



# **LIVING CONDITIONS AND HUMAN RIGHTS OF INMATES**

**Status in 18 Prisons of the Four States  
in Southern Region  
(Volume-I)**



**NATIONAL HUMAN RIGHTS COMMISSION  
INDIA**





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Four States in Southern Region  
(Volume-I)

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## CHAIRPERSON NHRC

### PREFACE

The National Human Rights Commission is mandated to visit jails or other institutions under the control of State Governments, where persons are detained or lodged for the purposes of treatment, reformation or protection for the study of living conditions of the inmates and make recommendations thereon to the Government. In accordance with this mandate, the Commission has been visiting such institutions especially, prisons to obtain a firsthand assessment of the living conditions prevailing there. The Commission has especially assigned this job to its Special Rapporteurs, who have carried out a large number of visits to different prisons located across the country.

It was considered useful to have all the reports submitted by the Special Rapporteurs on the basis of above visits compiled so that the students and researchers interested in the subject may have an easy access to them. Accordingly, a region wise compilation of the reports has been prepared by Dr. (Ms.) Balbir Teja, Consultant, NHRC. Shri J.S. Kochher, Joint Secretary, NHRC provided useful inputs in the preparation of these compilations. These have been distributed into different volumes based upon the region in which the prisons are located. The first Volume covers 18 prisons located in the four States in Southern region, while the second Volume covers 20 prisons located in Union Territory of Chandigarh and 8 States. The third Volume covers 14 prisons located in the five States of North-Eastern region.

I hope these compilations of prison reports will be found useful by researchers working in the area of prison reforms and related issues pertaining to civil and political rights.

**(Justice K.G. Balakrishnan)**

New Delhi  
10 December, 2013





## INTRODUCTION

Prisoners housed in jails have a right to life with dignity even while in custody. It is the responsibility of the State to provide safe and secure detention to the prisoners in jail; provide best possible facilities admissible as per law to prisoners to maintain their human dignity; ensure protection of their human rights; reform prisoners by involving them in various spiritual and educational activities; and engage them in various vocational training and work programmes to rehabilitate them after their release from the prison.

The human dignity is the quintessence of human rights and denial of dignity means denial of human rights. Regardless of the crime a man/woman may commit, he/she is a human being and entitled to be treated with dignity, decency, kindness and compassion. Prohibition of torture is absolutely necessary and may not be suspended, no matter how serious is the crime for which someone has been arrested. The prisoners cannot be kept in fetters day and night as this dehumanises a prisoner and reduces him from the level of human beings to that of animals.

Prisoners are kept in the prison as a punishment and not for punishment. Detention takes away the right to freedom of movement outside the jails but it should not be at the cost of social communication. The prisoners should be allowed to retain their liberty to move, mix, talk and share company with co-prisoners within the jail premises. The remand prisoners (Undertrial prisoners) deemed to be innocent until convicted. On being sent to prisons they should not be kept with convicts or even with habitual and injurious prisoners of international gangs. Their segregation is an absolute necessity. The right of the prisoners to contact their family members cannot be taken away but it may be restricted in the interest of security. The rights of a mother and child (up to the age of six years) to be together cannot be taken away. While allowing a child to be with his/her mother upto 6 years of age, the State must take full responsibility to ensure health, medical care, immunization and education of such children. The arrestee should be subjected to a proper medical examination by a qualified and trained medical officer within 24 hours of being sent to the prison and every 48 hours thereafter during his/her detention in custody.

The prison administration in the country, however, has been criticised for the problems of dilapidated prison structure, overcrowding and congestion, increasing proportion of undertrial prisoners, inadequacy of prison staff, lack of proper care and treatment of prisoners etc. in the State prisons. The growing advocacy for the protection of human rights in the various walks of lives has also attracted the attention of activists and judiciary for sub human conditions prevailing in these prisons.

The prison administration in India has become a subject of critical review of the higher judiciary in the last few decades. The Supreme Court of India had come strongly in favour of judicial scrutiny and intervention whenever the rights of prisoners in detention or custody were found to have been infringed upon.

In *Sunil Batra vs Delhi Administration and others* (1978), Mr Justice V.R. Krishna Iyer pronounced: "Prisoners have enforceable liberties, devalued may be but not demonetised; and in our basic scheme, Prison Power must bow before the judge power, if fundamental freedoms are in jeopardy". Again in *Sunil Batra vs Delhi Administration* (1979), the Court asked and affirmed: "Are Prisoners' persons? Yes, of course. To answer in negative is to convict the nation and the Constitution of dehumanisation and to repudiate the world legal order, which now recognises rights of prisoners in the International Covenant on Prisoners' Rights to which our country has signed assent".

In a number of judgements on various aspects of prison administration, the Supreme Court of India has laid down the following three broad principles:

- (i) A person in prison does not become a non-person.
- (ii) A person in prison is entitled to all human rights within the limitations of imprisonment.
- (iii) There is no justification in aggravating the suffering already inherent in the process of incarceration.

These principles have serious implications for prison administration. They not only call for a thorough restructuring of the prison system in terms of humanization of prison conditions, minimum standards for institutional care, reorientation of prison staff, reorganization of prison programmes and rationalization of prison rules and regulations. From this view point, among various directives issued by the Supreme Court of India, in *Sunil Batra vs. Delhi Administration* (1979), the following deserves a special mention:

"It is imperative, as implicit in article 21, that life or liberty shall not be kept in suspended animation or congealed into animal existence without the freshening flow of fair procedure. Fair procedure in dealing with the prisoners calls for another dimension of access of law provision, within the easy reach of the law which limits liberty to persons who are prevented from moving out of prison gates",

"No prisoner can be personally subjected to deprivation not necessitated by the fact of incarceration and the sentence of court, all other freedoms belong to him - to read and write, exercise, meditation and chant, comforts like protection from extreme cold and heat, freedom from indignities like compulsory nudity, forced sodomy and other unbearable vulgarity, movement within the prison campus subject to requirements of discipline and security, the minimum joys of self-expression, to acquire skills and techniques and all other fundamental rights tailored to the limitations of imprisonment".

"Inflctions may take protean forms, apart from physical assaults, pushing the prisoners into solitary cells, denial of a necessary amenities, and more dreadful sometimes transfer to a distant prison where visits or society of friends or relations may be snapped, allotment of degrading labour, assigning him to desepate or tough gang and the like, may be punitive in effect. Every such affliction or abridgement is an infraction of liberty or life in its wider sense and cannot be sustained under Article 21. There must be a corrective legal procedure fair and reasonable and effective. Such infraction will be arbitrary under Article 14, if it is dependent on unguided discretion; unreasonable under Article 19 if it is irremediable and unappealable; and unfair under Article 21 if it violates natural justice ... "

"The Prison authority has duty to give effect to the court sentence. To give effect to the sentence means that it is illegal to exceed it and so it follows that prison official who goes beyond mere imprisonment or deprivation of locomotion and assaults or otherwise compels the doing of things not covered by the sentence acts in violation of Article 19. Punishment of rigorous imprisonment obliges the inmates to do hard labour, not harsh labour. Hard labour in section 53 of Prison Act to receive a humane meaning, a vindictive officer victimising a prisoner by forcing on him particularly harsh and degrading jobs, violates the law's mandate. The prisoner cannot demand soft jobs but may reasonably be assigned congenial jobs".

## **Rights of Prisoners**

In the light of the observations made by the Supreme Court of India, the rights of the prisoners may be spelt out as follows:

### **Right to human dignity**

- Right to human dignity: Prisoners have a right to be treated as a human being and as a person. This right has been stressed by the Supreme Court of India which has categorically declared that prisoners shall not be treated as non-persons;
- Right to integrity of body; immunity from use of repression and personal abuse, whether by custodial staff or by prisoners;

- Right to integrity of mind; immunity from aggression whether by staff or by prisoners;
- Right to no-deprivation of fundamental rights guaranteed by the Constitution of India, except in accordance with law prescribing conditions and confinement.

### **Right to Basic Needs**

- Right to fulfilment of basic minimum needs such as adequate diet, adequate potable water for drinking, bathing and cleaning purposes; recreation facilities; health and medical care and treatment, access to clean and hygienic conditions of living accommodation, sanitation and personal hygiene, adequate clothing, bedding and other equipment; and recreation.

### **Right to Communication**

- Right to Communication with the outside world;
- Right to periodic interviews;
- Right to receive information about the outside world through communication media.

### **Right to Education**

- Education programmes in prison should include physical and health education; academic education; social education; vocational education; moral and spiritual education and cultural education;
- The education should be organized for beginners and illiterates and intermediates and advanced education for educated prisoners with the aim to make every illiterate prisoner literate and motivate literate prisoners to continue their studies and appear in the examination of Board/University by providing him/her necessary facilities;
- The prison library should be properly equipped with books, magazines and newspapers to cater to the needs of different educational standards and development of knowledge of the inmates. The prisoners should be encouraged to develop reading habits.

### **Right to Meaningful and Gainful Employment**

- Right to meaningful and gainful employment means that no prisoner shall be required to perform any form of forced labour which is prohibited as a fundamental right against exploitation under Article 23 of the Constitution;
- Under-trial prisoners volunteering to do work may be given suitable work wherever practicable. Such prisoners should be paid wages as per rules;

- No prisoners shall be put to domestic work with any official in the prison administration. Such work shall not be considered as meaningful or gainful, even if some monetary compensation is offered;
- Prisoner shall in no case be put to any work which is under the management, control, supervision or direction of any private entrepreneur working for profit of the organization. This will not apply to open prisons and camps;
- Right to get wages for the work done in the prison.

### **Right to proper health cover**

- There should be a hospital in every prison with the necessary number of beds for indoor treatment and separate wards for men and women;
- Every prisoner should be examined by the medical officer on admission to jail and vital statistics relating to his/her health should be entered in prisoner's history ticket;
- Every prisoner complaining of illness, or appearing to be ill, should be sent to the prison hospital for immediate examination and further treatment by the Medical officer;
- Wherever necessary, cases of inmates shall be referred to specialized medical institution with the prior sanction of competent authority;
- The Superintendent on the advice of the Medical officer and approval of the DG/IG Prisons may transfer sick prisoners to the local hospital;
- There should be isolation rooms for accommodating mentally ill patients. The mentally ill patients should be transferred to the Mental Health Care Centres for their treatment;
- Every case, or suspected case, of infectious and contagious disease should immediately be segregated and strictest isolation should be maintained until Chief Medical Officer considers it safe to discontinue the precautions;
- The prison hospital should have a ambulance.
- In case the prison does not have their own hospitals, arrangements should be made for deputing a doctor from district hospitals to visit the prisons jail every day.

### **Right to Access to Law**

- Right to effective access to information and all legal provisions regulating conditions of detention;
- Right to consult or to be defended by a legal practitioner of prisoner's choice;
- Right to access to agencies, such as State Legal Aid Boards or similar organizations providing legal services;

- Right to be informed on admission about legal rights to appeal, revision, review either in respect of conviction or sentence;
- Right to receive all court documents necessary for preferring an appeal or revision or review of sentence or conviction;
- Right to effective presentation of individual complaints and grievances during confinement in prison to the appropriate authorities;
- Right to communicate with the prison administration, appropriate Government and judicial authorities, as the case may be, for redressal of violation of any or all of prisoners' rights and for redressal of grievances;
- Right to have legal help if cannot afford to hire a private lawyer;
- Right to be released on due date.

The National Human Rights Commission under section 12 (c) of the Protection of Human Rights Act, 1993 had been entrusted with an important/mandatory function of visiting the prisons under the control of the State Governments where persons are detained or lodged for the purpose of treatment, reformation and protection, so as to assess the living conditions of prison inmates and suggest remedial measures.

In accordance with the above mandate, the Chairperson, Members of the National Human Rights Commission, its Senior Officers and Special Rapporteurs has been visiting the prisons in various parts of the country to review the activities, functioning and performance of the jails. This report covers 18 Prisons of four Southern States as per the following details:

## **Southern Region**

### **1. Andhra Pradesh**

Justice Y. Bhaskar Rao, Member and Shri Chaman Lal Special Rapporteur NHRC visited Central Prison, Cherlapalli, District Jail Karimnagar and Open Air Prison Cherlapalli on December 4 and 5, 2004; and Shri Chaman Lal, Special Rapporteur visited Women Jail Hyderabad and Sub Jail Bhongir on December 6, 2004.

### **2. Karnataka**

Shri P.C. Sharma, Member and Shri Chaman Lal, Special Rapporteur, NHRC visited Central Prison Parappana Agrahar, Bangalore on February 25, 2006; and Shri Chaman Lal, Special Rapporteur, NHRC visited District Jail Mangalore on February 22, 2006; Open Air jail Koramangla; and Taluk Sub Jail Chickaballapur on February 21, 2006.

### **3. Kerala**

Shri Chaman Lal, Special Rapporteur, NHRC visited Central Prison Thiruvananthapuram on October 30, 2004; Open Prison Nettukaltheri and

Women Prison Neyyattinakara on October 31, 2004; and District Prison Kollam and Sub Jail Pathanamthitta on November 1, 2004; and a team comprising two Inspectors, NHRC visited Central Jail Viyyur on February 21 to 23, 2011.

#### **4. Tamil Nadu**

Dr.Lakshmidhar Mishra visited Central Prison I, II and III at Puzhal, Chennai on July 4, 2008.

The issues covered and on which recommendations made during these visits to Prisons are as follows:

- Adequacy and effectiveness of physical and social infrastructure;
- Problems of congestion and overcrowding of space available in the prison;
- Institutional arrangement for keeping prison inmates, women, adolescents; children and mentally sick persons;
- Various aspects relating to treatment of prisoners with reference to the basic needs compatible to the dignity of human life;
- Living conditions including issues related to food, water, protective clothing and linen, personal hygiene and sanitation, lighting and ventilation;
- Special problems of children (0-6 age group) staying with convicted mothers;
- Avenues of recreation including games, sports, bhajans, yoga and pranayama for inmates;
- Interviews with family members/relatives;
- Literacy programmes run inside the prison for the benefit of inmates;
- Issues related to work programmes and occupational therapy;
- After care and rehabilitation of released prisoners;
- Medical examination on admission, a regular medical check-up and medical care and treatment including specialized treatment of contagious diseases like tuberculosis, HIV, respiratory, cardio vascular and terminal ailments etc.;
- Scrutiny of deaths in the prison;
- Strength of prison staff in terms of custody, security, institutional discipline;
- Rules and regulations governing the management of prisons;
- Procedure regarding the internal management of prisons with a view to uphold the rights of prisoners;
- Availability of legal help;
- Board of Visitors;
- Jail Adalats (Courts);
- Record Keeping;

- Issues relating to trial and bails of UTPs;
- Issues relating to premature release, parole and furlough of convicted prisoners.

Prior to the visit and sufficiently in advance a detailed questionnaire covering various aspects of the prison administration was designed and sent to Principal Secretary, Home Secretary, Director General Prison and Superintendents of jails. The response to the questionnaire was discussed with the Superintendent and DIG Prisons. During the visit, the NHRC officials besides taking a round of the prison premises to see the functioning of prisons, interacted with prisoners to hear their grievances relating to fulfilment of their basic needs and other issues related to their human rights, and held discussions with different officials including IG/ Additional IG prisons, DIG Prisons, Superintendents of different jails, Medical officers on various aspects of jail administration and management to make a broad assessment of the strengths and weaknesses of the jail management and administration and made observations and recommendations.

The NHRC officials found the status of prison life in the country wanting in several respects. They observed that most of the state jails were overcrowded, standard of sanitation and hygiene were poor, medical facilities were inadequate, and overall atmosphere was depressingly sad. The mismanagement of administration and the insensitivity on the part of the prison staff to the basic human rights of the prisoners further aggravated the problems. The Overcrowding which throws every system and facility out of gear, was found to be the root cause of the deplorable living conditions of our jails. It constituted a glaring violation of the basic human rights to life which means life with dignity.

The review of different jails ended up with the suggestions that the prison system should meet the custodial and correctional needs of various categories of prisoners and ensure that prisoners retain all their rights as human beings within the limitations of imprisonment. Prison regime should prepare prisoners to lead a law abiding, self-supporting, reformed and socially rehabilitated life. In order to make prisons efficiently manageable units, norms regarding maximum population for different types of prisons should be laid down. The prisons should have transport facilities, adequate supply of potable water, electric lighting, connections with high power electric transmission lines, drainage and sewerage, communication facilities like posts, telegraphs, telephone and internet facilities for purchase of institutional supplies. The institutions like courts, civil hospitals, mental health centres, education facilities for children of prison personnel as far as possible should be within the reach. Service conditions of prison personnel should be such as to secure and retain the best-suited and qualified persons. Efforts should be made to involve community participation for effective administration and management of the prison.



## PRISON PROFILE

The infrastructure of each prison should meet the well-defined norms. The prison infrastructure should be environmental conducive for the reformatory treatment and should provide the necessary facilities for prisoners to be treated as human beings. The Model Prison Manual for the Superintendence and Management of Prisons in India formulated by Bureau of Police Research and Development, Ministry of Home Affairs, Government of India provides certain functional space and infrastructural requirements which represent irreducible, barest minimum needs for a prison and are, therefore, non-negotiable. These requirements are:

- There should be enough space inside the perimeter wall of the prison. The number of prisoners confined in a housing unit should not exceed its authorised accommodation.
- The accommodation for the prisoners should be spacious, well lighted and ventilated. Due regard should also be paid to climatic conditions, cubic contents of air, minimum floor space, lighting and ventilation.
- The accommodation provided for use of prisoners, particularly for sleeping should meet basic requirements of healthy living. The minimum accommodation capacity of dormitories/barracks, cells, and hospital per prisoner should be 3.71 sq. mtrs of ground area in sleeping barracks; 8.92 sq.mtrs of cells
- The prison should have adequate number of buildings including barracks/cells/rooms to accommodate authorised population of different categories of prisoners including women, young offenders, under-trial prisoners, convicts, detenues, political prisoners and high security prisoners separately;
- Prisons are required to have the following three types of living accommodation:
  - Barracks to accommodate not more than 20 prisoners;
  - Single room accommodation to be provided to prisoners needing privacy for pursuing studies, etc.; and

- Cells for segregation of prisoners from the view point of security and keeping those suffering from contagious diseases separately.
- The administrative block of the prison should be located adjacent to the main gate. It should have office rooms, record rooms, conference hall, common rooms, enquiry cabins and control room for efficient functioning of the administration.

