

**Report- I, on Visit to Gwalior Central Jail by Dr Vinod Aggarwal
Special Rapporteur on 16th April, 2018.**

Format of Jail report is enclosed as annexure.

Recommendations after the visit, Discussion with Jail Superintendent, and inmates are as follows.

1. The jail is very old and many portions completed almost 137 years after establishment. Although it can be used for another 30-40 years, but it would be desirable that the usability certificate during earthquake or other type of natural or other disasters may be obtained from the concerned authorities and may be used till the economics of the Government improves. As such new wards are being constructed inside the jail campus. That could be another way of rebuilding the jail.
2. The jail is meant to house only 2559 prisoners but at present 3017 inmates are being kept, at present, in this jail, on the day of the visit. There is definite over-crowding in certain wards as some wards are closed.
3. This jail, first time I found the female jail was also over crowded. Need to have additional barracks in the female jail along with doctor duty room where doctor visits them at-least for one hour for every day
4. Although Jail campus is spread over 65 acres, but because construction done long time back, not much contiguous space available, but still expansion is possible.
5. 1850 inmates, who are going through rigorous imprisonment, but because of the very few industrial units are there, and not many of them could not employed in the jail factories. Although 7 type of industries are being run which include almost all type of power-loom and hand looms for carpet, blanket, cloth making, are being done. There is a unit for stationary and printing. The labour rate given to the inmates is also quite low. This is the area where jail administration must work to increase 10 fold production and at-least wages as per BPRD norms and employment to all those who want to work or required to work.
6. There is cattle house, where 230 cows and calves, buffaloes are being kept. I was told many of them unproductive as stray animals are left by

district administration for taking care and about 15-20 inmates help in running the cattle house.

7. The jail should have a 150 bed hospital, but in actual it has 22 bed hospital and 18 bed dorm for TB patients. In the barracks where the hospital is located, the nearby barracks although not part of hospital are given to older inmates who have chronic illnesses.
8. The Kitchen definitely requires up-gradation, in the form of Provision of Chimney, Automatic door closure, Impermeable walls, wire mesh in the windows, Fly catcher in the kitchen, dough making and chapatti making machines, along with modern platform are the immediate need.
9. The no. of cage latrines are insufficient, seeing the number of inmates in each ward, creation as per norms is possible as the earlier one has also been added.
10. Out of 1099 prisoners who are under-trials, there were 9 who were imprisoned more than 2 years. No one is an under-trial who is more than 5 years in jail.
11. In the State of Madhya Pradesh, the powers of the District collector and the appellate powers of IG prisons are quite sufficient in granting parole and such complaints are much lesser of not release as compared to UP and other states.
12. The SSRB has been constituted but its meetings are not conducted regularly. It is recommended the meetings must be done at a regular interval.
13. The Jail doesn't have a component of an open or semi-open jail. The State of MP is yet to work on Open, semi-open or Model jail concept. It is suggested that each divisional HQ should also have an open jail for well behaved convicts who have completed 10 years or more, as this reduces the expenditure on jail.
14. The posts of Sociologist, social worker, Psychologist are the need of hour in the jails. Besides the creation of positions of the supervisors in the production of various items they will impart training to the inmates.
15. After the Jail Break of Bhopal in December 2015, the inmates are not allowed food and other usable items to be brought by relatives and friends. This is a cause of unrest among the prisoners.

Report-II, on Public Distribution System in district of Bhopal in MP.

As per Government policy, following 5 categories of families are not given benefit of this system. These are:

1. If the family owns a 4 wheeler.
2. If the family owns a 4 room house.
3. If the family has a Government employee in the family
4. If the family pays any sort of tax, income tax, service tax, house tax
5. If the family owns 5 acres of cultivated or 10 acres of uncultivated land

The others are given either Antodaya card or Priority house hold card. *As the govt portals has 24 categories of the persons for inclusion. Briefly they are as follows: The Antodaya Card is given to mainly following categories:*

1. When the head of family is a widow/ abandoned or lone woman
2. When head of family is suffering from serious or untreatable disease.
3. When the head of family is disabled
4. When the head of family is 60 years and above and do not have sources for livelihood.
5. When head of family is liberated bonded labour.
6. When head of the family is home-less

The Priority Card Holders (PHH) are given to mainly following these categories:

1. **Land-less agricultural labourer family.**
2. **Marginal farmers having land up to one hectare.**
3. **Small farmers having land up to 2 hectares.**
4. **The head of family is labourer under labourer social security act of 2008**
5. **Head of the family is registered under the construction workers act 1996.**

As per the 2011 census, the population of the Bhopal district was 2368145. At present the expected population is estimated to be 2666915. Under the food security act 2013, about 321289 families having 1592037 members (units) are

being provided Ration. This amounts to about 60% of the population of the city.

