

## **Report on the visit of Dr Vinod Aggarwal, Special Rapporteur, Central Zone, NHRC to the Central Jail, Alwar in Rajasthan.**

I visited this jail on 15<sup>th</sup> May, 18, to understand the living conditions of the prisoners and under-trials and see whether rights of theirs are being respected by the local jail administration or not. I also wanted to see the steps taken by the higher authorities at the State level. In course of my visit, I interacted with Jail Superintendent Mr Surender Kumar and the Jail Physicians and other functionaries of the jail. Convicts and under-trials, also met me during the visit to various wards. Based on the information furnished in the inspection format, copy of which is enclosed, and scrutiny of various related documents, I record my observations as follows:

### **1. History of this Jail**

The jail at Alwar was established in early 20<sup>th</sup>, century around 1920 and re-designated as central jail in 2012. As the jail has been established long back, the old Jail building is in very bad condition.

### **2. Land, Campus and Buildings**

The Alwar jail premises is spread over 10 acres and abundant land is not available but still a jail of 1172 capacity can be maintained after construction and addition of 11 barracks in 3 wards, 3 years back to add the inmate strength of 450, in the old jail of almost 100 years old and in dilapidated condition. As the area of low rainfall and very little rain in last 4 years, the seepage is not visible. Most parts of old building are in state of disrepair. The boundary perimeter wall is of requisite height and the jail is in the city and at-least surrounded by residential area on 2 sides. There are incidences of throwing of mobiles and drugs after converting them into catapult.

There are 6 old wards in one blocks and in new block 3 wards with 11 barracks and 10 special cells and women separate

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prison of strength of 20 is part of this prison. As mentioned 2/3 of wards are vintage of early twentieth century. The flooring is of cement in the very small hospital and kitchen, and no tiles even in this newly constructed portion of jail except the toilets.

	Subject	Alwar Jail	
1.	capacity	m- 1152	f-20
2.	actual	m- 841	F- 46
3.	Over crowding	No,	Yes, 230%
4	convicts	M- 245	f- 1
5	under-trials	m-641	f-45
6	lifers	m-113	f-0
7	Rigorous Imprisonment	M-108	
8	Simple Imprisonment	M-25	

#### 4. Administrative Staff

A statement showing the sanctioned strength and in position personal with vacancy is given below for

Sl. No.	Designation	Sanction Posts	In Position	Vacant Posts
1.	Superintendent	01	01	0
2.	Dy. Suptd.	01	01	0
3.	Jailor	03	00	03
4.	Deputy Jailor	06	03	03
5.	asst. Administrative Officer	01	01	01
6.	Head Warder	21	20	01
7.	Warders	121	50	71
8.	Teacher	01	00	01
9.	washer man	01	01	00
10	Driver	01	00	01
11	assistant Machine Man	01	01	00
12	Sweeper	02	00	02
13	Medical Officers senior	02	02	00
14	Male nurse	03	03	00
15	Assistant accounts Officer	01	01	00
16	Junior accountant	01	00	01
17	Gardener,	02	02	00
	Total	175	92	83

From the above table, it is quite clear that there is gross understaffing. Out of 175 sanctioned posts only 92 functionaries are in position and immediate measures are required by the State Government with the assistance of recruitment authority to

appoint the personal on the vacant 83 positions. The number of jailors, deputy jailors, office personal, sweepers are grossly inadequate. The jail is being run by 54% of sanctioned positions along with 55 personals including 12 armed policeman along with 33 home guards for managing outside security of Jail. If they are counted, as jail personal than Jail is having more than 80% personal. The posts of social workers under a senior sociologist and psychologist with some assistants are also now a need of the hour in this jail. The jail Supt. has not mentioned about, posts of Video conference and computer operator etc, who should be appointed on regular basis

The human resource development of the jail personal is a subject under consideration of the Government and institutional arrangements for training of officers and other staff are being attempted. The state training institute has been established at Ajmer. It has been training all ranks of personal from Jail. The jail has about 246 convicts, but it has no employment generation till now and production potential hasn't been tapped at all. Kitchen is the only place, where some of them are employed.