The prison profile including brief history, prison infrastructure and problem of overcrowding in the prisons of four states of Southern region visited by Members, National Human Rights Commission and Special Rapporteurs during the period between October 29, 2004 and 23 February 2011 are as follows:

## **PRISONS IN ANDHRA PRADESH**

### **Central Prison Cherlapalli**

**Date of Visit : 4 and 5 December, 2004**

The Central Prison Cherlapalli (R.R. District) had been established by relocating the Central prison Secundrabad on 1.11.1999 in a newly built modern complex with the grant provided by the Government of India. This could be considered as the best prison in country in terms of design, quality of construction of the building and the campus landscaping.

This prison had 11enclosures with 58 large and 13 small barracks and 40 cells. The prison had a sanctioned capacity to accommodate 1500 prisoners as per the norms recommended by the All India Committee on Jail Reforms. The minimum and maximum strength of prisoners in the jail ranged between 1617 and 1852 during the period between 10 February and 3 August, 2004. The total number of 1623 prisoners housed in this prison on the day of the visit showed an overcrowding of about 8 per cent. However, this could easily be managed by the existing set up.

The 1623 prisoners housed in the jail comprised of 947convicts including 642 lifers; 652 under - trial prisoners (UTPs); 22 detenues; and 2 civil prisoners. Among these, there were 65 high security prisoners including 16 belonging to Deen Dar Anjuman (DDA), 2 Naxalites and 31 ISI related prisoners. The Undertrial Prisoners constituted 41.17 per cent of the total population of the jail. This was much lower than the 64 per cent at the state level and 71 per cent at the all India level as per the prison statistics of 31 December, 2003.

### **District Jail, Karimnagar**

**Date of Visit : 4 and 5 December, 2004**

The District Jail, Karimnagar had been built in 1897 with an authorized capacity of 99 prisoners. The authorized capacity of this jail had increased to 299 prisoners with the construction of two new blocks consisting of 8 halls with essential amenities and a women enclosure and renovation of two blocks in January 2004.

Additional accommodation had also been constructed to improve interview facilities and provide accommodation for guarding staff.

The District Jail, Karimnagar had 7.2 acres of land with built up area of 2.5 acres. It had 16 barracks and 10 cells to accommodate prisoners. One barrack was used for accommodating convicts and 15 for UTPs. The 12 adolescent had been kept in a separate barrack. There was a separate enclosure to accommodate 40 women prisoners in this jail. The number of women prisoners in this jail was 34 on the day of the visit.

Against the authorized capacity to house 299 prisoners, the actual strength of 439 inmates including 405 male and 34 female prisoners on the day of the visit showed an overcrowding of about 47 per cent. The 439 prisoners in the jail comprised of 37 male convicts and 402 UTPs including 34 women. The UTPs constituted 92 per cent of the total number of prisoners in the jail.

The District Jail, Karimnagar had been serving the courts of Karimnagar and Warangal. The District had four sub-jails including Jagtial, Hazoorabad, Manthini and Sultanabad. Since sub-jail Manthini and Sultanabad had not been functioning at the time of the visit, 32 prisoners including 2 female prisoners belonging to Manthini had been lodged at Karimnagar.

Although Andhra Pradesh Prison Rules, 1979 provide for classification of prisoners on the basis of their socio-economic status and addiction to a superior mode of living, it was reported that the courts had taken a decision to stop according higher classification to prisoners on these grounds in the last couple of years. The prisoners at the time of the visit had been classified into four categories as per the security requirements. These included terrorists and extremists as S-1, dacoits, hired murderers S-2, murderers S-3 and other criminals S-4.

### **Suggestion**

- The lodging of prisoners belonging to Manthini in District Jail Karimnagar had caused lot of problems for the families of these prisoners. Since the said arrangement is not working properly, The DIG Prisons should restart Sub-jail at Manthini at the earliest.

### **Open Air Prison, Cherlapalli**

#### **Date of Visit : 4 and 5 December, 2004**

Open Air Prison, Cherlapalli called Prisoners' Agricultural Colony was one of the earliest Open Jails established in the country in 1950 to provide opportunity of honest life to the long term prisoners after their release from the jail.

The Open air prison had an area of 130 acres. The old office building and barracks constructed in 1954 had been maintained properly and new additions had been made in 2001 by involving the prisoners in construction. The Open air

prison against its authorized capacity of 150 prisoners was actually holding only 73 prisoners including 66 lifers on the day of the visit, the developed facilities of this prison were underutilized to the extent of 51.3 per cent.

### **State Jail for Women, Hyderabad**

**Date of Visit : 6 December, 2004**

The State jail for women, Hyderabad was established on October 1, 1994 on the recommendations of the National Expert Committee on Women Prisoners headed by Justice Krishna Iyer. It had been housing prisoners of Telangana region only. Another Women Jail with total sanctioned capacity of 100 women prisoners was set up at Rajhaintindhry to cater the needs of coastal Andhra and Rayalaseema region. Prior to the establishment of the Women Jail, the women prisoners of Hyderabad and Telangana region had been kept in the women block of Chanchalguda Central Jail, Hyderabad.

The State Jail for Women Hyderabad had a sanctioned capacity of 120 prisoners. The actual prison population of 186 female prisoners and 17 children staying with their mother on the day of the visit showed an overcrowding of 55 per cent.

This prison had been holding 98 convicts including 67 lifers; four detunes and 84 under trial prisoners on the day of the visit. The Undertrial prisoners housed in this jail constituted 45 per cent of the total prison population.

### **Sub - Jail Bhongir, District Nalgonda**

**Date of Visit : 6 December, 2004**

The Sub - jail Bhongir had been established in 1989. The total area of 2760 sq. yards of Sub-Jail, Bhongir comprised of 12 double cells and 3 single cells. Against the sanctioned capacity of 15 prisoners including 12 male and 3 female prisoners, the actual prison population of 21 prisoners including 1 convict and 20 under trials on the day of the visit showed an overcrowding of 40 per cent. However, that much overcrowding was easily manageable. The 21 prisoners housed in the jail included 1 convict and 20 under trial prisoners. The Undertrial Prisoners constituted 95.2 per cent of the prison population.

## **PRISONS IN KARNATAKA**

### **Central Prison Parappana Agrahar, Bangalore**

**Date of Visit : 25 February, 2006**

Central Prison Bangalore had been operating from a new building commissioned in 1997 with the transfer of 200 convicts from the older location in the city. It became fully operational from the new building in August 2001. Central Prison Parappana Agrahar, Bangalore had land area of 126 Acre and built up area of 39 Acres. The prison had 10 barracks of which 2 were used as work sheds and one as

prayer halls for Hindus, Muslims and Christians; a prison school library; a room for adolescent UTPs and a room for short term convicts.

The prison had the authorised capacity of 2100 prisoners including 2000 male and 100 female prisoners. Against the sanctioned capacity of 2100 prisoners, the actual prison population of 4376 prisoners on the day of the visit showed overcrowding of 108 per cent.

The 4376 prisoners comprised of 1530 convicts including 898 lifers and 12 female prisoners; 2833 Under- trial Prisoners; 10 Detenues and 3 civil prisoners. The UTPs constituted 64.7 per cent of the total prison population.

A full-fledged women section of the Central Prison, Parappana Agrahar, Bangalore had been functioning in a separate building as an independent Women Jail with 4 barracks and 4 cells. It had, however, access through the main gate of the prison. The women section against its sanctioned capacity of 100 was housing 157 inmates including 58 convicts, 99 UTPs and 12 children on the day of the visit.

### **District Prison, Mangalore**

**Date of Visit : 22 February, 2006**

This prison was established in 1859 but acquired the status of District Prison in 1974. It had total land area of 8.5 acre and built up area of 4 acre comprising of 6 Barracks and 12 Cells of which one Cell was unfit for use. This prison was being upgraded to Central Prison and the new building was under construction.

District Prison Mangalore had an authorized capacity of 150 prisoners including 146 male and 4 female inmates. The actual prison population of 238 prisoners including 21 convict and 217 UTPs on the day of the visit showed an overcrowding of 58.7 per cent. The 217 undertrial prisoners held in the jail constituted 91 per cent of total prison population of 238 inmates on the day of the visit. The six female prisoners including one convict and 5 UTPs constituted 2.5 per cent of total population of the prison.

Women section of the District Prison Mangalore had been functioning in a separate enclosure having 4 cells, one of which was being used by the Warders. Women section of this prison had adequate accommodation to house women prisoners. The average number of women prisoners did not exceed 10 and there were 6 women inmates including one convict and 5 UTPs on the day of the visit.

The District Jails in Karnataka had been authorized only to house convicts sentenced to imprisonment up to six months. This prison, however, was holding 4 convicts sentenced to long term imprisonment and 4 lifers. The Superintendent explained that they were en-route prisoners going for court appearance/medical treatment.

## **Open Air Jail, Koramangla**

**Date of Visit : 21 February, 2006**

This Open Air Jail was established in 1972 under the reformative scheme with the main objectives of imparting training to inmates in agriculture and horticulture and rehabilitating them as law-abiding citizens. Inmates selected to be kept in this prison included long term convicts especially lifers who were fit and willing to work and had completed 5 years imprisonment excluding remission or one fourth of their sentence. Selection of inmates to be kept in this prison was made by the IG Prisons on the recommendations of a Committee comprising DIG Prisons Karnataka as head and Superintendent jail, Factory manager and Medical officer/psychiatrist of the jail as members. Prisoners involved in offences against the State u/s 121, 121 (A), 392, 402 & 376 IPC were not eligible for selection to Open Air Jail.

Open Air Jail had total land area of 113 acres, of which 100 acres was under cultivation. The crops grown were ragi, horse gram and maize. It had 180 mango, 2000 coconut and 40 jackfruit trees. However, 1200 of 2000 coconut tree were yielding fruits; banana plantation had almost vanished and grapes were not being grown.

There was a substantial decline in production of garden section in 2005-06 and milk production in the Dairy Section had also come down from Rs 2,20,370 in 2003-04 to Rs. 1,30,312 in 2004-05 but increased marginally to Rs. 1,59,870 in 2005-06.

It was reported that a proposal for taking up plantation of cashew, tamarind, jackfruit, curry-leaf, jataropa, amla and similar medicinal and aromatic plants in 10 acres of land was under consideration of the Government.

The maintenance of the prison campus was found to be in a very bad shape due to utter neglect. The wire fencing of the boundary wall was very loose and hanging at most of the points defeating the very purpose for which it was provided.

Prisoners were housed in neat and clean sheds. A proposal for construction of barracks under modernisation plan was under consideration. The authorized capacity of 100 inmates of the Open Air Prison was fully utilized till 1995. The number of inmates dropped to 65 in 2000 and remained around 30 since 2003. The prison population of 29 inmates on the day of the visit showed under utilization of the prison capacity to the extent of 71 per cent. Superintendent of Prison attributed under-utilization of the prison capacity to shortage of water and drought like conditions in the area. The water level had depleted due to widespread development in the surrounding area. The 10 open wells had gone defunct and the frequent power cuts had restricted the functioning of 3 bore-wells. However, the grape orchards maintained by private owners in the adjoining area were in excellent conditions. Inmates at the Open Jail had been

earning remission @10 days every month as against 6 to 8 days per month in other jails.

### **Suggestion**

- Under-utilization of a carefully designed reformatory scheme and running with good efficiency for several years should be a matter of concern for the State authorities and necessary measures should be taken to ensure the full utilization of the facilities created to achieve the purpose of establishing this prison.

### **Taluk Sub Jail, Chickaballapur**

**Date of Visit : 21 February, 2006**

Upgraded from a Police Lock-up in 1976, Sub Jail Chickaballapur was located in the premises of the Office of the Police Circle Inspector (C.I). This Jail was a Taluk Sub Jail of District Kollar which also had a District HQ Sub Jail Kollar and special Sub Jail KJF. A new Sub Jail being constructed at Taluk Chintamani was awaiting sanction of staff.

Sub Jail Chickaballapur constructed in 1919 had a total area of 1644 sq. ft. and built up area of 1394 sq.ft. It had two smaller Cells of 8' x 10' size accommodating 5 inmates in each cell and bigger cells of 8' x 15' accommodating 8 prisoners in each.

The Sub Jail with authorized capacity of 16 prisoners could accommodate up to a maximum of 25 inmates. Against the authorised capacity of 16 prisoners, It was housing 32 inmates including 1 convict and 31 UTPs on the day of the visit. This showed an overcrowding of 100 per cent. While a Sub Jail was supposed to hold convicts sentenced to imprisonment of not exceeding 15 days, it was holding one convict sentenced to imprisonment of 4 years. He was waiting for his transfer to Central Jail, Bangalore.

The prison population of 32 inmates on the day of the visit comprised of 31 Undertrial Prisoners and 1 convict. The Undertrial prisoners constituted about 97 per cent of the prison population.

## **JAILS IN KERALA**

### **Central Prison, Thiruvananthapuram**

**Date of Visit : 30 October, 2004**

The Central Prison Thiruvananthapuram was established in 1886 to accommodate 1000 prisoners. It had total area of 107 acres and built up area of 9 acres. This prison had 14 blocks and 175 cells. Against the authorised capacity of 1000 prisoners, the actual number of 1627 prisoners including 25 female inmates on the day of the visit showed overcrowding of 62.27 per cent.

Women prisoners had been kept in a separate jail building adjacent to the main jail. This building had 18 cells with the capacity to accommodate 100 prisoners but on the day of the visit 13 Cells were used for housing the female inmates. The average daily number of prisoners in this jail was around 30 and it was holding 25 female prisoners and one newly born child on the day of the visit. This prison was authorised to keep women convicts sentenced to imprisonment up to 3 months only and other female convicts required to be transferred to the Women Prison Neyyattinkara. However, it was holding 3 lifers and one convict sentenced to ten years of imprisonment for medical treatment. The female prisoners were being guarded by one matron and 7 female warders.

The total number of 1627 prisoners in this jail included 604 Under-trial Prisoners; 1010 convicts including 25 on leave, 3 condemned prisoners and 570 lifers; 5 COFEPOSA detainees; and 8 civil prisoners. The share of under-trial prisoners in the total prison population was estimated at 37 per cent on 31 December 2003. This was much below the State average of 65.5 per cent and national average of 70.70 per cent.

### **Central Jail, Viyyur Kerala**

**Date of Visit : 21 to 23 February, 2011**

Central Jail, Viyyur Kerala despite being established in 1949 was in good condition. It had total land area of 147.33 acres; 8 Ward/Barracks; and 6 Special cells. Convicts, Remand prisoners, Adolescent prisoners and Habitual prisoners had been lodged separately. Under-trial prisoners were kept in 3 blocks and young prisoners in 2 cells of the blocks where under-trial prisoners had been kept. Women prisoners were housed in female block and mentally sick persons were kept in separate cells. The drug addicts and prisoners suffering from infectious diseases like T.B etc. were kept in separate isolation ward. The prison had common kitchen and separate bath-rooms for each block. The barracks, cells, prison hospital, work sheds, toilets, bath rooms, kitchen were in good condition. The buildings of the prison were well maintained by the PWD.

The authorised capacity of the Central Prison Viyyur was 520 prisoners. This included 100 female inmates. The total number of 563 prisoners housed in this prison showed an overcrowding of 8 per cent. Against the sanctioned capacity of 100 female prisoners, the prison was holding 30 female prisoners and 3 children on the day of the visit.

The total number of 563 prisoners housed in this prison comprised of 387 Convicts including 167 lifers, 165 Under trial Prisoners and 11 detainee on the day of the visit. The Under trials constituted 29 per cent of the total prison population on the day of the visit. The female prisoners held in the women section included 7 convicts along with one child and 23 under trial prisoners along with 2 children.



Among 3 children held along with their mothers in the prison, 2 were infants and one was less than 5 years. Creche facility had been provided for children in this prison.

### **District Jail, Kollam**

**Date of Visit : 1 November, 2004**

The District Jail Kollam was established as a Sub Jail in 1967 and upgraded to District Jail on December 1, 2000. Although this jail had been upgraded from the level of Sub jail to District jail but it had not been equipped as per the scale. The jail building despite being 47 years old was well maintained. The Jail had 8 Cells and jail authorities were in the process of acquiring an additional piece of land quite adjacent to the present jail premises from the Municipal Corporation by incurring an expenditure of Rs. 58 lakhs from modernization grant released for this jail. An amount of Rs 25 lakhs out of Rs. 35 lakhs sanctioned for construction of additional barracks had already been placed at disposal of the PWD.

The authorised capacity of 86 prisoners of this jail included 66 male and 20 female prisoners. Women prisoners were kept in a separate enclosure with a capacity to house 20 prisoners. Against the sanctioned capacity of 86 prisoners, the actual population of 188 prisoners including 14 female prisoners on the day of the visit showed an overcrowding of 118.6 per cent.

The District Jails in Kerala were authorized only to house convicts undergoing imprisonment of more than 3 months but less than 6 months. The prison population of 188 inmates, however, comprised of 169 under trial prisoners including 13 female inmates and 19 convicts including 1 female inmate. The Undertrial prisoners constituted 90 per cent of the total prison population.

### **Open Prison, Nettukaltheri**

**Date of Visit : 31 October, 2004**

The Open Prison Nettukaltheri was established on August 20, 1962 to help prisoners to lead a life of self-respect and dignity by involving them in agricultural work in an open atmosphere. Prisoners sentenced to imprisonment of two years or more than two years were eligible for admission to open prison. Selection of inmates to this prison was made by a committee comprising DIG (Prison) as the head and Superintendent of Open Jail and Superintendent and Medical Officer of the concerned Central Jail as members. Prisoners undergoing sentence for heinous crimes, rape, dacoity, cheating, kidnapping, forced labour or involved in disturbing public law and order were not eligible for admission to Open Prison.