Out of 321239 families who have been given Ration cards, about 89.7%, that is 288228, the Aadhaar seeding completed. About the members or units aadhar seeding it is said to be 1141257 against 1592037, which is only 71.7%. If one subtracts 288228 out of 1141257 the no is 853029 members are aadhaar seeded. If this is compared from the seeding of members, other than heads $1592037 - 321239 = 1270798$. Therefore among the family members, aadhaar seeding in actual is 853029 out of 1270798 which comes out to be only 67%. Therefore 1/3 of aadhaar seeding for family members has to be done.

The verification process is further behind and district administration did not share the exact figures but it was felt that the work was not being done earnestly as it is felt government does not want to take up the work in light of the impending elections in the state in next 6 months.

The district authorities instead informed that based on the parameters 24565 families having 164023 members have been added to the system since January 2018. There were 361579 families having 1691527 units. But 40000 families with only 99000 units have been deleted based on verification which is a tremendously poor state of affairs.

The district has 403 govt fair price shops in the district where e pose machines have been made available. Wherever internet connectivity is available any member of the household is provided ration based on biometric verification, but in how many percentage is given it is not clearly established but 60-65% is done based on biometrics. Although as per the rules, ration has to be provided based on Aadhaar verification but it seems food grains are given based on any verification.

Subsidised food grain which is given at rate of 35 kg rice/wheat to a family at rate of 1 rs. / kg. The fructified salt is also given at 1 rs /kg per month. Kerosene oil at 2.5 litre/ month at a rate determined by oil companies after every 15 days. Sugar is provided 2 kg/ per family is also at subsidised rates which is generally around 50 % of market price

But it was felt as there was no place to stand and there was no place in the shop and only one employee cum owner, the villagers or consumers have to visit perforce twice or thrice for getting their monthly. When visited the shops they are getting ration by 15 in the month and distribution happens in second half. About 3-4 % card- holders are not coming for lifting their ration for last 6 months.

Recommendations for PDS Bhopal District

- 1. The district authorities are not at all working on deletion of units. It seems that, the step is against the personal interest of employees in the supply department and public at large. Although heads of the family verification is completed in almost 89 % but the members verification is not proceeding the way it should happen.**
- 2. If we don't consider for a moment the verification of head of the households, the remaining verification of family members is not even 66 % complete. Directions need to be given for completing the verification in next 3 months.**
- 3. There are large number of people who are not lifting the ration in the district. A decision of cancellation or matching them with the list of duplicate and bogus cards and be finally be cancelled.**

Dr Vinod Aggarwal

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**Report-III, a Visit to Tallaiya Police Station in Bhopal MP, by
Dr Vinod Aggarwal Special Rapporteur Central Zone on 18th
April, 2018.**

1. It was found out from the police station that there is no complaint received by the police station or SP office about violation of Human Rights about this police station, since 1st January, 2017 till date.
2. It was also informed by Police station in charge, that there is no case in which medical examination has been done by authorities after beating by police associated with this police station.
3. It was discussed about the total no of bail able and un bail able offences in the period from 1st January 2017- till date.. It was informed that 578 bail able offences were there and 139 non bail able offences were registered. It was further enquired from the police station about release of suspect in cases of bail able offence that in none of the cases it was denied and bail was given as soon as the bail bond was deposited.
4. The officer in charge was asked of keeping any suspect in the police custody for more than 24 hours, which was denied, point blank that it had not happened even once in the period being discussed.
5. It was also discussed / enquired about ant case of death or serious injury to any person in police custody which was denied point blank.
6. There are only 20 cases of where human rights commission has called for report from the SP from the whole district. But the details have not furnished by the concerned officers till the submission of report.

Recommendations

- A. In case of Police stations inspections, it has to be done without informing the local police or even the senior authorities as they get into group and defeat the purpose. Inspection of Police station should be attempted, if

possible only without informing the local police and only state Government home department or chief secretary office if can facilitate otherwise nothing is going to come out.

- B. The NHRC should make available the pending matters with the Police station or with the district about complaints of human rights violation before going to the district and than that could be basis of going ahead in the police station
- C. The meeting with NGO working in the field of human rights especially about police atrocities, which could give some information to gather information about the police station.
- D. The police stations should have the Video cameras(CCD) at all the vantage points, at the entry of police stations, at the place where duty officer sits, the police lock up and all such points where recording could be used to verify any doubts which arises on a later date. The CCD coverage should be with voice recording also.
- E. A format for the visit to the Police station be developed and handed over to the rapporteur, so that no important point is missed during the visit.
- F. A report of pending 20 cases of district police of human rights violation may be called and acted upon.