Once these units are developed it would engage 100% convicts and majority of under-trials who want to work and send home some money. It would be of use that 6 month training imparted with formal certificates could be granted by the Jail Administration in following disciplines: -

- a) Weaving whether on hand loom, power-loom.
- b) Tailoring and cloth designing.
- c) Carpentry and steel works.
- d) Bakery, masala and oil grinding

## **5. Rights of Prisoners**

Right of prisoners is an evolving subject. In our Constitution, directly any rights have not been given to prisoners. But their rights emerge, through either right to the citizens or through various judgements by the Hon'ble Supreme Court or various High Courts, in brief these rights could be:

- a) The right to get paid for work done. Various courts have said that, when a prisoner is sentenced to rigorous imprisonment, the prisoner is required to work, but that doesn't imply that he/she must work free of cost and supposed to be paid wages for work.
- b) The right of dignity, that under-trial / prisoner, should not be chained ordinarily and even when taken out of prison normally not to be hand cuffed as per judgement.
- c) Right of reasonable facility of food, lodge, cloths and medicare.
- d) Right of under-trial for speedy trial but seems theoretical.
- e) Right of bail for under-trials, parole & remission for convicts,

### 5.1 Right of Speedy Trial:

The jail administration has given details of under - trials with various detention periods as per the table below:

Period of Detention	TOTAL	Males	females
Up to 1 month	135	120	15
1- 3 Months	108	101	7
3-6 months	116	110	6
6-12 months	108	101	7
1-2 years	94	89	5
2-3 years	72	69	3
3-5 years	50	47	3
Above 5 years	15	15	0
Total	698	653	45

About 35% under-trials (265 out of total 698) have a detention period of less than three months in this jail. This jail has 15 under- who are in jail for more than 5 years at present. Their cases can be studied by NHRC for directions to the concerned authorities for their speedy trial. The video- conferencing facility is being used for about 1-2 hrs, as hearing of cases, statements of witness are not being recorded in courts as the lower and middle judiciary are demanding that each court room should have videoconferencing facility. This issue need to be resolved, so that videoconference facility may be used in more effective manner.

### 5.2 Right of an Under-trial to be released on Bail.

The jail administration couldn't give information about, petitions pending in the trial court for disposal. It was also not

known about the number of cases, where prayers for the bail have been rejected. It came to my knowledge that none of the under-trials, is in jail because he /she is unable to arrange the sureties.

### **5.3. Right of convicts to appeal.**

There are about 186 appeals are pending in the high court. The 3 oldest appeals are more than 8 years. 45% appeals are of last three years duration but about 20% appeals are more than 5 years old. Adjournments sought by the advocates seems to me, major reason for delay in disposal of cases where the Judges and advocates need to sit together to work on a system where adjournments are not granted on frivolous grounds.

### **5.4 Right of Convicts for Premature release/ parole/ Remission.**

- a) The state government formulated the Rajasthan prisoners release on Parole rules in 1958 to honour the right of convicts and has constituted the Committee headed by Inspector General of Prisons as the chairman. The Deputy secretary to the Govt, home (jail), Prison Psychologist, Director Probation and DIG of Prisons (concerned zone) are members.
- b) There is no cases is pending before the SSRB from this Jail. The last meetings of the SSR Board was held was held on 12<sup>th</sup> April, 17, in which 4 cases of this jail were considered and all were found eligible for premature release and recommended for release and were released by the Government. The jail administration feels that rules for release should be further liberalised.
- c) There is a District parole advisory committee, headed by District Collector. SP, Suptd. of Jail and probation officer are the members. This committee decides on first, second and third parole, revocation of orders of release on parole. This meeting in last 18 months has been held religiously except once for release of prisoners on parole.

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d) Custodial Deaths. There are 9 custodial deaths which have been reported by the Jail authorities in the last 3 years in this jail. The report, show 2 case of unnatural death and cause of death was in remaining 7 cases has been natural diseases and place of death is the District hospital or in 2 cases on parole. The Jail administration said they have submitted reports to NHRC and in all such cases of natural death but failed to show details of these 2 cases of un-natural deaths.