The prison had land area of more than 454 acres including cultivable area of 350 acres. It had 7 prison blocks, 2 office buildings, 1 kitchen building, 1 Head warder's room and 12 other buildings. All these buildings were well maintained.

The prison had an authorised capacity to house 500 prisoners. Against this capacity, the prison population of 234 inmates on the day of the visit showed jails occupancy of 46.8 per cent and under-utilization of developed facilities by 53.2 per cent. All inmates of this prison were lifers except one convict whose life imprisonment had been reduced to 10 years on appeal.

### **Women Prison, Neyyattinkara**

**Date of Visit : 31 October, 2004**

Women Prison Neyyattinkara was established in 1990. The prison had a well-built and nicely maintained building. The total area of the prison and space in the building was sufficient to meet its functional requirements of its inmates. However, it did not have any space for prisoners' interviews. An additional room was also required for the tailoring unit.

This prison had an authorized capacity of 60 prisoners. The actual number of 46 prisoners including 21 convicts and 25 under-trials and two children of about six months on the day of the visit showed prison occupancy of 77 per cent and underutilization of developed facilities of the prison by 33 per cent. The 25 Undertrials housed in this prison constituted 54.34 per cent of the actual prison population on the day of the visit.

### **Sub-Jail Pathanamthitta**

**Date of Visit : 1 November, 2004**

The jail building despite being 50 years old had been kept nicely. Sub-Jail Pathanamthitta was the only jail available in the District Pathanamthitta, which deserved to be provided the status of a regular district jail. The jail had 11 Cells in the male section and a separate block for the female prisoners.

Sub-Jail Pathanamthitta was one of the highly overcrowded jails in Kerala. Against the sanctioned capacity of 65 prisoners, the prison population of 146 prisoners including 137 male and 9 female prisoners on the day of the visit showed overcrowding of about 125 per cent. It was authorized to keep convicts sentenced to imprisonment of upto one month only but it was holding 3 convicts including 2 under transfer to the Central Prison Thiruvananthapuram on the day of the visit.

The 8 Cells out of 11 Cells of the prison had been used for accommodating the prisoners; 1 was allotted to the prison warders who did not have any other place to live; 2 were used as stores and keeping personal effects of prisoners.

The Superintendent informed that a number of proposals had been sent to the Prison HQs for additional construction/renovation works including the construction of a new two storeyed block with attached toilet facilities, additional

cells for female prisoners, and guard rooms for male and female warders and a new septic tank for 200 prisoners. However, the Collector, Pathanamthitta was not aware of these proposals as the District Magistrates in Kerala were not being involved in jail matters.

### **Suggestions**

- A proper readjustment needs to be made by making at least one more cell available for accommodating 12 prisoners in a slightly better condition.
- Since Kerala Prison Rules 1958 mention specific responsibilities of the Collector as Chairman of the Board of Visitors to improve the living conditions and overall functioning of the jail as per rules, the Home Department needs to involve the Collectors in the overall functioning of the jails.

## **JAILS IN TAMIL NADU**

### **Central Prison I, II and III at Puzhal, Chennai**

A need was, perceived in 2003 to shift the Madras Central Prison from polluted environment in the close vicinity of railway station to a more open space at Puzhal, Chennai about 20 Kms away from Madras Central Railway station to provide better avenues for future expansion and growth of the correctional institution. The Central prison at Puzhal, Chennai consisted of 3 prisons namely; Central Prison No I for convicts; Central prison No II for remand/Under-trial prisoners; and Special prison for women.

Jail complex at Puzhal, Chennai had been constructed by Police Housing Corporation in a sprawling area of 211.92 acres at a cost of Rs. 77.09 crores. Jail complex had become operational on December 18, 2006. The prison complex at Puzhal had adequate space, elegant architectural design, good quality construction and sylvan surroundings.

The prison complex had a capacity to house 1250 convicts; 1250 remand prisoners (UTPs); and 500 women prisoners of Chennai, Kanchipuram and Thiruvallur districts.

### **Central Prison I at Puzhal, Chennai**

#### **Date of Visit : 4 July, 2008**

The Central Prison I (Puzhal) had been constructed in 2006 to house 1250 convicts. Against the sanctioned capacity of 1250, the actual prison population of 799 inmates including 785 male convicts and 14 Remand/Undertrial Prisoners showed no problem of overcrowding. The 785 male convicts included 470 lifers, 1 condemned prisoner, 266 prisoners sentenced to rigorous imprisonment and 48 to simple imprisonment. The UTPs housed in this prison constituted only 1.7 per cent of the total prison population.

## **Central Prison II at Puzhal, Chennai**

**Date of Visit : 4 July, 2008**

Prison had a Remission Office where all records pertaining to prisoners like warrants, remand registers, court production and other matters had been kept; a Quarantine room for screening the prisoners soon after their admission as also for medical examination within 24 hours of admission; Entry room for relatives/visitors; Yoga Centre; 10 cellular/dormitory type common blocks for accommodating prisoners/UTPs; 5 Associated Blocks; 2 High Security Blocks for accommodating hardcore naxals, LTTE activists/sympathizers, extremists and hardcore Islamic fundamentalists; Prison hospital; a central kitchen; 1 Block for A class prisoners (A class status has been granted by courts to UTPs depending on mode of living, educational qualification, social status etc.).

Central Prison II at Puzhal, Chennai was exclusively constructed for housing 1250 Remand/Undertrial Prisoners. Against the sanctioned capacity of 1250 inmates, the actual strength of 1808 inmates on the day of visit showed overcrowding of 45 per cent. The 1808 prison inmates included 1 convict; 1528 Remand/Under-trial prisoners; and 279 Detenues. The undertrial prisoners constituted about 85 per cent of the total prison population.

The Cells had been well maintained and were kept neat and tidy. These Cells had adequate space, cross ventilation, adequate lighting, ceiling fans, potable water, toilets for day and night use and running water in toilets. The surrounding was sylvan. Various saplings like coconut, neem, jackfruit etc. had been planted on June 30, 2008.

## **Central Prison III at Puzhal, Chennai/Special Prison for women at Puzhal**

**Date of Visit : 4 July 2008**

The Special Prison for Women at Puzhal had a sanctioned capacity of 500 female prisoners. The prison population of 222 female prisoners on the date of the visit showed underutilization of prison capacity by 55.6 per cent.

The 222 female inmates included 26 Lifers; 11 sentenced to Rigorous imprisonment and 2 to Simple imprisonment; 8 Detenues; and 165 Remand / UTPs. The UTPs constituted about 74 per cent of the jail population.

### **Suggestions**

- The prison building had sufficient lighting and ventilation. However, the Conference Hall attached to the room of the Superintendent had some acoustics problems. Since PWD had been assigned the responsibility of maintenance of the entire prison complex, the PWD authorities should be asked to set right the acoustics problems.

## LIVING CONDITIONS OF PRISONERS

A person does not become a non person merely on account of being in jail custody. Prisoners have certain human rights which flow from the fundamental right to life with dignity even while in jail custody. These human rights are irreducible barest minimum needs which include wholesome, sumptuous and nutritive food according to certain prescribed scales; food cooked in clean environment and served properly; adequate quantity of potable water for drinking and adequate quantity of water for cooking, bathing, cleaning, washing, and flushing the toilets; proper clothing and bedding; personal hygiene and sanitation; proper arrangements for their recreation and communication with their friends/relatives/family members and legal advisor etc.

People housed in the prison are vulnerable to violation of their human rights and often end up in inhuman living conditions. The states should recognise these barest minimum needs of the prisoners and play a vital role in meeting these needs as deprivation of any of these amounts to violation of human rights of the person in custody.

The various dimensions of barest minimum needs prescribed by the Model Prison Manual for the Superintendence and Management of Prisons in India formulated by Bureau of Police Research and Development, Ministry of Home Affairs, Government of India are as follows:

### i.) Food

- Food should be cooked in clean and hygienic environment in a modern kitchen. The kitchen walls should be provided tiles upto a height of 2 meters for easy cleaning. The kitchen should have sufficient number of exhaust fans; fly-proof automatic doors and fly-proof wire mesh all around; and floor made of an impermeable material. The kitchen should be modernized with the introduction of LPG/hot plates, kneading machines, chapatti making machines and grinders.
- The kitchen should have sufficient space for storage of provision articles, vegetables, containers and cooking utensils etc.

- The kitchen should be well lighted and ventilated and kept clean and tidy. The provision stores should be kept clean, well arranged and well ventilated and grain stores should be treated with suitable insecticides to prevent the growth of weevil.
- The food should be cooked in stainless steel utensils; cooked food should be kept in stainless steel covered utensils until it is distributed and served in stainless steel utensils.
- Cooking should be done by cooks with due care and attention. However, inmates undergoing imprisonment upto six months may be employed to clean rice, peel and cut vegetables, clean cooking utensils and keep the kitchen and cooking utensils clean and tidy.
- The scales of diet for prisoners may be prescribed by the State Government by taking into consideration the calories requirement, classified needs, and climatic conditions of the place.
- The Superintendent on recommendations of the Medical Officer may order special diet, or add extra calories in diet of prisoners on health grounds with due approval of the Inspector General.
- An average man requires approximately 2,000 to 2,400 calories a day and a person who does heavy work will require 2,800 calories per day. An average woman having a body weight of 45 Kg requires about 2,400 calories, because her weight is less than a man and she is expected to do less heavy work than a male labouring prisoner. The pregnant and nursing mothers need about 3100 calories every day.
- A suitable hospital diet may be prescribed by the State Government according to local food habits on the advice of the Medical Officer (In-charge). When meat is recommended by the Medical Officer as an extra diet, the weight of meat should be taken without bones.
- Prisoners may be given extra dietary items on occasion of festivals as specified by the State Government. Prisoners observing fasts may receive extra articles of food, or may have the whole or part of their meal at a place and time of the day, as may be allowed by orders of the government for proper observance of fasts by them.
- Every prisoner shall have three meals a day according to the prescribed scales. The timings of serving morning, mid-day and evening meals will be prescribed by the Inspector General. The three meals will include a light meal in the morning before the hour of work; a midday meal; and an evening meal before prisoners are locked up for the night.
- Prisoners should wash their hands and face and stand in queue. Food should be served fresh and hot by the cooks in the presence of a responsible

prison officer not below the rank of an Assistant Superintendent. The floors and platforms shall be cleaned immediately after the prisoners finish their meals.

- The Superintendent and Medical Officer shall exercise vigilance in the supervision of food served to the prisoners by checking the cooked food without prior notice once a week to ensure that the food is properly cooked and full quantity reaches the prisoners. Medical officer or in his absence his medical subordinate shall inspect the quality of all articles issued for consumption and quality of cooked food.

The status of meeting the minimum basic requirement of food in different prisons of four Southern States of India is as under:

## **PRISONS IN ANDHRA PRADESH**

### **Central Prison, Cherlapalli**

The scale of food had been worked out as per calorie requirement for labour and non-labour prisoners. Mutton/chicken was being provided on every Sunday. The existing scale of 700 grams of rice for labour and 600 grams for non-labour prisoner per day was found to be rather excessive resulting in wastage of food. The prisoners were found to be satisfied with the quantity and quality of food. However, they requested for introducing some variety in their breakfast.

There had been a provision for serving special food to prisoners on 9 occasions, namely Yugadi (Telugu New Year Day), Sankranti, Diwali, Dussehra, Idul-fitr, Idulzuha, Christmas, 15 August and 26 January. However, the extra money sanctioned for supplying special food was not sufficient to serve the purpose. LPG and steam boiling system was being used for cooking. The number of prison inmates engaged in cooking work was 32 on the day of the visit.

The Government constituted a committee with an expert from the National Institute of Nutrition as one of the members in July 2002 to review the scale of food in view of changing food habits and some specific demands made by the prisoners. The Committee's recommendations were under consideration of the Government.

### **District Jail, Karimnagar**

This prison had been maintaining high standards of cleanliness in the kitchen. LPG was being used for cooking. The food served to the prisoners was as per scales and prisoners were satisfied with quantity and quality of food. However, they requested for some variety in the breakfast.

It was reported that a committee had been constituted by the Government to look into this matter. The children upto the age of 5 years allowed to stay with prisoner mothers were being provided with special diet of milk (1/2 litre each),

one egg, banana and biscuits. The jail was holding one girl child of six months on the day of the visit.

The prisoners in this jail had been served tea at 6.30 AM without any snacks. The breakfast was not a part of the daily meal in this District jail. The Lunch was served at 10 AM and dinner at 5 PM. The time gap of 17 hours between dinner and lunch was too large. This could cause gastric problems for the prisoners.

### **Suggestion**

- The State Government should provide three meals including a light meal in the morning, a midday meal and an evening meal to prison inmates to meet the prescribed scales. The Inspector General may prescribe proper timings for serving morning, mid-day and evening meals to reduce a wide time gap between dinner and lunch.

### **Open Air Prison, Cherlapalli**

The prisoners were specifically asked by the Member NHRC about the quality and quantity of food and they were found to be satisfied.

### **State Jail for Women, Hyderabad**

Inmates were found to be satisfied with the quantity and quality of food. They, however, asked for some variety in the breakfast. The children up to the age of 5 years were allowed to stay with their mothers in the prison. Their dietary and medical needs were taken care of. The children were provided milk, bread, food, eggs and biscuits as special diet on the recommendations of the Medical Officer. The DIG informed that a Special Committee constituted for revising the scale of food had been looking into this aspect.

### **Sub - Jail Bhongir, District Nalgonda**

The kitchen building had been renovated and gas was used for cooking purposes. The prisoners were found to be satisfied with the quantity and quality of food served to them.

## **PRISONS IN KARNATAKA**

### **Central Prison, Parappana Agrahar Bangalore**

The prison had separate scales of food for labouring convicts and non-labouring convicts, UTPs and detenues. A special dish involving an expenditure of Rs. 3 per head had been provided to the prisoners on nine occasions including festivals, three National Holidays and sacred days of Hindus, Muslims and Christians. Milk was being provided to a one month old child staying with the mother in the prison. The daily per capita expenditure of Rs 18.33 on food was found to be very low and the additional expenditure of Rs. 3 per head incurred on nine occasions



was not sufficient to serve the purpose. The Women section of this prison had a separate kitchen and LPG was used in cooking food for female inmates.

### **Suggestion**

- Although, no complaints were made regarding quantity and quality of food, DG Prisons Karnataka needs to get the matter examined and ensure that the food supplied to the prisoners is as per the laid down scale and no compromise should be made on the quality of food.

### **District Prison, Mangalore**

The District Prison Mangalore had been using LPG for cooking purposes. Prisoners appeared to be happy with the quantity and quality of food. The daily average per capita expenditure of Rs 18.93 on food was as per the scale prescribed in the Manual. However, this amount of Rs 18.93 per head on food was found to be very low.

### **Open Air Jail, Koramangla**

Food was supplied as per the scale laid down in the Jail Manual and daily per capita expenditure on food was Rs. 21.

## **PRISONS IN KERALA**

### **Central Prison, Thiruvananthapuram**

A uniform scale of diet had been prescribed for all the prisoners irrespective of their social and economic status. The detainees were entitled to extra supply of milk, tea and sugar. The daily Per Capita expenditure on food was Rs. 30. The daily scale of cereals, including 200 grams of wheat and 450 grams of rice was quite sufficient. Fish was supplied on every Monday and Wednesday and Meat on every Saturday to more than 95 per cent non-vegetarian population of this prison. The prisoners were satisfied with the quantity and quality of food supplied to them. However, a number of prisoners expressed their desire to replace the existing practice of serving chapatties in the breakfast with items like upma and idly. It was reported that milk was provided to the one month old child of a convict but the prisoner denied any supply of milk to her child.

Special food with extra diet worth Rs. 8 per head was served on 9 festive days in a year. These included Onam and Vishu (Hindu Festivals), Ramzan and Bakrid (Muslim Festivals), Easter and Christmas (Christian Festivals) and 26 January, 15 August and 2 October (National Festivals).

The kitchen was neat and clean and LPG was used for cooking food. However, the food was delivered to various blocks by using primitive methods of carrying huge containers on shoulders by using bamboo poles.

It was reported that 12 skilled and 77 unskilled prisoners had been engaged in cooking and other kitchen jobs. Skilled and unskilled prisoners were paid daily wages at the rate of Rs. 18 and Rs. 13 respectively.

The Government had appointed a Committee headed by the Additional Secretary (Home) for revising the scale and introducing variety in diet. The report of the Committee was under consideration of the Government and the acceptance of the recommendations of the said Committee was expected to meet demands of the prisoners.

### **Central Jail Viyyur, Kerala**

Food was supplied to the prisoners as per the diet scale, nutritional requirements and nutritive value. Prisoners were served a cup of black tea/coffee in the morning and provided three meals including morning, noon and evening meal. Morning meal was served immediately after unlocking, noon meal at 12.15 PM and evening meal was given on completion of the day's work. Prisoners were provided special food at the rate of Rs 8 per head on 9 festival and national days including Vishu, Onam, Ramzan, Bakrid, Christmas, Easter, Independence Day, Republic Day, and Gandhi Jayanti.

Special diet had been provided as per the scales prescribed by the Medical Officer for the female inmates and children staying with their mothers in the prison. The children were served food in separate utensils.

Food grains and other eatables were procured from the FCI and Co-operative stores. LPG was used for cooking food in this prison. The food was cooked and served by prisoners.

### **District Jail, Kollam**

The inmates appeared to be happy with the quantity and quality of food. However, firewood had been used as fuel and the smoke coming from the kitchen was causing discomfort and health hazard not only to the prisoners but also the staff members.

### **Suggestion**

- The District Jail should switchover from firewood to LPG for cooking purposes.

### **Open Prison, Nettukaltheri**

Inmates appeared to be happy with the quantity and quality of food served to them.

