the Jail complex at Ludhiana, the medical facilities in one of the Jail hospitals may be upgraded by providing more beds, better equipment for treatment of different ailments and posting specialists, technicians and paramedical staff. The specialist may visit all the three jails and for tests, wherever required, may send the prisoner to upgraded jail hospital. This may even cater for the need of specialist treatment of prisoners in jails in some adjoining districts. The State Government may consider this suggestion.
- The "Manual for Superintendence and Management of Prisons in the Punjab", commonly known as 'Punjab Jails Manual' was last revised and published in 1996. It is high time that the Manual is thoroughly reviewed keeping in view the human rights perspective and changed situations. The objective should be to convert the jails into model jails.
- Government of India has launched a number of new schemes such as skill development schemes, PM Jan Dhan Yojana, Digital India etc. Jail authorities should explore possibilities of taking advantage of these schemes for undertaking new vocational training and work programmes for prisoners.
- The overall management of the jail is satisfactory. There is scope for improvements. All efforts should be made to make this a model Female Jail in the country.