#### **6. Right of food to convict and Under-trials Prisoners:**

The scale of diet includes 550/600 gm. Rice wheat flour Or 350/400 gm of rice, 60 gm. Lentils, 60 gm of gram/ lentils/ Poha/ Khichdi along and 200 gm. Of green vegetables and 40 gm. of sugar makes it a about 3500 calories on average with 60 gm of proteins which is reasonably a balanced diet. The food menu is much more elaborate than BPRD norms. If this menu is provided without any leakage, there could be no incidence of mal nourishment in the jail. The weekly food menu is enclosed along with format. The important part is that in actual practice the food to scale is provided or not, is to be seen by local Jail authorities, the District Magistrate and State Jail Administration. The look of food was not up to mark and lentils curry was very thin. The 4/5 chapattis, which are given on average to each prisoner is 50 gm each. No one complained, about quality of food, but it is felt that there is need for more inspections of food by higher officials are required.

The kitchen has no chimneys and fly proof automatic closing doors. The Kitchen floor was so dirty that it was difficult to make out whether it is made of impermeable material or not. There are some exhaust fans to reduce the heat and increase the ventilation. The food is prepared with help of LPG but no dough and roti maker have been installed. There are containers of stainless steel to keep the chapattis and other prepared food. It was informed that as per orders of Rajasthan High Court, the jail authorities are trying to create 3 additional kitchens as per directions that for every 200 inmates a separate kitchen is

required. But even one kitchen is so inadequate, how jail administration will create 3 additional ones has to be seen.

#### **7. Water Supply and right to water of the inmates.**

One deep boring along with submersible pump is working and hand pump supply of water is sufficient. Periodic cleaning of water storage tanks is done. The water is not abundant but present available, as piped water, in the toilets and for bathing and cleaning of clothes. According to the jail manual water used for drinking and culinary purposes should be analysed once every quarter and bacteriological examination on request. No such test appears to have been done in recent past. Jail Supt. should ensure that samples are periodically sent for required examination and analysis.

#### **8. Sanitation, Personal Hygiene & Clothing.**

The jail authorities have given information, that there is only one cage latrine in each ward and requisite latrines outside the wards and most of them are in working conditions and constructed in recent past. There are 50-70 inmates in each barrack and night time there is only one WC in the ward. Each ward should have at least 2 cage latrines instead of one, based on number of inmates in each ward. The cage latrines are in working conditions. Need an improved version of cage latrine and increase in their number.

#### **9. Health & medical care**

Jail has 5 bedded hospital with almost no facilities. With 2 regular doctors including a psychiatrist, much facilities cannot be run. Arrangements for blood examination, x-ray, EKG, dental chair, ultra sound machine not in jail. The District hospital has good facilities and that come to help of the Jail inmates. The specialists for Eye, TB, ENT, Gynae and dental are arranged that a weekly visit. As such the hospitals' capacity is less than 5% of total inmate capacity of jail. Floors and walls don't have glazed

ceramic tiles and have no uninterrupted supply of water and electricity. Even water provided is not RO water but boiled water.

Daily average OPD of inmates is 45-50. There is no shortage of medicines reported by jail administration and the inmates. Out of 6 TB patients, it has been segregated 2 as they are infective stage. There are 4 suffering from HIV/AIDs . The jail administration reported that there is no drug addict among the inmates but this claim could not be verified. There are 11 mentally ill persons who are under detention. The IG Prisons has not visited u/s 39(1) of mental Health Act 87, as per the statement of Jail Suptd. A psychiatrist from State Health department has been posted who is sufficient to take care of them

#### **10. Children living with Convicts (mother)**

Every child staying with mother has a right to requisite food, as prescribed in jail manual. This jail is providing food, crèche and nursery education which have been deployed in the women ward. As per norms each of these children are allowed to go out of jail premises for playing and mixing with general population. The sports goods are also provided to such children but as there are 12 children and 45 women inmate, the jail has space for only 20 female inmates only.

#### **11. Industrial production and payment of daily wages to the prisoners.**

The jail doesn't has manufacturing facilities and 250 odd convict inmates work for odd jobs in kitchen and hospital but that is not enough. The central jail is arranging for food making training for 60 inmates. As a welfare measure Jail administration has fixed rates of Daily wages for such prisoners who work and are paid at the rates given below in the table:

Trainees	nil
Semi skilled worker	130Rs
Skilled worker	150Rs.