### **Women Prison, Neyyattinkara**

Prisoners appeared to be satisfied with the quantity and quality of food. The children had been supplied extra diet of 500 grams of milk every day on doctor's recommendation.

## **Sub Jail, Pathanamthitta**

The prisoners appeared to be satisfied with the quantity and quality of food. The daily per capita expenditure on food was Rs. 22.

## **PRISONS IN TAMIL NADU**

### **Central Prison I at Puzhal, Chennai**

This prison had a modern kitchen with a chimney, sufficient number of exhaust fans, floors made of impermeable material, platform for washing, cleaning & cutting vegetables, an electric kneader for preparing paste out of atta prior to making chapattis, chapatti making machine, mixer and grinders, adequate number of taps inside the kitchen, 20 LPG cylinders were used for hot plates, and 45 LPG cylinders were used for steam boilers, a stainless steel container to keep cooked food before serving, and stainless steel utensils for serving food. The food articles such as rice, atta, wheat, dal, and groundnut oil etc. had been kept nicely on 4 platforms in the kitchen store room. The quality of food prepared for prisoners was tasted by the Superintendent/Medical officer of the prison before being served to prisoners.

The Central Prison I (Puzhal) had been holding convicts. As they were required to work, the nutritive value of their food should be higher than that of UTP who were not required to work. A person doing heavy work requires not less than 2800 calories per day. Against this prescribed scale, the calorie value of food served to male prisoners was 2753. An average woman having body weight of 45 kgs required not less than 2400 calories per day. The calorie value for women prisoners, however, could not be indicated precisely.

In accordance with the Government order, 115 gm of chicken was supplied to every non-vegetarian prisoner (Convict) once a week and Rava kesari, potato curry and one banana was given to every vegetarian Convict once a week in addition to their routine diet.

### **Suggestion**

- Since banana is an inexpensive item, each prisoner may be supplied one banana every day either in breakfast or in lunch or dinner instead of issuing it on a weekly basis.

### **Central Prison II at Puzhal, Chennai**

The kitchen in Central Prison II at Puzhal, Chennai was equipped in the same manner as in Central Prison I at Puzhal, Chennai. The supervision and control exercised at the time of issuing ration, cooking of food, and serving the food was also similar to that of Central Prison I at Puzhal.

### **Special Prison for Women at Puzhal**

The kitchen of Special Prison for Women was neat and clean. It was well

lighted and ventilated. It had platforms for cleaning, washing, cutting and storing vegetables; 3 large sized stainless steel tables for preparation of food; chimney and sufficient number of exhaust fans. The kitchen was fully equipped with stainless steel utensils, electric kneader, chapatti making machine, potato chips making machine. Stainless steel trolleys had been used for transportation of food from the kitchen to the prisoners' blocks.

The size and quality of chapatti was very good. While the menu for special prison for women was the same as that for convicts and remand prisoners/UTPs in Central Prison I & II, the diet prescribed for children up to the age of 6 years staying with their mothers varied according to their age group. It was 200 ml. milk for children below 6 months; 45 gms. Cereals (rice), 15 gms. Pulses, 500 ml. milk, 50 gms. Root and tuber (potato), 45 gms. Greens, 25 gms. Vegetables, 100 gms. Banana (fruit), 25 gms sugar, 10 gms oil for 6 to 12 months children; 60 gms. Cereals (rice), 150 gms Millet (wheat), 30 gms. Pulses, 500 ml. milk, 50 gms. Root and tuber (potato), 50 gms. Greens, 50 gms. Vegetables, 100 gms. Banana (fruit), 25 gms sugar, 20 gms oil for 1 to 3 years children; and 120 gms. Cereals (rice), 210 gms millet (wheat); 45 gms. Pulses, 500 ml milk, 100 gms. Root & tuber (potato), 90 gms. Greens, 50 gms. Vegetables, 100 gms. Banana (fruit), 30 gms sugar, 25 gms oil and 1 egg for 4 to 6 years children.

## **ii.) Water**

- The distribution of clean water is of paramount importance. Necessary arrangements should be made to supply adequate quantity of fresh and potable drinking water to every inmate of a ward and cell and sufficient quantity of water for other purposes such as bathing, washing and cleaning in every prison. The daily requirement of water of an individual is about 135 litres.
- Wherever corporation, municipal, panchayat, township or cantonment water supply exists, arrangements should be made to connect the prison with it by a pipe line.
- In case water is supplied from tube-well or well, the wells should be protected from being polluted by percolation of surface water; the mouth of the water well should be completely closed and the water should be raised by a pump; every well should be cleaned once a year and the depth of water in the drinking water well should be tested once a week.
- No garbage or sanitary wastes should be dumped within a radius of 15 mtrs. of any ring well or tube well and water may be filtered as per directions of IG on the advice of the medical officer and municipal authorities.
- The samples of water used for drinking and cooking purposes should be sent to the State Water Analyzing Authority twice a year both for chemical

and bacteriological examination. In case of contamination of water well, steps should be taken to treat these wells at an interval of three days with potassium Permanganate and other disinfectants in consultation with local health officer. Water vessels, barrels, tanks and reservoirs should be cleaned frequently.

The status of meeting the minimum basic requirement of water in different prisons of four Southern States of India is given below:

## **PRISONS IN ANDHRA PRADESH**

### **Central Prison, Cherlapalli**

The water supply for drinking, bathing and washing purposes was reported to be satisfactory. However, the quality of drinking water was not satisfactory. In addition to Metro Water Board supplying two lakh litre of Manjeera water every day for drinking purposes, water had also been drawn from four bore wells. The water of bore wells in the jail campus was hard. The prison authorities had been mixing the manjeera water and the bore well water in the sump which pumped water inside the jail. A number of prisoners expressed their dissatisfaction about the quality of drinking water.

### **Suggestions**

- The 6 of the 10 initially dug bore wells which had gone defunct need to be revived.
- The problem of hard water needs to be solved by providing a separate pipeline and tap connections for supplying Manjeera drinking water directly to the prisoner blocks.

### **District Jail, Karimnagar**

The prison had been providing adequate quantity of water to prisoners for drinking, bathing and washing purposes. The jail had a 24 hours supply of municipal drinking water.

### **Open Air Prison, Cherlapalli**

Prisoners appeared to be satisfied with the quantity of water as well as the arrangements made for supply of water for drinking, bathing and washing Purposes. The prison inmates had been supplied drinking water from Manjeera Municipal Supply.

### **State Jail for Women, Hyderabad**

The supply of water for drinking, bathing and washing purposes was satisfactory. The jail inmates had been supplied aqua guard filtered water for drinking purposes.

### **Sub - Jail Bhongir, District Nalgonda**

The jail had round the clock supply of municipal water. Its bore well had gone defunct.

## **PRISONS IN KARNATAKA**

### **Central Prison, Parappana Agrahar Bangalore**

The prison had adequate supply of water from Bangalore Urban Water Supply and Sewerage Board (BWSSB) and 15 bore-wells to meet drinking, bathing and washing requirement of its inmates. No one complained about shortage of water.

### **District Prison, Mangalore**

Supply of water for drinking, bathing and washing purposes was quite satisfactory and no prison inmate made any complaint on that count.

### **Open Air Jail, Koramangla**

The water supply for drinking, bathing and washing purposes was found to be satisfactory.

### **Taluk Sub Jail, Chickaballapur**

There was adequate supply of water for drinking washing and cleaning purposes. The prisoners were satisfied with water supplied to them.

## **PRISONS IN KERALA**

### **Central Prison, Thiruvananthapuram**

The Municipal Corporation had been supplying adequate quantity of water for drinking, bathing and washing purposes. Water was stored in two overhead tanks, one spacious underground tank and one ground level tank outside the jail. There were 26 ground level water tanks inside the prison and one water tank was exclusively used for laundry purposes. The prison also had four wells for providing water for bathing purposes in case of interruption in Municipal Corporation's supply of water.

### **Central Jail Viyyur, Kerala**

The source of water supply in the prison was open wells in the Jail compound. There was sufficient supply of water for drinking, bathing, washing, and cleaning. Prisoners were supplied boiled water for drinking purposes. Water storage tanks had been cleaned periodically.

### **District Jail, Kollam**

Municipal Corporation had been supplying piped water to the jail. Supply of water for drinking, bathing and washing purposes was satisfactory.

## **Open Prison, Nettukaltheri**

The water supply for drinking, bathing and washing purposes was satisfactory. However, quality of drinking water was not good as on an average two cases of Jaundice had been reported every month.

### **Suggestion**

- PHE Department should be approached for a thorough checking of drinking water.

## **Sub Jail, Pathanamthitta**

The Municipality had been supplying adequate quantity of piped water to this prison for drinking, bathing and washing purposes.

## **PRISONS IN TAMIL NADU**

### **Central Prison I at Puzhal, Chennai**

The Chennai Metropolitan Water Supply and Sewage Board had been supplying the required quantity of water to this prison through pipelines. The source of water was fully protected from being polluted by percolation of surface water. Samples of water were being drawn and sent for testing to King Institute Grinding which had an approved Laboratory. The test reports indicated that the water was free from chemical and bacteriological impurities; excess of iron, sulphur, magnesium, sodium and fluoride; and colour, hardness and alkalinity etc.

### **Central Prison II at Puzhal, Chennai**

Potable water is essential for absorption of food. The required quantity of water was being supplied by the Chennai Metropolitan Water Supply and Sewage Board through pipelines. The source of water was fully protected from being polluted by percolation of surface water. Samples of water had been drawn and sent for testing to King Institute Grinding having an approved Laboratory. The test reports indicated that the water was free from chemical and bacteriological impurities; excess of iron, sulphur, magnesium, sodium and fluoride; and colour, hardness and alkalinity etc.

### **Special Prison for Women at Puzhal**

Same as in Central Prison I & II Puzhal.

### **iii.) Clothing and Bedding**

- Every convict under sentence life imprisonment, rigorous or simple imprisonment should be required to wear prison clothing and should be provided with prison bedding.
- The other prisoners such as under-trial prisoners and detenues should be supplied with clothing and bedding, if they apply to Prison Superintendent

and the colour of their clothing will be different from that of the convicts.

- The scales of clothing and bedding should be fixed by the State Government keeping in view the climatic conditions and customs of the States.
- The convicts while taken to courts should wear their ordinary private clothing.
- The prisoners shall be issued sandals subject to the sanction of the Prison Superintendent.

The status of meeting basic requirements of clothing and bedding in different prisons of the four Southern States of India is as under:

## **PRISONS IN ANDHRA PRADESH**

### **Central Prison, Cherlapalli,**

The prisoners had been provided all items of clothing and bedding as per the recommended scale. These items were reasonably adequate to meet the basic needs of the prisoners. However, prisoners were not supplied any footwear. The general demand made by prisoners for replacement of shorts by trousers was under consideration of the Government.

### **District Jail, Karimnagar**

The prisoners were provided with clothing and bedding as per the prescribed scales. The various items supplied to prisoners were adequate to meet their basic needs.

### **Open Air Prison, Cherlapalli**

Prisoners were issued clothing and bedding as per scale and there was no deficiency of any kind.

### **State Jail for Women, Hyderabad**

The jail inmates had been provided with adequate number of bed - sheets, blankets and durries. Some of the women prisoners expressed their preference for colored saris instead of white saris being supplied to them.

The DG (Prisons), Andhra Pradesh stated that he would like to ascertain opinion from other women jails before making suitable changes.

## **PRISONS IN KARNATAKA**

### **Central Prison, Parappana Agrahar Bangalore**

The convict prisoners were entitlement to have two sets of clothing consisting of one Shirt, one Nicker or Payjama for 8 months and the prisoners working regularly in the factory section or prison garden were entitled to receive three pairs of clothing. The prison inmates were not entitled to shoes.



## **Open Air Jail, Koramangla**

The inmates in this prison were provided with three pairs of uniforms and each pair consisting of one shirt and one nicker for eight months compared to two pairs supplied in other jails. Prisoners expressed their preference for pyjamas over nickers.

## **PRISONS IN KERALA**

### **Central Prison, Thiruvananthapuram**

Prisoners had been sleeping on the floor. They had been provided with grass mats and 'jamukalam' (ground-sheets). These items were in short supply. The other items of clothes provided to prisoners were as per the prescribed scale and there were no complaints on that count.

#### **Suggestion**

- The adequate number of grass mats and ground-sheets should be supplied to the prisoners for sleeping on the floor.

### **Central Jail Viyyur, Kerala**

Proper clothing had been provided to both convicts and under-trial prisoners if they required in accordance with the provisions of the Model prison Manual.

### **District Jail, Kollam**

Prisoners had been provided grass Mats and Durries to sleep on floor. The 50 durries provided to this prison per annum were found to be in short supply.

#### **Suggestion**

- The Bedding including durries and grass mats should to be supplied to the prison on the basis of demand rather than on the flat rate.

### **Women Prison, Neyyattinkara**

The iron cots had been provided to convicts and grass mats to the under-trials prisoners for sleeping. Women prisoners were allowed to wear blouses and sarees instead of prisoners' mundu and towels.

### **Sub Jail Pathanamthitta**

There was shortage of durries and grass mats. Prisoners in the female ward had been sleeping on the torn grass mats.

#### **Suggestion**

- The torn grass mats need to be replaced immediately and sufficient number of durries/grass mats should be provided to this jail.

## **PRISONS IN TAMIL NADU**

### **Central Prison II at Puzhal, Chennai**

Remand prisoners were not issued any prison clothing as they were required to bring their own clothing for use. However, those remand prisoners who could not afford to have their own clothing were issued dhoti and prison clothing free of cost.

### **Special Prison for Women at Puzhal**

Same arrangement as in Central Prison II Puzhal

#### **iv.) Personal Hygiene and Sanitation**

- All prisoners should take bath as frequently as necessary according to the climatic conditions. In the temperate climate they should be encouraged to take daily bath and in the hot climate, facilities should be provided to enable prisoners to take bath in the afternoon as well.
- Every prisoner should wash his clothing at least once a week. For washing their clothes 500 grams of soap should be supplied to male prisoners and one kg soap to the female prisoners every month and 50 grams of washing powder every week.
- The prisons should have mechanized laundry to wash items of prison clothing and bedding at the time of their return to the clothing store.
- Each barrack used for sleeping should have sufficient number of attached WCs, urinals and wash places. The ratio of such WCs in the sleeping barracks should be one unit for 10 prisoners. The ratio of WCs which can be used during the day time should be one unit for six prisoners. The latrines need to be of the sanitary type with arrangements for flushing.
- Prison should be provide covered cubicals for bathing at the ratio of one for every 10 prisoners, with proper arrangements to ensure privacy.
- The Municipal health officer, District health officer or the health officers of the corporation, as the case may be, should visit all prisons under his/her jurisdiction once a month and offer suggestions for sanitation and hygiene.
- The prison area should be cleaned daily and kept free from all unwanted plants and weeds, accumulation of garbage, manufacturing waste and kitchen waste. The latrines shall be thoroughly cleaned twice a day or more often, if necessary, with disinfectants.

The maintenance of basic requirements of personal hygiene and sanitation in different prisons of four Southern States of India is given below:

## **PRISONS IN ANDHRA PRADESH**

### **Central Prison, Cherlapalli,**

The prison with 447 toilets including 226 inside and 221 outside the barracks/cells had a satisfactory toilet to prisoner ratio of 1:7.4 by taking 1650 as the normal strength of the prison. Internal toilets were meant for emergency use during night. The total number of 144 bathrooms in the prison gave a satisfactory bathroom to prisoner ratio of 1:11.8

### **District Jail, Karimnagar**

The total number of 87 toilets including 52 day and 35 night toilets in the prison gave an ideal toilet to prisoner ratio of 1:5. The 37 bathrooms for 439 prisoners also indicated a satisfactory bathroom to prisoner ratio of 1:12. The prisoners expressed their satisfaction with the scale of tooth powder, bathing soap and washing soda provided to them.

### **Open Air Prison, Cherlapalli**

The 6 toilets inside the barracks and 9 outside for 73 prisoners gave an ideal toilet to prisoner ratio of 1:4.9. The bathing facilities had been provided in the open by installing a water tank fitted with taps.

### **State Jail for Women, Hyderabad**

This prison having 19 toilets for day use and 26 for night use for 186 female inmates and 17 children gave an ideal toilet to prisoner ratio of 1: 4.5. The prison with 17 bathrooms for bathing purposes had a satisfactory bathroom to prisoner ratio of 1:12. The prison had been providing sanitary facilities to meet biological needs of female inmates.

### **Sub - Jail Bhongir, District Nalgonda**

The sub - jail with 4 toilets including 2 toilets for night use had an ideal toilet to prisoner ratio of 1: 5. The provision of 2 bathrooms in the prison for bathing purposes also gave a satisfactory bathroom to prisoner ratio of 1:10.5.

## **PRISONS IN KARNATAKA**

### **Central Prison, Parappana Agrahar Bangalore**

The state of sanitation in this prison was very poor. The prison with 255 toilets and average strength of 4400 prisoners had toilet to prisoner ratio of 1:17 which was far below the acceptable ratio of 1:10 and ideal ratio of 1:6. The actual position was still worse as 25 to 30 prisoners were found to be sharing one toilet during the visit to the barracks. The ratio of bathing platform (not bathrooms) to prisoner was 1:23. While some prisoners complained about inadequate toilet facilities but no one complained regarding bathing facilities.

The supply of sanitary napkins to female prisoners had not been included in the in the prescribed scale. However, the female inmates of this prison had been provided sanitary napkins as per their requirement under the Government order. Prisoners were not entitled to receive tooth paste or tooth powder, bathing soap.

### **Suggestion**

- The toilet to prisoner ratio needs to be improved with construction of some more new toilets.

### **District Prison, Mangalore**

The 17 toilets inside the Barracks for emergency use and 12 toilets outside for 238 prison inmates on the day of the visit gave a satisfactory toilet to prisoner ratio of 1:8.

The availability of bathrooms was not satisfactory as the prison with 7 bathrooms for 238 prisoners had a bathroom to prisoner ratio of 1:34.