Report- IV, on Public Distribution System in district of Raipur in the Chattisgarh State

As per Government policy, following 4 categories of families are not given benefit of this system. These are:

1. If the family owns a cement concrete house/flat on a plinth of 1000 sq ft.
 2. If the family has a Government employee in the family
 3. If the family pays income tax,
 4. If the family owns 4 hectares of irrigated or 8 hectares of un-irrigated land
- The others are given either Antodaya (pink) card or Priority house hold(Blue) card. The third category is green ration card for disabled persons' family.

The Pink Card is given

1. When the head of family is a widow/ abandoned or lone woman
2. When head of family is suffering from serious or untreatable disease.
3. When the head of family is disabled
4. When the head of family is 60 years and above and do not have sources for livelihood.
5. When head of family is liberated bonded labour.
6. When head of the family is home-less
7. When family is among the specially notified as weaker scheduled tribes.

The Blue card given to Priority Card Holders(PHH) are

1. land-less agricultural labourer family.
2. Marginal farmers having land up to one hectare.
3. Small farmers having land up to 2 hectares.
4. The head of family is labourer under labourer social security act of 2008
5. Head of the family is registered under the construction workers act 1996.

From the above information it is clear that despite of Chattisgarh state is being ahead of Bihar, UP in distribution of essential commodities through aadhar linked cards. But Jharkhand and Chattisgarh seems to be at the similar level of completion. When one examines the verification of the whole household members than average falls to 85% in the whole district of Raipur. The rural blocks of the district the blocks of Amanpur and Dhariswa are below the district

average. The biggest urban area of Raipur is almost 2% behind the district average among the urban areas the Gobranayapara, has 18% work still incomplete. The kunrra area has worst figures but overall it is a small area..The details of Ration cards distributed here in Raipur in some area which are furthest away from district average are as per the table below:

Blocks and urban areas in Raipur district	No. Ration cards in Block/urban area	Total no. of family members in the ration cards	Total Aadhaar seeding of members	UID Member seeding in %	UID head heads verified and found correct	Either wrong or not seeded with aadhaar	% of Aadhaar seeding left
Dharsiwa	40439	167999	157213	93.58	141734	26234	15.6
Amanpur	45357	181120	166561	91.96	139580	41474	22.9
Raipur	101559	382428	365542	95.58	317340	65073	17.1
Gobrapar	6318	21715	19587	90.2	17630	4110	18.9
Kunrra	1868	7599	6622	87.14	5633	2890	38.1
total	336211	1317810	1241606	94.22	1115746	201907	15.3

At present the verified and correct Aadhaar seeding is 11.15 lakh. By December 2017, the figure was 10.37 lakh. In almost last 4 months only 78 thousands verification has been done which is a low achievement. The remaining 201907 Aadhaar seeding it seems will easily take year and elections are in between. The State Government it seems not interested in implementing the Aadhaar linking as seen from the progress in the district of State Capital, as they are scared of backlash by the people and the dealers.

It was brought to my notice that in the year 14-15, out of 4.86 lakh ration cards, 1.16 lakh were rejected, which makes it about 23% of the ration cards. That was the reason given by the food officers for very few ration cards which have rejected after the drive for Aadhaar linking has been launched. Now about 18500 ration cards have been further withdrawn, which is less than 5 % of the now valid ration cards. Although figures submitted by food controller are not matching:

If the original ration cards were = 486045
 The undeserving cards withdrawn in 2014-15 = 116283

The ration cards left after the drive but before Aadhar linking=	369762
The ration cards rejected during Aadhar linking in 2015-2018 =	18832
The Ration cards should be available with public	= 350930
But the ration card with Public are	= 336211
Gap which need to be explained of cards	= 14719

The number of units which have been rejected since the aadhaar linking has begun is 95008, which seems a reasonable number, outlining that despite 18832 cards has been rejected, considering a household of 5 it matches with the figure of cards rejected. The visit to shop no 441001172 and 441001164 gave figure of about 5-10 distribution of food grains without Aadhaar, based on identity cards. The percentage of distribution without Aadhar is getting reduced, but it is still 7-8 %. It seems to be a good principle to determine the status of family for govt subsidised food grain which is given at rate of 35 kg rice/wheat to a family at rate of 1 rs. / kg. The fructified salt is also given at 1 rs /kg per month. Kerosene oil at 2.5 litre/ month at a rate determined by oil companies after every 15 days. Sugar is provided 2 kg/ per family is also at subsidised rates which is generally around 50 % of market price. The Priority Card Holder (PHH) card holder gets 5 kg of Rice.