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Seeing the availability of space and available life convict and other rigorous imprisonment prisoners, it should be endeavour of jail administration that they can start their production to much higher level as no of prisoners with rigorous imprisonment are around 250.

**12. Educational Facilities to the prisoner, whether convicts or under-trials.**

The prisoners or under-trials have the various options for Yoga, physical training. Gymnasium, and library. They can also enrol through Indira Gandhi Open University(IGNOU). More than 200 inmates are pursuing graduation and diploma program and 3 have filled form for master degree. About 763 inmates have also been made literate in last 2 years. Canteen facilities are available to the prisoners.

**13. Interview facility provided to prisoners.**

As per jail manual, e-mulakaat (video -conferencing facility through pragya Kendra) and telephone booth facility is available to the prisoners. The V.M.S. system is available to the relatives for granting interviews, such requests are received daily which are disposed of as per jail manual. It has been mentioned by jail authorities that very few of the requests have been turned down. It has been gathered that under trial can meet once in 7 days and convicts once in 15 days.

**14. Visits/Inspections during last one year.**

It has been informed that the judicial authorities had visited at least once a month in last 2 years and among the non judicial authorities, there have been 5-6 visits in last 2 years. The board of visitors has been constituted on 17-08-16.

**General Recommendations:**

This central jail with has done well with education of inmates. The major problems according to me are as follows:

1. Shortage of personal is a problem in this jail. The Out side guards of the jail are 55 and not coming from Jail service but counted against the numbers is not taken kindly by jail service.

2. There is need for creations of posts of sociologist, social workers, and psychologists. Besides these, we need to upgrade skill and production centre, for which supervisor in, hand looms, phenyl and caustics, printing ,carpentry are required to upgrade skills

3. The most of building of jail is old, about 100 years and building is in state of disrepair, poor and shoddy maintenance. The flooring of cement is damaged. Many places windows and ventilators are broken. The toilets old fashioned and can't be really converted in modern one. The cage latrine maintenance has to be much better. There is need to by and by demolish old jail and construct 2-3 storey wards instead in coming 5 years, when the whole jail can be renovated.

4. A bigger hospital, and with more facilities is required with more technicians and few more doctors on deputations.

5. The kitchen in jail definitely requires the following: A modern kitchen with sufficient facilities as per BPRD norm is the need of this Jail.

*i)The platform for washing, cleaning and cutting vegetables, rice and potatoes should have basins for proper cleaning, with adequate no of taps and disposal of waste water.*

*ii)Fly proof automatic closing doors must be installed.*

*iii) There is need for kneader and chappati maker along with mixers and grinders in the jail Kitchen*

*Iv) As per orders of High court they require to construct 3 more kitchens but seems impossible*


*v) Water supply augmentation is required as within one year water shortage is foreseen.*

6. The perimeter wall of jail is of requisite height of 21 feet. But because incidence of throwing of mobiles and drugs from outside it is required that some additional steps in form of double perimeter wall or higher height are required.

7. The use of convicts and under-trial for meaningful productivity is another area where jail administration should look at actively. There are no facilities in the central jail for the manufacturing and it is felt, that sociologists and psychologists need to work with the profile of each of the convicts and under-trials and once they go back to the society there could be pool of entrepreneurs who should also be encouraged to keep these as workers in their factories/units under the supervision of sociologists and psychologists, who should become a bridge between the reformed convicts on completion of their terms and their getting reabsorbed in the society in general and the confidence of entrepreneurs specifically to be won for at-least 5 years after their release.

8. The open jail at Alwar has 30-35 vacancies for quite some time. It is desirable that inmates be selected from the central jail so that few convicted inmates get a chance to live with their families, in open jail.

9. The women jail is of only capacity of 20 and at present there are 45 females and 12 children are there in this women jail. The women cell also requires up gradation with more capacity creation.

  
28/5/18  
Dr Vinod Aggarwal  
Special Rapporteur