### **Suggestion**

- The bathroom to prisoner ratio needs to be improved with construction of new bathrooms.

### **Open Air Jail, Koramangla**

The availability of 6 toilets, 4 urinals and 2 bathing platforms for 29 inmates on the day of the visit gave a satisfactory state of sanitation. The 6 toilets for 29 prisoners gave an ideal toilet to prisoner ratio of 1:4.8.

### **Taluk Sub Jail, Chickaballapur**

The 4 attached toilets for authorized capacity of 16 prisoners gave an ideal toilet to prisoner ratio of 1:4. Prisoners were found to be satisfied with the toilet and bathing facilities.

## **PRISONS IN KERALA**

### **Central Prison, Thiruvananthapuram**

The prison with 144 toilets for 1627 prison inmates on the day of the visit had a toilet to prisoner ratio of nearly 1:11.2. While the overall situation was satisfactory in the convict block, the actual number of toilets in the Undertrial prisoner block was very small. For example Block No. 8 accommodating 91 UTPs had only 4 toilets; Block No. 11 holding 140 UTPs had only 6 toilets. The attached toilets provided in the barracks constituting Blocks had been used for bathing purposes also. Cells had been provided with toilets for emergency use only. The availability of 32 bath rooms in this prison gave a bath room to prisoner ratio of 1:50.2. However, the inmates were satisfied with the adequate bathing facilities provided in the open.

In the female section, 4 bath rooms available for female inmates in the building were used to dump fuel wood and the female prisoners were made to take bath in the open. The female prisoners clearly expressed their preference for availing bathroom facility created for them but that was not being provided to them due to insensitivity of the staff. Although women prisoners had been provided sanitary napkins as per their actual requirement, but this item was not formally included in their entitlement.

### **Suggestions**

- The toilet to prisoner ratio should be improved in the blocks where UTPs have been housed by constructing some new toilets.
- The bathroom to prisoner ratio needs to be improved with construction of new bathrooms.
- The privacy of female prisoners needs to be given due respect and they should be provided bathing facilities in the proper bathrooms.

### **Central Jail Viyyur, Kerala**

All the cells and dormitories had attached toilets and there were also separate toilet blocks. The inside walls of the latrines were tiled upto the height of one meter from the floor level. The latrines were of sanitary type but did not have automatic flush system.

Prisoners were provided covered cubical @ one for ten prisoners to ensure proper privacy. Prisoners were taking bath regularly and washing their clothes atleast once a week. Prisoners were supplied with adequate quantity of bathing soap and detergent powder. Female prisoners were supplied with sanitary napkins as per their requirement.

### **District Jail, Kollam**

The standard of sanitation was very poor in this prison. The 12 toilets including 8 attached to the Cells in the prison for 188 inmates gave a toilet to prisoner ratio of 1:15.6, which was far below the acceptable ratio of 1:10 and ideal ratio of 1:6. The bathing facilities consisting of only 2 platforms were also found to be inadequate.

Women prisoners complained about the existence of public toilets adjacent to their enclosure. These public toilets had been causing nuisance and health hazard to them and they were facing difficulty in taking their meals due to the stinking smell coming from these toilets.

### **Suggestions**

- The toilet to prisoner ratio needs to be improved with construction of some more new toilets.

- The bathroom to prisoner ratio needs to be improved with construction of some new bathrooms.
- The female prisoners should be provided better toilet/bathroom facilities by arranging a partition in the attached bathrooms.
- The public toilet needs to be shifted to another location at a reasonable distance from the female enclosure.

### **Open Prison, Nettukaltheri**

The prison having 45 toilets for 234 inmates housed in the prison on the day of visit had an ideal toilet to prisoner ratio of 1:5.2.

### **Sub Jail, Pathanamthitta**

Every cell of the main block had an attached toilet and another 12 toilets had also been provided outside in the rear portion of the campus. A total number of 16 toilets for 137 male prisoners on the day of the visit gave a satisfactory overall toilet to prisoner ratio of 1:8.5. However, the existing toilet facilities were quite inadequate as each cell had been holding 29/30 prisoners and the actual toilet to prison ratio worked out to 1:25.

In the female section, one attached toilet and one external toilet for 9 female inmates gave toilet to prisoner ratio of 1:4.5. The prison had no bathrooms. The prison had sufficient number of bathing platforms for taking bath in the open but no covered bathrooms.

### **Suggestion**

- The female inmates should be provided covered cubical for taking bath to ensure their privacy.

## **PRISONS IN TAMIL NADU**

### **Central Prison I at Puzhal, Chennai**

Every barrack had sufficient number of WCs, urinals and washing places. The toilet to prisoner ratio in this jail was 1:10. The latrines were of sanitary type with adequate quantity of water available for flushing. The toilets were placed on an impermeable base higher than the surrounding ground and glazed ceramic tiles had been fixed on the walls of the toilets up to the height of one meter from the floor level.

There was no automatic laundry in this prison. The prisoners had been washing their own clothes every day. Each prisoner was supplied 125 grams of soap once a week. The manual washing of clothes had been causing the problem of water logging and also creating an unclean and unhygienic environment.

## **Central Prison II at Puzhal, Chennai**

Every barrack had sufficient number of WCs, urinals and washing places. The toilet to prisoner ratio in this jail was 1:10. The latrines were of sanitary type with sufficient quantity of water available for flushing. The toilets were placed on an impermeable base higher than the surrounding ground and glazed ceramic tiles had been fixed on the walls of the toilets up to the height of one metre from the floor level. The prisoners had been washing their clothes daily as the prison did not have the facility of an automatic laundry. This was an extremely unhygienic practice as it led to accumulation of water at fixed points and added dampness to the physical environment.

## **Special Prison for Women at Puzhal**

Same arrangement as in Central Prison I and II Puzhal

### **v.) Recreation and Cultural activities**

Recreational and Cultural activities organised in the prison play a significant role for maintaining the mental and physical health of prisoners; bringing relief to lonely, distressed and unhappy inmates and relieving boredom and promoting their interest in institutional programmes. The recreational and cultural activities in prison should include the following activities:

- Indoor and outdoor games like chess, ludo, and carom, cricket, kabaddi, wrestling, volley ball, badminton, football, basket-ball and Gymnastics; and organizing annual sports day by involving prisoners;
- Film shows including patriotic, biographical, scientific and educational films; dramas to present useful social problems and values, models of behaviour; humorous skits for the inmates; and group and folk dances on festivals and social occasions;
- Music programmes consisting of radio music, record music, group singing, folk music, instrumental music and orchestra;
- Celebrating of Independence Day, Republic day and Mahatma Gandhi's birthday in each prison by organizing cultural programmes and serving special food on such occasions to inculcate the feeling of patriotism among the prisoners.
- Celebrating of religious festivals of all religions by encouraging prisoners participation.
- Organizing daily meditation and yoga classes with the help of NGOs and encouraging inmates to participate in these classes held in the prison.
- Installing TV in each barrack and selecting channels carefully;

The scope of organizing recreational and cultural activities depends upon availability of space, the climate and weather, composition of inmates and arrangement for security. The recreational and cultural activities organised in different prisons of four Southern States of India are given below:

## **PRISONS IN ANDHRA PRADESH**

### **Central Prison, Cherlapalli,**

The recreational facilities provided to the prisoners were found to be rather inadequate. The prisoners had been provided facilities only for indoor games on regular basis, but the number of carom and Chess board available in the prison was much less than its requirement.

The prison had procured TV sets with the help of NGOs and installed them in some of the barracks and cells. However, 20 barracks and 35 cells did not have any TV set.

#### **Suggestion**

- The DIG Prisons may assess the actual requirement of additional TVs and try to arrange this elementary facility for all prisoners.

### **District Jail, Karimnagar**

Yoga and meditation classes formed part of the daily routine in this prison. Television sets had been installed in each barrack. However, the indoor games including carom board and chess board had not been provided as per prescribed scale of one carom board for 25 and one chess board for 20 prisoners. T.V. set installed in the female enclosure was not in working order.

#### **Suggestion**

- The TV sets installed in the female wards may be repaired at the earliest.

### **Open Air Prison, Cherlapalli**

The prison had adequate arrangements for recreation including TV and Radio facilities.

### **Sub - Jail Bhongir, District Nalgonda**

The sub-jail had been providing facilities of indoor games to the prisoners. A large colour TV set had been installed for use of inmates in the evening.

## **PRISONS IN KARNATAKA**

### **Central Prison, Parappana Agrahar Bangalore**

The recreational activities including both indoor and outdoor games in this prison had been inadequate. The 16 male barracks did not have the elementary facility of Television. The cultural programmes such as Dance, Drama & Music etc. were occasionally organized in the jail. Yoga and Medication classes had also been conducted from time to time.



The recreation arrangement in the women section of this jail was not satisfactory as two barrack in the female section did not have TV facility. Some prisoners requested for supply of magazines like Grihshobha or Sudha.

### **Suggestion**

- The prison authorities may accept the request of female prisoners and supply them the magazine asked by them.

### **District Prison, Mangalore**

Prison had been providing indoor games like Chess and Carom to its inmates. However, outdoor games such as volleyball provided earlier had been stopped about six months before the visit.

### **Suggestion**

- The jail authorities may revive the practice of providing outdoor games to its prisoners.

## **PRISONS IN KERALA**

### **Central Prison, Thiruvananthapuram**

This prison did not have any facilities for outdoor games. The prison authorities had provided only one TV set to the male and one TV set to female section.

### **Central Jail Viyyur, Kerala**

Prisoners had been provided FM radio set and the facility of DHT system to TV was also available. NGOs had been organizing moral classes and yoga classes. Prison authorities had been organising celebration of Jail day and Onam festival etc.

### **District Jail, Kollam**

Recreation facilities were inadequate in the District Jail. There was only one TV set for the entire male Block consisting of 8 Cells. The facilities provided for indoor game were also inadequate to cater to the needs of the inmates of this jail. The women section had been provided one TV set but the same had been lying under repair for 9 months.

### **Suggestion**

- The TV set provided to the women section may be repaired at the earliest

### **Open Prison Nettukaltheri**

The required attention had not been paid to the recreation of prison inmates. The elementary facility of television was provided on a very restricted scale. A TV set had been installed in the main complex and one in Annexe. The TV set being

installed in the veranda of the Annexe, the prisoners had to sit in the open to watch the programmes. As a result, the TV facility remained suspended in rains.

Although prisoners were encouraged to play volley ball but volleyballs were not supplied regularly. Similarly in case of indoor games, inmates had been provided with just one Carom board and one Chess board.

In the women section of the prison, although one TV had been installed in the common room but female inmates were hardly allowed to use that.

### **Suggestion**

- Television sets should be provided in each barrack. Till that time the TV set installed in the Veranda of Annexe and Common room should be shifted to some other place to enable male and female inmates to watch the TV uninterrupted.
- Prison authorities may supply one volley ball once in two months.

### **Women Prison, Neyyattinkara**

The women's prison had been provided with one Television set. The inmates were unhappy about the site of installation. They requested that the T.V. should be shifted back to its earlier location, which had been converted into a UTP Cell.

### **Sub Jail, Pathanamthitta**

The basic need of physical exercise of prisoners could not be met in this prison. There was no space in this jail for out door games like volleyball. The facilities for indoor games were quite inadequate. There were only 4 carom boards for 120 male prisoners. The male section of this prison had only one TV set. It had been installed in the room occupied by the prison staff. As a result, the prisoners were allowed to watch TV only on Sunday when the TV set was shifted to the veranda.

### **Suggestion**

- The TV set should be shifted from Staff room and installed at such a place where prisoners can watch the TV anytime they like.

## **PRISONS IN TAMIL NADU**

### **Central Prison I at Puzhal, Chennai**

Central Prison I (Puzhal) had different avenues for recreation of its prisoners. These included Meditation Hall; Open Air Theatre; and Gymnasium. Prisoners had been provided training in light music to create a new elixir of life, excitement and joy in a highly controlled environment.

### **Central Prison II at Puzhal, Chennai**

There existed facilities for yoga and meditation. It was reported that 6

inmates had been doing yoga and meditation and one prisoner was reading Bhagwat Gita in the Yoga Centre for their peace of mind and body.

#### **vi.) Communication**

- Prisoners should be allowed reasonable facilities for seeing or communicating through letters with his/her family members, relatives, friends and legal advisers once in a fortnight for the preparation of appeal/procuring bail/arranging the management of his/her property and family affairs.
- The number of persons who may interview a prisoner at one time should be limited to three. The time allowed for an interview should not exceed half an hour. However, this may be extended by the Superintendent of prison at his discretion. The interviews should be conducted twice a week according to alphabetical order of names. The days and hours of interview should be fixed by the Superintendent.
- These interviews should be held in a specified place, if possible near the main gate to ensure safety and security of prisoners. The interview rooms should be divided into cubicles and its walls and ceilings should be covered with sound proofing materials. The interview with female prisoners may take place in female enclosures/wards, if practicable. The Superintendent may allow interview to take place in prison hospitals for seriously ill prisoners and condemned prisoner should be interviewed in their cells.
- The interview with the convicted prisoner should take place in the presence of an experienced prison officer, who shall be positioned at a place from where he can see what passes between the prisoner and his interviewer and a lady officer should be present when female prisoners are interviewed.
- The number of letters a prisoner can write in a month should be fixed by the Government under rules.
- No letter shall be delivered to, or sent by a prisoner, until the Superintendent has satisfied himself that its transmission is not objectionable.
- No letter written in secret language shall be allowed. Superintendent may hold any letters which he considers improper or objectionable.
- The Superintendent of Prison shall have the discretionary powers to allow a prisoner to use the telephone on payment to contact his family and lawyer from time to time, wherever such facility is available.
- The prisoner can use this facility under the supervision of a prison officer to be designated by the Superintendent. The facility to use telephone should not be given to prisoners who have a record of unruly behaviour and bad conduct.

The functioning of interview system and other means of communication including writing and receiving letters and telephone facility in different prisons of four Southern States of India is as under:

## **PRISONS IN ANDHRA PRADESH**

### **Central Prison, Cherlapalli,**

Interviews with prisoners were being allowed as per the provisions of Andhra Pradesh Prison Rules, 1979 once a fortnight for convicts and once a week for UTPs. An additional interview was being granted to UTPs in lieu of letter. Interviews were arranged in the Interview hall specially built with a two layer chicken mesh separating the prisoners and visitors. The space available was rather inadequate for handling a daily average of 140 interviews.

## **PRISONS IN KARNATAKA**

### **Central Prison, Parappana Agrahar Bangalore**

It was reported that on an average 500 interviews were being held every day. There were only 20 windows in the interview gallery. Against the norm of bringing not more than 3 prisoners to each window at a time, 8 to 10 prisoners were being brought to the window.

#### **Suggestion**

- Interview arrangements need to be improved by providing additional windows.

### **Open Air Jail, Koramangla**

Interview facilities were quite satisfactory in this prison. Prisoners were allowed to meet their visitors in the open. It was reported that no family members/friends came to meet five prisoners since their arrival in this prison because they could not afford the travel expenses due to their economic situation and long distances.

#### **Suggestion**

- Government may take a meaningful step to promote lifers' return to their family by allowing visitors coming from far off places to stay in Open Air Jail for 2 to 3 days and providing suitable accommodation to them.

### **Taluk Sub Jail Chickaballapur**

Sub jail had no separate room for holding interviews. These interviews were conducted at the Prison Gate itself. The average daily number of interviews held in this sub jail was two.

## **PRISONS IN KERALA**

### **Central Prison, Thiruvananthapuram**

The Central Prison Thiruvanthapuram had the best interview arrangements.

Convicts and UTPs had equal entitlement to weekly interview and a maximum number of 3 visitors were allowed to meet each prisoner. Interview timings were between 10 AM and 5 PM and duration of interview was upto 30 minutes. Interviews were arranged in a newly constructed Hall with intervening space of not exceeding one foot.

### **Central Jail Viyyur, Kerala**

The rights of prisoners to communicate with their friends/relatives/family members had been displayed in the prison. Weekly meetings were arranged between prisoners and their relatives/friends but rule of weekly meeting was relaxed in case of advocates wishing to meet their clients. However, ex-prisoners were not permitted to meet the prisoners.

Prisoners were permitted to write or receive letters without any restrictions. This prison had also coin box telephone facilities.

### **District Jail, Kollam**

Although interviews were allowed as per the Jail Manual but proper facilities were not available for holding interviews due to lack of accommodation.

### **Open Prison, Nettukaltheri**

The open jail authority was very liberal in providing its prisoners the facility of interviews with their family members.

### **Women Prison, Neyyattinkara**

Interviews were allowed on week days from 10 AM to 5 PM. However, there was no suitable place for conducting the interviews properly.

## **PRISONS IN TAMIL NADU**

### **Central Prison I at Puzhal, Chennai**

Convicts were allowed interview with their friends and relatives once in a fortnight in accordance with the provisions of Tamil Nadu Prison Rules, 1983. The advocates could, however, interview the prisoners on any day. Prison had been receiving on an average 50 requests every day from the visitors to interview the prisoners and was granting all such requests under the normal circumstances.

### **Central Prison II at Puzhal, Chennai**

The prison authorities had been receiving on an average 300 requests every day from visitors to interview prisoners. Remand/UTPs were permitted to interview the relatives/friends for 3 days in a week except holidays for a maximum duration of 30 minutes. Detenus were also allowed to interview their relatives and friends twice a month as per the provisions of Tamil Nadu Prison Rules, 1983.



## **EDUCATION AND VOCATIONAL TRAINING/ WORKS PROGRAMMES FOR PRISONERS**

The education and vocational training and works programmes plays a very significant role in overall development of prisoners and changing their outlook, habits and total perspective of life by moulding their character and behaviour and removing depressing thoughts. Education helps prisoners in adjusting to social environment. The vocational training and works programmes promote unity, solidarity, discipline and creativity. The vocational training by imparting market relevant skills to prison inmates helps them in their social and economic rehabilitation after their release from the prison.