The ration shops are allowed to sell few of the other commodities on their own to have enough business and incentive to open the shops on all the days and prescribed times. Whenever shortage of a commodity is noticed the state govt. endeavours to procure it and sell through the PDS system at a regulated and reasonable price.

Recommendations for PDS of Raipur district

- 1. The district authorities are now going very slow about deletion of units, It seems that, this step is against the personal interest of employees in the food department and public at large. Although verification of units and aadhaar linking is complete in almost 85 % but large no of people are given ration based on Photograph.**
- 2. The remaining verification and Aadhaar linking must proceed in a way that it is completed before the elections are announced late in the year. Directions need to be given for completing the verification in next 3 months.**

3. There are large number of people who are not lifting the ration. A decision of cancellation or matching them with the list of duplicate and bogus cards and be finally be cancelled.
4. The Blocks and urban area falling behind should have a team of officers with proven record to get the work completed in short span, than only the Aadhaar linking will get completed and bogus units will finally get deleted.
5. A complaint was received that the shops don't open for the prescribed time and many times consumers go back without collecting their ration as shop is found closed.

Dr Vinod Aggarwal

Report -V, on Visit to PuraniBhilai Police Station And Women Police Station Bhilai In Durg District Of Chhattisgarh, By Dr. Vinod Aggarwal Special Rapporteur, Central Zone On 20th April, 2018.

1. It was found out from the police station that there is no complaint received by the police station or AP office about violation of human rights since 1st April, 2017 till date.
2. It was also informed by police station in charge, that there is no case in which medical examination has been done by authorities after beating by police associated with this police station.
3. It was discussed about the total no of bail able and un bail able offences in the period from 1st April 2017- till date. It was informed that 357 bail able offences were there and 128 non bail able offences were registered. It was further enquired from the police station about release of suspect in cases of bail able offence that in none of the cases it was denied and bail was given as soon as the bail bond was deposited.
4. The officer in charge was asked of keeping any suspect in the police custody for more than 24 hours, which was denied, point blank that it had not happened even once in the period being discussed.
5. It was also discussed / enquired about ant case of death or serious injury to any person in police custody which was denied point blank.
6. As no lead was not coming and video recording of last 60 days of the police station at important points was available in the police, in one of the cases, the activities of the arrested person was watched for 15-16 hrs till he was presented before the magistrate. This was the fir no 152. The FIR was done at 10.52 pm on 17/04/18. The activity of the person and police personnel was watched. As there is no audio recording one cannot make out what was talked about, but one thing came out that no one touched him what to talk of beating him. The food given to him is around

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2 pm in the next day afternoon, but the personnel told me that they wanted to give him earlier the breakfast but he refused. The video recording is from a distance and one cannot make out whether earlier food was offered or not and what was the quality of food. The senior police officers accompanying me for the visit mentioned that the video recording has tremendously positive impact on the behavior of police personnel in police station. I also spent more than an hour to watch the activity of police station for more than 15-16 hrs and nothing illegal came to my notice.

7. Visited also women police station Bhilai in same district of Durg. Here met many couples who have come for reconciliation. My feeling after meeting about 5-6 cases is that the work is being done routine manner. The police is acting very slow and taking a stand of supreme court order for first try for reconciliation. The attempt of re-conciliation should not be endless and should be tried maximum twice or thrice and if no correctives are coming about the case should be filed and case be transferred to the regular police station for the investigation and arrest. But it was happening very slowly.

Recommendations

- A. In case of police stations inspections, it has to be done without informing the local police or even the senior authorities as they get into group and defeat the purpose. Inspection of police station should be attempted, if possible only without informing the local police and only state government Home Department of Chief Secretary Office if can facilitate otherwise nothing is going to come out.
- B. The NHRC should make available the pending matters with the police station or with the district about complaints of human rights violation before going to the district and that that could be basis of going ahead in the region.

- C. The meeting with NGO working in the field of human rights especially about police atrocities, which could give some information to work on the police station.
- D. All the police stations should have the video recording (CCD) at all the vantage points, at the entry of police stations, at the place where duty officer sits, the police lock up and all such points where recording could be used to verify any doubts which arises on a later date. The CCD coverage should be with voice also.
- E. The recording should be of much better quality that everything is visible clearly.
- F. In women police station the conciliation should be held more professionally. Here the cases are left to the counselors for the months together. Senior officers and officer in charge don't review them regularly at shorter intervals.
- G. A format for the visit to the police station be developed and handed over to the rapporteur, so that no important point is missed during the visit.