### **I. EDUCATIONAL ACTIVITIES IN THE PRISONS**

Model Prison Manual for the Superintendence and Management of Prisons in India formulated by Bureau of Police Research and Development, Ministry of Home Affairs, Government of India underlined the following main objectives of education programmes; courses to be covered, persons and institutions to be involved, and other facilities required for educating the prisoners.

- The main objectives of educational programmes in prison should be to channelize prisoners' energies into constructive and creative pursuits; instilling in them a sense of confidence; change their habits and attitudes necessary for adjusting in the community; create an awareness of futility of leading a criminal life; and uplift their morality and mentally to enable them to adjust their lives in the community and lead the life of a good citizen.
- The education programmes should consist of physical and health education; academic education; social education; vocational education; moral and spiritual education and cultural education.
- The education should be organized for beginners and illiterates, intermediates and advanced education for educated prisoners to make every illiterate prisoner literate and motivate literate prisoners to continue their studies and appear in the examination of Board/University by providing them necessary facilities.

- The education of prisoners if possible should be integrated with the educational system of the state so that they may continue their education after their release without much difficulty.
- The prison should also establish liaison with the Department of Education, NOS/IGNOU and other approved educational institutions for obtaining material and other help.
- Educational personnel should be oriented through special training courses to correctional policies, programmes and methods as far as practicable. The Non - Governmental Organizations should be extensively involved in the educational programmes.
- The prison library should be properly equipped with books, magazines and newspapers. The books in the library should cater to the needs of different educational standards and development of knowledge of the inmates. The prison inmates should be encouraged to develop reading habits.
- A librarian should be deployed for the management of books and other reading material. The educated prisoners may be involved to assist the librarian. The NGOs should be approached for donation of books.

The education activities pursued in different prisons of four Southern States of India are as under:

## **PRISONS IN ANDHRA PRADESH**

### **Central Prison, Cherlapalli**

The Prison had a reasonably good Library. It had 2186 books and was subscribing 84 Newspapers in Telgu, English, Hindi and Urdu; two Telgu weeklies and two English weeklies, namely Frontline and Outlook for prisoners use.

The prison authorities had made proper arrangements for education of prisoners as 73 prisoners had been receiving non formal education as Day school students and 34 as night school students. Dr. Ambedkar Open University Hyderabad had opened a Centre at this prison. It was reported that out of 49 prisoners who took the eligibility test for admission to 2004-05 Session, 48 prisoners had qualified the test; 45 inmates had been studying for BA first year; 28 for BA second year and 7 for BA third year; and 8 students had been admitted to MA first year and 4 to MA second year. As per the prison records, 30 students had got their BA degree during 2001- 03 and one student obtained Master Degree. Hindi Prachar Sabha had also been running classes for Pratham (2 students) Madhyma (5 students) and Uttama (4 students).

### **District Jail, Karimnagar**

A teacher had been conducting literacy classes under the open school system. The supply of newspaper to the prisoners was satisfactory. The newspapers supplied



in the women enclosure were not as per the scale. The women prisoners requested for supply of magazines.

### **Open Air Prison, Cherlapalli**

It was reported that 15 prisoners had been studying for BA degree thorough correspondence courses.

### **State Jail for Women, Hyderabad**

The jail authorities had identified 135 illiterate inmates from the present inmates and 6 literate prisoners had been entrusted the responsibility of conducting literacy classes for them. The literate prisoners had been encouraged to pursue their higher studies through correspondence courses offered by Dr. Ambedkar Open University.

It was reported that 9 prisoners took Open University examination in 2001, 7 in 2002, 7 in 2003 and 6 in 2004. Asmitha Research Centre had provided one part time teacher for providing coaching to the interested inmates. In addition to 4 Newspapers and two Magazines supplied regularly, DIG prisons happily accepted the request of prison inmates for providing one additional Newspaper and one more Magazine (India Today).

The Women and Child Development Department, Andhra Pradesh had sponsored a Balwadi in this jail by providing one teacher for nursery education of children. The children up to the age of 4 years had been sent by prison transport to the outside school (Dawn English Medium School). Four children above the age of 5 years had been provided residential school facilities by The Verikatesliwra Charitable Trust since 2002. This was a commendable initiative taken by the Jail Department of Andhra Pradesh.

### **Sub - Jail Bhongir, District Nalgonda**

An under-trial prisoner had been teaching 6 illiterate prisoners every day. Prison inmates were being supplied two News Papers every day and one magazine for their use.

## **PRISONS IN KARNATAKA**

### **Central Prison Agrahar Parappana, Bangalore**

The 3 teachers had been posted in this prison on deputation from Public Instruction Department to conduct adult education classes for prisoners. The daily average of 50 prisoners attending these classes was rather low. Indira Gandhi National Open University (IGNOU), Karnataka Open University had also been providing facilities for conducting examination. The Intel Group had also started running Computer Classes. The records, however, revealed that many prisoners had not been availing these facilities. There were no signs to indicate any effort being made by prison authorities to motivate prisoners to improve their

educational qualifications. The post of a female teacher in the women section of the prison had been lying vacant.

### **Suggestions**

- The prison authorities may motivate and encourage prisoners to attend adult classes as well as Computer classes run by Intel Group.
- The vacant post of a lady teacher in the women section of this prison needs to be filled at the earliest

### **District Prison, Mangalore**

The prison authorities had been taking very little interest in prisoners' education. The sanctioned post of a teacher had been lying vacant. Prison library was poorly equipped and had been subscribing only two English and four Karnataka Newspapers for prisoners use. The three magazines namely Tarang, Sudha and Mayur supplied earlier to prisoners had been stopped. Such a pathetic condition of District Jail did not go well with the forceful claims of the Department made through its recently started NEWSLETTER about their concern for the welfare of prisoners. Female inmates of this prison were quite happy with daily supply of one Newspaper. They requested for supply of a Magazine (Mangla).

### **Suggestion**

- The sanctioned post of a teacher needs to be filled at the earliest.
- The prison library may be equipped properly to cater to the needs of different types of prisoners. The prison authorities may approach NGOs for donation of books.
- The women prisoners may be supplied a magazine of their choice.

### **Open Air Jail, Koramangla**

There were 10 illiterate prisoners in the Open Air Jail Koramangla.

### **Suggestion**

- Inspector General (Prison) may consider starting literacy classes by engaging one educated prisoner. He may be paid wages of skilled workers. As an alternative, he may be paid an honorarium of the suitable amount out of the profit earned.

### **Taluk Sub Jail, Chickaballapur**

Most of the prisoners in Sub Jail were literate. The prison had been providing two newspapers every day and these papers were read by 19 prisoners. The prisoners expressed their desire for supply of one Magazine (Tarang).

## **Suggestion**

- The jail authorities may accept prisoners request for provision of a magazine.

## **PRISONS IN KERALA**

### **Central Jail Viyyur, Kerala**

A primary division teacher had been imparting education to the prison inmates.

## **PRISONS IN TAMIL NADU**

### **Central Prison I at Puzhal, Chennai**

The prison school had 4 sections. The first section had been imparting computer education to about 25 prisoners through an NGO, namely Prison Ministry of India. The classes had been conducted from 11 AM to 1 PM and the course content included MS office, MS word, and MS excel. It was learnt that prisoners had been learning fast and the computer literacy would be useful for their rehabilitation after their release from the prison. Second section had been dealing with teaching through correspondence courses/distance education. It was learnt that 15 students had been enrolled for BA (History), 1 for BBA and 1 for MA (Human rights) through correspondence course with Tamil Nadu University. The third section dealt with imparting functional adult literacy up to the level of 8th standard. It was reported that 20 prisoners who were either illiterate and non-numerate or semiliterate (having some smattering of literacy) had enrolled themselves for this programme. The fourth section had been dealing with conducting classes for spoken English through the same NGO which had been imparting computer literacy and functional adult literacy. The number of prisoners enrolled for this programme was 19 and learners had benefited immensely from these courses.

### **Central Prison II at Puzhal, Chennai**

The prison authorities had been permitting and assisting the prisoners who wanted to do graduation/post-graduation/ and diploma courses through correspondence programmes being conducted by various universities.

The prison library had a stock of about 1500 books and literate prisoners had been making good use of these books. The prison inmates had also been reading journals, periodicals and local newspapers available in the library.

### **Special Prison for Women at Puzhal**

The District Collector, Thiruvallur had deputed 5 teachers to this jail for teaching inmates. It was learnt that 63 illiterate prisoners were attending the classes. Essentially shy and withdrawn female learners had been slowly opening up even

though their proficiency levels in reading and writing were low. The prisoners appreciated the Superintendent and teachers for imparting education and bringing light in their lives.

### **Suggestion**

The prison authorities need to conduct programme of higher studies for prison inmates in collaboration with State Resource Centre (SRC) under the aegis of Tamil Nadu Board for non formal & Continuing Education (TNBCE). While the SRC should design teaching learning materials for the inmates of the prison and also train the voluntary instructors (to be selected from literate prison inmates purely on voluntary basis), the actual imparting of functional literacy should be done by these instructors backed by a programme of learner self-evaluation and evaluation by the concerned Instructor.

## **II. VOCATIONAL TRAINING AND WORKS PROGRAMMES IN PRISONS**

Model Prison Manual for the Superintendence and Management of Prisons in India formulated by Bureau of Police Research and Development, Ministry of Home Affairs, Government of India had emphasized the need for organizing the vocational training programmes in self-employing trades and occupations in every Central and District prisons for employable convicts. The Model Prison Manual had underlined the main objectives of works programmes; the need for designing different works programmes for different categories of prison inmates; involvement of local industrial training institutes in providing training; establishing liaison with department of technical education and directorate of industries, liaison with Government departments and cooperative societies for disposal of prison produce; clear cut State policy on works programmes and vocational training; employment and production policy in the prison; and wage policy as under :

- The main aim of the vocational training programmes should be to impart discipline and work culture among inmates; develop right attitude towards work and respect for dignity of labour; promote physical and mental well-being, proper development of mind through intelligent manual labour, spirit of fellowship, cooperative way of living and a sense of group adjustment; build concentration, steadiness, regularity and exactness in work; develop capacity for sustained hard work; impart and improve work-skills; develop self-confidence and self-reliance; prepare inmates for social readjustment and rehabilitation; keep inmates usefully employed in meaningful and productive work and create a sense of economic security among inmates.
- The vocational training programmes should be designed to suit the needs of prisoners sentenced to short, medium and long term imprisonment. Special emphasis should be given to vocational training of adolescent and young

offenders. These programmes should be open to under-trial prisoners who volunteer to undergo such training.

- The prison authorities should seek the help of local industrial training institutes in providing training to the prisoners. Qualified technical personnel should be appointed in adequate numbers for every programmes of vocational training and in every production unit. These technically qualified persons should be appointed in the prisons on transfer cum deputation basis from the Industrial Training Institutes of the State.
- Liaison should be established with the department of Technical Education, Directorate of Industries including Cottage Industries, Industrial Training Institutes, Polytechnics and vocational Training Institutions to develop vocational training programmes on a practical and pragmatic basis. On completion of the vocational training courses, inmates should be examined by the Department of Technical Education of the concerned State and on passing the examination they should be awarded a regular certificate/diploma by the department. The prison industry should be given preferential treatment in the matter of granting permission to run various industrial/production units by the State Government.
- Apart from convicts, under-trial prisoners who volunteer to work should also be employed on work programmes. The under-trial prisoners employed in prison industry or agriculture should be given fair and equitable remuneration on the same scale as prescribed for convicts. They should also be given labouring diet and other facilities. No prisoner shall be made to work for more than nine hours in a day except in an emergency and with sanction of the Superintendent.
- Prisoners sentenced to medium and long term imprisonment should be given training in multiple skills to enable them to compete in the labour market after their release from the prison. The prisoners sentenced to less than one year of imprisonment should be employed in prison maintenance services, gardening, work centres and work camps. The prisoners sentenced to one year and above should be employed in production units in closed or open prisons.
- Each State should have a clear policy for work programmes and vocational training of prisoners. The employment and production policy in prison should be designed to cater to the needs of prisoners coming from both rural and urban areas. The emphasis should be on the development of such skills and jobs that would ensure employment or self-employment of inmates after their release from the prison.
- The Government departments, semi-government departments, cooperatives and public undertakings should purchase articles produced in prison

industries from the Department of Prisons and Correctional Services. Prisoners selected carefully may be employed in public undertakings, co-operatives farms of the State and agro-industries organised in the cooperative sector after their release from the prisons.

- Wages of the prisoners should be fair and equitable. The rates should be standardized keeping in view the minimum wages notified by the Government from time to time. The wages should be reviewed every year and revised whenever necessary to keep prison wages in harmony with market wages. A part of prisoners' wages payable to convicts should be deducted for the victim or his family in accordance with the rules framed by the State Government from time to time. The wages after deductions should be deposited in prisoners' saving bank account on a fixed date every month and passbook should be kept with the prisoner concerned.

The functioning of vocational training, works programmes and jail industrial units in different prisons of four Southern States of India is given below:

## **PRISONS IN ANDHRA PRADESH**

### **Central Prison, Cherlapalli**

The facilities for vocational training were available in the prison for gainful employment of convicts. The prison had 7 industrial units including weaving, steel, phenyl, durry, dyeing, tailoring, and soap unit and 156 convicts including 50 skilled, 83 semi-skilled and 23 trainees had been working in these units at the time of the visit. Besides working in the industrial units of the jails, 139 prisoners had been engaged in the kitchen, garden and other prison services.

The prison department had also been arranging vocational training for prisoners in plumbing, electric wiring and masonry works. The Construction Worker Training Institute (CWTI) Madapur, Government of Andhra Pradesh, Hyderabad had been engaged in providing this training. The Institute had provided one Instructor each for fitting, plumbing and electric wiring and two for masonry trades. These instructors had provided three months training to 60 prisoners in plumbing, 16 in electric wiring and 90 in masonry work. It was reported that 10 prisoners had actually been provided employment after their release with the help of CWTI.

Prisoners had been paid wages at the rate of Rs. 15 for skilled and Rs.10 for semi-skilled category w.e.f. January 1, 2000 in compliance with the directions of the Supreme Court. It was observed that most of the prisoners had been treated as semi-skilled workers despite many of them had become proficient to work independently in their respective trades.

It was observed that almost all the workers knew the rates at which wages had been paid to them. Superintendent of Prison stated that individual pass-books

had been issued to prisoners engaged in prison industry but many of them were not aware of their accumulated earnings. It was difficult to believe the statement of the Superintendent that the accounts of every prisoner had been settled at the time of his release and no undisbursed amount under this head was lying in the prison.

### **Suggestion**

- Some of the instructors were found apathetic towards the welfare of prison workers in recommending up-gradation of unskilled workers to skilled workers. The system of up-gradation from unskilled/semi-skilled to skilled category needs to be rationalized rather than leaving to the discretion of the Instructor.

### **District Jail, Karimnagar**

The District Jail had not set up any industries in its complex because this jail had been housing prisoners sentenced to a maximum period of two years of imprisonment and a substantial part of this period had been spent as an under-trial. However, convicted prisoners had been engaged in kitchen and maintenance work. The 6 prisoners engaged in kitchen, 6 engaged as scavengers, 2 working as barbers were paid daily wage of Rs. 15 and 4 prisoners engaged in sweeping work were paid daily wage of Rs. 10. Wages had been paid upto September, 2004.

### **Open Air Prison, Cherlapalli**

The different jobs in which 74 prisoners had been employed on the day of visit were: Gardening (Horticulture) - 35; Dairy farm - 16; Sheep farm - 5; Grass cutting - 5; Poultry farm - 3; Kitchen - 5; Barrack cleaning - 3; and Gobar Gas Plant - 2. These prisoners had been paid admissible wages of the skilled labour at the rate of Rs 20 per day and most of them had a fairly good idea about their accumulated earnings.

Prison inmates had been imparted vocational training in agro-based industries.

### **State Jail for Women, Hyderabad**

The prisoners had been provided vocational training in making toothpowder, chalk-pieces, and candles; knitting and tailoring. It was reported that 20 convicts had been engaged in tailoring, 10 in knitting and 5 each in toothpowder, chalk-piece and candle making units. The prisoners had been stitching uniforms for the boarders of SC and BC Hostels of Hyderabad district since the last 3 years. The toothpowder made by prison inmates had been supplied to all the jails in Andhra Pradesh and chalk-pieces to schools. The inmates were found to be well aware about the wage rate of Rs. 15 for skilled and 10 for semi-skilled prisoners. The average monthly earning of a worker was around Rs. 300. The Pass Books of

Bank Accounts of all prisoners had been maintained. However, most of the prisoners were not sure about their accumulated earnings.

### **Sub - Jail Bhongir, District Nalgonda**

It was neither economical nor necessary to establish jail industry in this Sub-jail as this Sub-Jail had been keeping convicts sentenced to imprisonment up to one month. Prisoners had been engaged in kitchen and maintenance jobs. In accordance with the orders issued in 1994, UTPs had been allowed to work only if they expressed their willing to work. The two prisoners had been working in the kitchen on rotation basis after every 10 days. Though a cook was entitled to daily wage of Rs. 15 and Rs. 10, the prisoners working in the kitchen had not been paid any wages.

### **Suggestion**

- The prisoners working in the kitchen should be paid daily wages at the prescribed wage rate.

## **PRISONS IN KARNATAKA**

### **Central Prison Agrahar parappana, Bangalore**

The male prisoners had been provided vocational training and gainful employment in a number of trades such as carpentry, tailoring, printing press, soap and phenyl making, carpet-making etc. Women prisoners had been provided vocational training in beauty parlour, tailoring, toy-making, craft-making, fabric-painting, candle-making and bakery. A bakery run in the Female Section by six female convicts had been producing quality bread and biscuits for internal consumption. An NGO, Prison Ministry of India, had been imparting vocational training in candle making, doll making and ornamental wax work. A course of 3 months duration was being run in Home Nursing for a batch of 20 prisoners. The women prisoners working in tailoring, knitting, Bakery had been paid wages of unskilled workers of Rs. 10 per day.

The Prison inmates had also been engaged in fisheries, piggeries, cattle rearing, gardening, kitchen, maintenance jobs and production of organic manure. It was reported that 92 prisoners had been engaged in agriculture and gardening; 40 in sanitation jobs; 19 in cleaning; 113 in kitchen work and 9 in barber jobs. The 4 willing UTPs had been working in the weaving section. It was reported that 15 power machines had been added in the tailoring section.

All the prisoners working in factory section or on general duty jobs were paid wages at the rates revised w.e.f. February 2, 1999 on the recommendations of the wage fixation body constituted under the directions of the Supreme Court. The wages rates were: no wage for a period of three months as that period was treated as training period; Rs. 10 for semi-skilled and Rs 15 for skilled prisoners. Wages had been paid up to January 2006 in factory section, up to September 2005 in the kitchen section and March 2005 in the general section.



It was reported that 185 prison inmates had been working in the printing press, carpentry, smithy, tailoring, weaving and other units of the prison factory. Most of the prisoners engaged in these jobs were not aware of rates at which wages had been paid to them. They also did not have any idea about their accumulated earnings. A number of prisoners despite being rated as accomplished workers by their respective instructors had been treated as semi skilled workers and number of workers had qualified for upgradation in the printing section.

The examination of records revealed that an amount of Rs. 2,26,756 had been lying as undisbursed wages on account of the fact that most of the prisoners had not been paid the full amount of wages as per their entitlement at the time of their release and very few bothered to come back to collect the balance amount which could not be paid at the time of release.

### **Suggestions**

- The procedure for elevation from semi-skilled to skilled category needs to be streamlined and made transparent.
- In view of the strenuous and hard work involved in making Ragiballs in the kitchen, the prisoners engaged in this job need to be paid wages at higher rates.
- The system of payment of wages needs to be reviewed and efforts should be made to clear all the dues of the prisoners at the time of their release.
- Considering the total number of convicts sentenced to rigorous imprisonment, available infrastructural facilities, and scope for expansion of works programme in factory section, efforts should be made to increase the works programme in the factory section.

### **District Prison, Mangalore**

It was reported that works programme would start for long term prisoners only after up-gradation of this prison to Central Prison.

### **Open Air Jail, Koramangla**

It was reported that 3 out of 29 lifers housed in the Open Prison had completed 3 years of sentence and no inmate had completed 10 years of total imprisonment. They were engaged throughout the month including holidays and were paid @ Rs. 20 per day. They had not been paid wages after March 2005 for want of funds. All of them were fully aware of the wage rate and had a fairly good idea about their accumulated earnings. A special allocation of Rs. 1.50 lakh was required to clear their dues. Prison inmates wanted individual pass books to be maintained and shown to them regularly to them. The prison had no canteen facility. The inmates were provided milk from the Jail Dairy @ Rs. 9 per Ltr. against the prevailing market rate of Rs. 13 per Ltr.

## **PRISONS IN KERALA**

### **Central Prison, Thiruvananthapuram**

The Central Prison Thiruvananthapuram had a well-established jail factory and facilities for vocational training and gainful employment of convicts in handloom and powerloom weaving; tailoring; carpentry; and blacksmithy. The sanctioned staff of the prison industry included one Carpentry foreman and one Carpentry instructor; one Blacksmithy instructor; one Tailoring instructor; one Weaving instructor and two weavers. The prison was also running a printing press.

The prisoners were paid wages as per the rates fixed by the Wage Fixation Body constituted under the orders of the Supreme Court. The prison inmates had been paid wages at the rate of Rs. 9, Rs. 13, Rs. 18 and Rs. 20 per day depending upon the skill and proficiency of the worker or in terms of output of workers in tailoring etc. Some element of arbitrariness was observed in up-gradation of prisoners from unskilled to skilled category because of the matter of elevation being left entirely to the discretion of the instructors. For example, in the Carpentry section, two convicts were shown as skilled and 18 unskilled workers whereas four of them were already professional carpenters before entering the jail; one of these four professional carpenters was paid daily wages of Rs. 18 after completion of more than 6 years; two were getting Rs. 13 only even after completion of 14 months and one was a recent entrant. In the Blacksmithy section, all 5 prisoners were unskilled and one of them was expected to be promoted as skilled worker after completion of six months. In the tailoring section, all prisoners were paid wages of unskilled workers despite one of them had already completed two years. The payment in this section was made on piece rate basis. On an average a worker engaged for 13 days a month was earning Rs. 200 per month. In the Weaving section only 2 out of 130 workers were treated as skilled workers and 75 workers were treated as unskilled workers despite completion of more than six months.

The prisoners working in the factory section were aware of the rates at which wages were paid to them and also had full knowledge about their accumulated earnings. The prisoners were paid wages regularly and their dues used to be cleared fully at the time of their release. In the women section, vocational training was being provided to 10 female inmates in tailoring.

### **Suggestion**

- The system and procedure of up-gradation from unskilled to skilled category needs to be streamlined.

### **Central Jail Viddyur, Kerala**

Prison inmates had been provided training in masonry, carpentry, handicrafts,

agriculture, floriculture and animal husbandry etc. Female prisoners had been imparted training in Handicrafts by Nirmithi Kendra. Probation officer had been assisting prisoners in their rehabilitation. The daily wage rates for prisoners were Rs. 15 for trainees; Rs. 21 for Semi skilled workers and Rs. 30, 41 and 53 for skilled and senior skilled workers. Prisoners were permitted to send their wages by money orders to their homes, take their wages when they go home on parole, and get the balance at the time of their release from the prison. Wage section of prison had been maintaining account of wages of prisoners. The jail had earned revenue of Rs. 65,000 from floriculture and was self sufficient to meet jails requirement of milk and curd.

### **Open Prison, Nettukaltheri**

Prisoners were engaged in agriculture and dairy farming. While rubber plantation was the main activity, Coconuts and vegetables were also grown. Income from agricultural/dairy farming increased from Rs.21,41,375 in 2001-02 to Rs. 31,39,500 in 2003-04 and was estimated at Rs.25,33,500 up to September 2004.

Prisoners were paid wages at the rate of Rs. 30 per day (8 hours) and Rs. 21 for overtime upto 4 hours. More than 50 per cent of the prisoners had been earning Rs. 51 per day and monthly income of more than Rs. 1500. All prisoners had a fairly good idea of their accumulated earnings.

### **Women Prison, Neyyattinkara**

It was reported that two instructors had been imparting training to 10 female prison inmates in tailoring and embroidery; four prisoners had been engaged in kitchen work and 6 each in sweeping, cleaning and gardening jobs. They had been paid prescribed wages upto April 2004. The Supdt informed that the entire amount of wages was being paid at the time of release of the prisoners from the jail.

### **Sub Jail, Pathanamthitta**

There was no need for setting up of any factory in this jail as this prison had been holding prisoners sentenced to imprisonment upto one year only. Five UTPs willing to work in kitchen had been engaged in the kitchen and paid wages at the rate of Rs. 13 per day. However, payment of their wages was made only at the time of their release from this jails or transfer to another jail.

## **PRISONS IN TAMIL NADU**

### **Central Prison I at Puzhal, Chennai**

The rehabilitation avenues for prison inmates included Industrial workshops and Rehabilitation Centre. Prisoners had been imparted training in gauge cloth, bandage cloth, filepads, tag making, envelop making, book binding, sealing wax and weaving in the industrial workshops. The daily average number of prisoners engaged in these avocations was 34 convicts in weaving; 35 in book

binding; 18 in tag making; and 8 in sealing wax. Trainees had been paid wages at the rate of Rs 45 per day; Semi-skilled workers Rs. 50 per day and Skilled-workers Rs. 60 per day.

### **Special Prison for Women at Puzhal**

It was reported that 40 female prisoners of the Special Prison for Women had been working in different trades including tailoring, embroidery, zari work, jute and fabric bag making, mat making, and weaving. The daily wage rates for prisoners were Rs. 45 for trainees and semiskilled and Rs. 60 for skilled workers. Kimba, an NGO had been imparting training to enable inmates to learn the basics of the trade.

## MEDICAL HEALTH CARE AND DEATHS IN PRISONS

The persons housed in jail have a right to health, which includes accessibility and availability of quality medical care. The State Governments and the prison authorities should play a vital role to ensure medical examination of prisoners at the time of their admission to the jails and periodical examination thereafter. It is their obligation to provide timely treatment to the prisoners suffering from various ailments and check the number of deaths in the jails.

### I. MEDICAL HEALTH CARE

Model Prison Manual for the Superintendence and Management of Prisons in India formulated by Bureau of Police Research and Development, Ministry of Home Affairs, Government of India has emphasized the need for meeting the following requirements to ensure medical care of persons housed in prisons:

- There should be a hospital in every Central and District prison with number of beds for indoor treatment and separate wards for men and women.
- The prison hospital should have wards for patients; toilet facilities at the rate of 1 for every 5 patients; store room for hospital furniture and equipment; dressing cum injection room; room for minor surgery; room for laboratory; room for the medical officer; isolated rooms for accommodating patients with infectious and contagious diseases such as T.B., Leprosy and HIV+/AIDS; and isolated rooms for accommodating mentally ill patients.
- The prison hospitals should be well lighted and ventilated and its floors should be made of impermeable material. The latrines and bathrooms should be provided closer to the wards.
- There should be proper arrangement for continuous supply of potable water in the hospitals.
- Every prisoner should be examined by the Medical officer on his/her admission to jail. The Medical officer should write the weight of the prisoner on admission and his/her state of health in prisoner's history ticket. The prisoners shall be weighed fortnightly and weight of each prisoner should be recorded in his/her weight chart.

- The Medical officer should visit the prison daily to examine the sick prisoners and make full examination of all prisoners every month. The Medical officers should also maintain best health standards in the prisons under their charge by paying proper attention to the treatment of the prisoners, matters relating to the health of prisoners, and overall hygiene and sanitation of the prison.
- Every prisoner complaining of illness, or appearing to be ill, should be sent to the prison hospital for immediate examination and further treatment by the Medical officer. The Superintendent on the advice of the Medical officer and approval of the DG/IG Prisons may transfer sick prisoners to the local hospital. However, no prisoner should be allowed to stay in the outside hospital except of dire medical needs.
- Every patient in the hospital should be provided with hospital clothing and bedding including proper mattress, a pillow and white sheets. Care shall be taken that their clothing and bedding are changed regularly to maintain cleanliness.
- The diet of prisoners in hospital shall entirely be under the control of Medical officer. He may recommend special diet for any prisoner after giving reasons for recommending such diet. The special diet is in lieu of the regular diet to which the prisoner is otherwise eligible.
- In case of convicted prisoners sentenced to rigorous imprisonment or imprisonment for life, the medical officer would enter the class of labour for which he/she is fit, if sentenced to labour.
- In case the mortality of a prison exceeds 1 per cent per annum, the Medical officer should record an explanation of the cause of such excess of mortality in his monthly return and in case of unusual mortality, he should make a special report on the subject for transmission to the Government through the Inspector General.
- Every case, or suspected case, of infectious disease should immediately be segregated and strictest isolation should be maintained.
- The mentally sick persons should not be detained in the jails and treated at par with other prison inmates. They should be referred to mental health care centres with prior sanction of the competent authority for proper treatment.
- The prison hospital should have its own ambulance facility.

The quality of medical care and treatment provided in different prisons of four Southern States of India is given below:

## **PRISONS IN ANDHRA PRADESH**

### **Central Prison, Cherlapalli**

The Central prison Cherlapalli had a 50 bedded hospital with 100 per cent occupancy. There were 54 indoor patients on the day of the visit. The daily average outturn of OPD patients in the prison hospital was 150. The hospital had sanctioned strength of 2 doctors including one lady doctor and 2 Pharmacists. The Lady Doctor had been attached to the Open Air Prison, Cherlapalli. There was no provision of a specialist visiting the prison hospital. The existing arrangement of referring the sick prisoners to Government hospitals had been working quite satisfactorily. The prison hospital, however, faced great difficulty in sending patients to Government hospitals due to non-availability of the ambulance.

The prison hospital had been holding 6 HIV/AIDS including 4 afflicted with TB, 10 TB, and 2 Leprosy patients. It was reported that 7 convicts and 9 UTPs had been treated for TB under DOTS since 1.1.2003; 4 out of 16 had completed their treatment and 4 were still under treatment; and 8 prisoners had been released before completion of their treatment. Though the released prisoners were advised to continue treatment at their respective places but no official intimation had been sent to the authorities of the District concerned. One convict had been getting Hemo-dialysis at Nizam Institute of Medical Sciences, Hyderabad on alternative days for more than a year involving an expenditure of more than Rs. 4 lakhs. Prison hospital had 14 mentally ill prisoners including 2 UTPs and 12 convicts. They had been getting treatment as OPD patients from the Institute of Mental Health Hyderabad. The prison Staff had been fully aware of their obligations and submitting periodical reports for UTPs to the Courts concerned. Three prisoners had been trained to work in the hospital and were rendering useful assistance.

### **Suggestions**

- The prisoners engaged in hospital work needs to be paid daily wages at the rate of Rs 15 applicable to the skilled category for rendering their services.

### **District Jail, Karimnagar**

The jail hospital had one male doctor, one pharmacist Gr. II and one male nursing orderly. The hospital had been holding OPD with daily outturn of 120 patients but did not have IPD facility. The Jail hospital was equipped to treat common ailments and had been referring prisoners to Government General Hospital Karimnagar and Osmania General Hospital, Hyderabad for diagnostic tests and specialised treatment. The hospital had been facing difficulty in transporting prisoners to Government hospitals for diagnostic tests and specialised treatment in the absence of an ambulance. The Jail hospital had treated 19 cases of TB under DOTs during the period between January 1, 2003 and November 30, 2004.

The 7 mentally ill prisoners in this Jail had been sent to the Institute of Mental Health, Hyderabad regularly for examination and a local psychiatrist had been visiting the jail to examine these patients.

The jail hospital had a well organized system of procurement of medicines to ensure timely supply of adequate medicines. The DG prisons had financial powers to purchase medicines upto Rs. 2000 at a time in case of emergency.

The state of Andhra Pradesh had introduced a DFID aided Government project called Partnerships for Sexual Health (PSH) in all its jails as part of the Andhra Pradesh State AIDS Control Society's Initiative towards preventing the transmission of HIV from high-risk groups to the general population through 'Targeted Intervention'. It was reported that 5822 prisoners had been provided counselling in this jail during the period between October 2003 and November 2004 under the Project and 485 cases of STD were identified and treated. A jail Medical officer had been visiting the female enclosure every day.

### **Suggestions**

- The Jail hospital needs to intimate the cases of prisoners released before completion of their treatment under DOTs to their respective District Hospitals to ensure continuation of their treatment.
- The Jail Superintendent needs to submit regular reports in respect of patients taking psychiatric treatment to their concerned courts.
- Government may consider delegating some financial powers to the Jail Superintendent for emergency purchases.
- The health problems of female prisoners need proper attention. An arrangement may be made for a weekly visit of a lady doctor from District hospital to the women enclosure.

### **Open Air Prison, Cherlapalli**

A lady doctor assisted by a pharmacist had been providing the health care. Since the medical officer was on maternity leave, one doctor from Cherlapalli had been visiting the camp every day. The prison had provided 2 beds for indoor patients and the daily average OPD attendance was 9. This prison had its ambulance.

There was no case of HIV, TB, leprosy or mental illness at the time of the visit. The staff engaged with Partnership for Sexual Health (PSH) project had been providing counselling for prevention of HIV and AIDS.

An eye camp had been organized on November 22, 2003 with the help of the Lions Club Secunderabad and a dental camp was also held on March 31, 2004. The referral arrangements had been working satisfactorily.



## **State Jail for Women, Hyderabad**

The prison had a 10 bedded hospital with average occupancy of 5 patients. The average stay of patients in the hospital was around one week. The average daily attendance of OPD was 30 prisoners. Prison hospital had sanctioned posts of one lady doctor and one female staff nurse. The lady Medical Officer had been overall in-charge of the functioning of the hospital.

There were no TB patients and a woman patient put on treatment for TB under DOTS was released on June 11, 2004. The two convicts trained to help in the hospital work had been paid wages at the rate of Rs 15 and Rs 10 per day.

The hospital had been covered under the Partnership for Sexual Health (PSH) Project for health awareness and counselling purposes. A Gynaecologist of PSH had been making weekly visits to oversee the functioning of this programme. The Freedom Foundation, an NGO had been working in this jail from September 2002 to July 2004 to provide pre-test counselling and post-test counselling for HIV positive cases. They detected around 120 HIV positive cases during the said period and 90 per cent of the afflicted prisoners had been sexual workers by profession. Three mentally disturbed prisoners including 2 convicts and 1 UTP had been sent as outdoor patients to the Institute of Mental Health Perrakota and Institute of Mental Health Erragudda for their regular medical check up and treatment. A glaring deficiency of the medical cover provided to this jail was the absence of Ambulance services.

### **Suggestion**

- A Psychiatrist needs to visit this prison at least once a month;
- The hospital must be provided one ambulance.

## **Sub - Jail Bhongir, District Nalgonda**

Sub-Jail Bhongir had no medical facilities of its own. A doctor from the district hospital had been deputed to visit this jail on every week and also come on call but the medical officer had not been visiting the jail regularly in accordance with the instructions due to the meagre amount of Rs 100 per month paid to medical officer for the said purpose. The District Sub-Jail Officer had brought the non-compliance of Government instructions to the notice of the District Medical and Health Officer, Nalgonda. One UTP suffering from Epilepsy referred to Osmania Hospital had been advised neurosurgery.

### **Suggestion**

- The monthly amount of Rs 100 paid to the visiting doctor needs to be increased to at least Rs. 500 to ensure a reasonably satisfactory medical cover for the inmates.

## **PRISONS IN KARNATAKA**

### **Central Prison, Parappana Agrahar Bangalore**

The prison had a 100-bedded hospital established in a well-designed and carefully constructed building. The prison hospital had one male and three female doctors against the sanctioned posts of 4 Medical Officers including one Psychiatrist. Some of the prisoners had been working in the hospital and assisting the Medical Officers.

Against the sanctioned posts of 14 Paramedical personnel including 2 Pharmacists; 4 Staff Nurses; 1 Matron; 4 Warders Nursing; 1 Senior and 1 Junior X-ray Technician; and 1 Junior Lab. Technician, the prison hospital had only 2 Pharmacists; 3 Warders; 3 Staff Nurses and 1 Police constable trained in operating X-Ray machine on attachment basis. The Health Department was in the process of recruiting a regular X-ray Technician. A convict surgeon by profession undergoing life imprisonment in a dowry case had been attached to the prison hospital for carrying out minor surgical interventions under local anaesthesia.

The average daily outturn of patients in the OPD was around 350. Special attention had been paid to detect, segregate and treat TB cases. It was reported that 12 prison inmates had been undergoing treatment for TB under DOTS; 10 inmates had been suffering from HIV/AIDS with one case was of full-blown AIDS. They had been properly segregated and provided proper treatment. The hospital had three Ambulances including two Maruti and one DCM in serviceable condition.

Medical Officer In-charge of prison hospital stated that 9 male prisoners suffering from serious ailments could be considered for premature release. The Special Rapporteur examined their particulars and found that only two prisoners could be considered for sympathetic consideration on grounds of their age of 72 and 75 years and almost completion of their sentence. However, there was no need to resort to the provision of premature release in these two cases as they would be completing their sentence within six months.

The Mental Ward of the Hospital had been holding 83 male and 7 female patients. Psychiatrist informed that 43 of them had been hospitalised for short periods at NIMHANS and 3 convicts and 4 UTPs had been undergoing treatment at NIMHANS at the time of the visit.

The two cases of mentally ill inmates required detailed examination. They were acquitted on September 30, 2005 and December 29, 2005 but had been kept in prison for the purpose of their safe custody pending their admission in Mental Hospital in accordance with the provisions of the Mental Health Act.

One of the four barracks in the Female Section had been converted into a Female Hospital. Besides 3 lady doctors of the Central Prison, two female nursing

assistants had been attending to the female inmates. It was reported that no lady prisoner had been suffering from T.B or mental illness.

### **Suggestions:**

- Chief Superintendent should send regular reports to the Court concerned in respect of mentally ill Under-trial prisoners undergoing treatment at NIMHANS.
- The prisoners working in the prison hospital should be categorized as skilled and semi-skilled workers on the basis of proficiency acquired by them and the length of their attachment and wages should accordingly be paid to them.
- The vacant posts need to be filled to ensure smooth functioning of the hospital.
- The mentally ill persons after their release should not be detained in the prison because they are neither convicts nor UTPs. Their status being non-criminal mentally sick prisoners, they may be kept in the prison hospital for their safe custody till their admission in the Mental hospital. The State Government should intervene for their immediate transfer to NIMHANS.

### **District Prison Mangalore**

District Jail Mangalore had no hospital building. It had sanctioned posts of one Medical Officer and one Pharmacist. The post of Pharmacist was lying vacant at the time of the visit and Medical Officer had gone to NIMHANS on deputation for short training of 15 days. The daily average outturn of prisoners attending OPD was 20.

It was reported that the Jail had been holding 4 TB patients along with other prisoners due to the callous attitude of the Superintendent. A Prisoner suffering from HIV/AIDS had been segregated and a UTP of this prison suffering from AIDS died in Boring Hospital Bangalore on 7.2.06. The TB and HIV/AIDS patients had not been provided any special diet. It appeared that the Superintendent and Jailer were unaware of the provision of admissibility of special diet to such patients.

Prisoners requiring special examination and treatment were referred to the District hospital. As per records, on an overage 3 to 4 patients had been referred for special examination every day. However, the Police escort was provided only on Sunday when no Specialist was on duty and very few cases were attended. The referral arrangement, however, existed on papers due to non availability of police escort and the prisoners could not receive any treatment.

### **Suggestions**

- The Prison authorities should ensure segregation of prisoners suffering from infectious diseases like TB from other prisoners.

- Special diet should be provided to TB and HIV/AIDS patients on the advice of the Medical officer.
- Proper arrangements should be made for sending the patients to District Hospital by arranging police escort on working days

### **Open Air Jail, Koramangla**

A Pharmacist posted on deputation from Health & Family Welfare Department had been providing first aid and primary treatment to prison inmates. The patients had been referred to PHC Ahuti at a distance of one km. or C.H.C. Deonali at a distance of 5 km. for further treatment. It was reported that 6 to 7 patients had been referred to P.H.C and 1 or 2 patients were referred to C.H.C. every month. No prison inmate was suffering from T.B, HIV/AIDS or any other serious disease.

Karnataka Shubha Samachar Mandali (KSM) Health Centre Kothnur Bangalore had been providing fortnightly medical check-up. The drugs had been supplied by Central Jail and Ed Hospital Bangalore. Superintendent had substantial financial powers to purchase medicines in emergency. Inmates were found thoroughly satisfied with medical arrangements. Open Air Prison had its own ambulance facility.

### **Taluk Sub Jail, Chickaballapur**

Sub Jail Chickaballapur had no medical facilities of its own. A Medical Officer from Sub Divisional General Hospital was deputed to visit this jail once a month along with Civil Judge/JMFC. However, this arrangement had not been working properly. The examination of the concerned files revealed that Medical Officer visited Sub jail only 5 times between February 2005 and February 2006 on February 24, April 26, July 25, October 27, 2005 and February 6, 2006. Sub jail had not been maintaining records relating to medical check-up; number of prisoners examined and ailments etc.

## **PRISONS IN KERALA**

### **Central Prison, Thiruvananthapuram**

The Jail had spacious 40 bedded hospital with average weekly occupancy of 35 and average length of stay of the patients in the hospital was about one week. The daily average outturn of patients in the OPD was 70 male and 5 female patients.

The sanctioned staff of jail hospital included one Medical Officer, one Pharmacist, one Lab. Tech. and two Nursing Assistants. The posts of Nursing Assistants had been lying vacant since 10 years.

The hospital was not well equipped to carry out the initial medical examination of prisoners on admission as per the guidelines issued by the NHRC. The Medical

Officer was not even aware of these guidelines and had not seen the proforma supplied by the NHRC for this purpose. This was a serious matter of negligence.

The Supply of medicines procured through a centralized system was reported to be satisfactory. Local purchase of medicines was permitted but maximum purchase was restricted to Rs. 1000 per day. The system of referring emergency cases to the Medical College Hospital Thiruvananthapuram had been working very well.

It was reported that five inmates had been getting treatment for TB under DOTS and three prisoners had received full TB treatment during 2003 and three prisoners undergoing treatment for TB were released before completion of treatment. Although the Medical Officer stated that their details had been sent to the concerned District Medical Authorities but that could not be taken at the face value.

The incidence of mental illness among prisoners was rather high. It was reported that 78 prisoners undergoing psychiatric treatment had been kept in a separate barrack and taken to the Psychiatry unit of the Medical College hospital every week and 20 prisoners had been treated as indoor patients in the Mental Health Centre in the year 2004. The cardiac patients included 8 convicts and one UTP.

The cases of two convicts suffering from terminal/serious illness including one undergoing treatment for lymphoma at the Regional Cancer Centre (RCC) Thiruvananthapuram and another 83 years old suffering from chronic asthma and prostate enlargement were fit for consideration of the State Prison Review Committee for premature release u/s 161 of the Constitution. The treatment and care of the women prisoners leaves much to be desired. A female convict had been treated for cancer.

### **Central Jail Viyyur, Kerala**

The 18 bedded prison hospital having 6 isolation cells was located at a distance from the barracks. The floors and walls of the hospital were of impermeable material. The hospital had uninterrupted supply of potable water and electricity. The average outturn of prisoners in OPD of prison hospital was 40. The prison hospital had 1 sanctioned post of a doctor and 4 Para-medical personnel. The doctor had been posted at the jail hospital from Primary Health Centre on deputation. The doctor had been residing in another locality despite staff quarter being available in the jail premises and he was not attending his duties regularly.

The prison hospital had been providing treatment to sick prisoners. The prison hospital had been following the instructions of examination of every prisoner on admission. In case of major ailments, the prisoners had been referred to Medical College Hospital Trichur located at the distance of 5 Km. from the jail. The medicines

were procured by the jail staff as per prescription of the doctor through Neethi Medical Store. However, it was reported that the daily purchase of medicine was limited to Rs. 500 only.

Patients suffering from T.B, HIV, Scabies, and Chickenpox had been kept in isolation cells. The number of prisoners suffering from T.B. was 5; number of HIV/AIDS patients were 6; and heart patients were 10 in number. Integrated counseling and testing centre funded by Kerala State Aid Control Society was involved with detection and prevention of HIV/AIDS.

The prison had been holding 19 mentally sick prisoners including 4 lifers in separate cells under proper watch. The mentally disabled prisoners had been provided counselling and taken to Medical College Hospital as and when required. The prison hospital had its own ambulance.

All women prisoners were examined by Junior Medical Officer and referred to Medical College Hospital if necessary. It was reported that 2 female prisoners had been suffering from TB and Psychiatric problems.

Prisoners admitted in the prison hospital were supplied food according to approved scales and food was tasted by Superintendent, Jailor and Chief Warder before being served to the patients. No special diet was provided to T.B. patients, HIV patients, new born babies and their mothers. Patients were supplied with boiled water.

### **Suggestions**

- The Secretary Health, Government of Kerala needs to direct the doctor to stay in the quarter provided in the jail premises to ensure that the emergency requirements of prisoners are met immediately.
- The DG (Prison) should issue orders to provide special diet to TB and HIV patients, new born babies and their mothers in the prison on priority basis.
- DG (Prison) needs to reassess the amount of Rs. 500 fixed for daily purchase of medicines.

### **District Jail, Kollam**

District Jail Kollam had no medical set up of its own. It did not have even the First-aid facility. The jail had been provided medical cover by the District Hospital situated at a distance of 2 km. from the jail. The Doctor was supposed to visit the jail once a week. The visit register of doctor, however, showed that the doctor did not visit the jail even once in the months of January to February, 2004; April to July, 2004; and September, 2004. He just visited the jail on March 2, 2004 and August 12 and 17, 2004. The ARMO visited the jail on October 26, 2004. Two UTPs had been undergoing treatment in Mental Health Centre Thiruvananthapuram since

September 13, 2004. The health care facilities were not available in the women section of this prison.

### **Suggestions**

- The Superintendent should ensure that the reports on the health status of the UTPs undergoing treatment at the mental hospital are furnished to Courts concerned for consideration on the date of hearing.
- The Collector may ensure that the doctor deputed to make a weekly visit must visit this jail every week.
- The Collector may also ensure a monthly visit of a lady Doctor to the female enclosure of this jail.

### **Open Prison, Nettukaltheri**

The prison had a qualified pharmacist and a doctor from the Govt. Hospital was available on call to attend any emergency within one hour. The Doctor was supposed to visit the prison every week and also to visit the annexe at least once a month where 100 inmates lived. Prison inmates, however, reported that the doctor had not been visiting the annexe. He just visited the annexe only once about 3 months back.

It was informed that on an average 2 cases of jaundice had been reported every month due to poor quality of water. As a matter of precaution, only boiled water was supplied to inmates for drinking purposes. One case of TB was detected and the patient was transferred to the Central Jail, Thiruvananthapuram on 28 April, 2004. Ambulance service was available at the prison.

### **Suggestions**

- PHE Department should be approached for a thorough checking of drinking water.
- The Collector may ensure that the doctor deputed to make a weekly visit to this prison and monthly visit to the Annexe must visit this jail as well as annexe as per the direction.

### **Women Prison, Neyyattinkara**

The medical staff sanctioned for Women prison included one pharmacist and one nursing assistant. The post of the nursing assistant was lying vacant. A lady doctor from Taluka Hospital located at a distance of 3 kms from this prison had been visiting this prison every week whereas according to the Government Order dated 7.9.2002 a doctor was required to visit this prison twice a week. However, records showed that the doctor paid only one visit in the months of February, March and September; 2 visits in August; and 3 in July 2004. She,

however, did not visit the prison in the months of April and May, 2004. The emergency cases were being sent to the Taluka Hospital.

It was reported that no prisoner had been suffering from TB; 4 patients undergoing treatment of psychiatric disorders were being taken on every third Monday to Taluka Hospital for OPD treatment by Psychiatrist visiting Taluka Hospital under the District Mental Health Programme. An Under-trial Prisoner facing trial in a murder case after remaining in a mental hospital for more than a year had come back.

### **Suggestions**

- The Collector may ensure that the doctor deputed to visit this prison twice a week must visit regularly as per the orders.
- The drug compliance of the female UTP who had come back to the prison after her treatment in the mental hospital needs attention.

### **Sub Jail, Pathanamthitta**

Sub-Jail Pathanamthitta did not have any medical facilities. The Jail did not have even a first-aid center. A male doctor from the Govt. hospital was supposed to visit this jail once a week. However, the register recording the visits of the doctor showed that the doctor had not been visiting the jail regularly. He visited the prison only once on March 9, 2003 in 2003 and once on February 1, 2004. Sick prisoners had been taken regularly to the district hospital.

### **Suggestions**

- Collector should ensure the implementation of the instruction regarding weekly visit of the doctor to jail.
- Since this jail had no medical facility of any kind, a lady doctor must visit the female section of this jail at least once a month.

## **PRISONS IN TAMIL NADU**

### **Central Prison I at Puzhal, Chennai**

There were 2 TB and 4 HIV/AIDS patients in this prison hospital. The standard line of treatment prescribed for TB patients including the sputum examination at appropriate intervals to evaluate the pace of recovery had been followed in this prison hospital. The TB patients had been fully segregated from other prison inmates till their recovery.

The Tamil Nadu State Aids Control Society in close coordination with NGOs had been providing financial assistance for establishing integrated Counselling and Testing Centres in all Central Prisons for conducting clinical test to come to a definite conclusion as to whether any prisoner had been affected by HIV/AIDS at the time of admission.



The prison hospital did not have its own kitchen. In the absence of an independent kitchen, it was not possible to prepare different types of diet to meet the separate dietary scales required for diabetic patients, cardiac patients and patients suffering from TB.

### **Suggestion**

- The prison needs to have a separate kitchen attached to the prison hospital where special diet for diabetic, TB and other patients can be prepared under the direct personal supervision of the Prison Medical Officer.

### **Central Prison II at Puzhal, Chennai**

The prison hospital had 2 Civil Assistant Surgeons, 2 Pharmacists and 3 male Nursing Assistants. The daily average outturn of patients in the OPD was 75 to 100 prisoners. There was no facility for performing minor surgery in the jail hospital. There were 20 T.B patients and 15 HIV/AIDS patients in the prison hospital. The prison hospital had sufficient supply of medicines. There was, however, shortage of medical officers in the prison hospital.

The visiting Medical Officer (Psychiatrist) and some NGOs had been providing counseling to mentally depressed prisoners to relieve them from stress and strain and prevent them from suicide. The prison authorities had been taking personal interest in getting prisoners treated by specialists in the Government hospitals. The OPD hours in outside hospitals like Royapettah Hospital or Government General Hospital were from 8 am to 12 noon. The UTPs referred for check-up and diagnosis often reached these hospitals after OPD hours on account of late arrival of police escort and had to come back without being seen by the concerned doctors.

### **Suggestions**

- The prison hospital should be provided with 2 Artery forceps and 3 Scissors (both straight & curved) to enable prison hospital surgeon to perform minor surgeries.
- Three doctors need to be appointed to ensure availability of a doctor in the prison round the clock. A post of one more doctor should be sanctioned.
- The post of a Staff nurse should be sanctioned and filled up at the earliest as one staff nurse is the minimum requirement of the prison hospital.
- DG prison may take up the issue of police escort with the DG Police to ensure timely arrival of police escort to take the patients to outside hospitals for expert opinion and treatment.

### **Special Prison for Women at Puzhal**

This Special prison for Women had a 10 bedded hospital and the rooms were well lighted & ventilated. There were 3 patients in the prison hospital at the time of

the visit. There was no OT room in hospital. The prison had 2 doctors, 1 staff pharmacist, 1 Staff Nurse, and 3 female Nursing Assistants. The medicines were available in adequate quantity.

It was learnt that inmates having heart ailments had been referred to Govt. Royapettah Hospital. Since Royapettah was at a distance of about 30 kms, there could be a serious threat to the life of the patient and such threat would be compounded due to long travel, lot of traffic, jerks of the vehicle and the unusually long time taken to complete the journey.

There were 6 children in the age group of one month to five years staying with their mothers in the jail. The weight of these children except one who was just one month old was found to be below their standard weight. The underweight and severe malnutrition of these children implying lack or denial of access to wholesome & nutritious food was violation of Article 21 of the Constitution and failure of the State to live up to the trust reposed in it by the apex court of the country.

### **Suggestions**

- The weight of the children staying in the jails should be checked every week, recorded in a register and they should be treated for low weight. A separate weighing machine should be available in the crèche.
- It may be suggested that the cardiologist from Government hospital, Royapettah should be asked to attend the heart patients at the jail hospital itself.

## **II. DEATHS IN THE PRISON**

The custodial deaths need proper investigation to ascertain the causes of death of the prison inmate, i.e, whether the death had occurred due to normal ailments or negligence in giving proper care and treatment or any sort of mental or physical torture.

Model Prison Manual for the Superintendence and Management of Prisons in India formulated by Bureau of Police Research and Development, Ministry of Home Affairs, Government of India provides that:

- In the event of the death of prisoners, the Medical Officer should examine the body of the deceased prisoner to certify the fact and cause of death.
- A post-mortem examination should be carried out by the Medical Officer for all cases of death of prisoners occurring inside the prison premises, in prison hospital, in transit from one prison to another or from the prison to an outside hospital or in an outside hospital. A full report on the circumstances of death should be sent by the Superintendent without any delay to the Inspector General of Prisons for submission to the Government.

- The intimation of all deaths, including that of children residing with female prisoners, occurring from whatever cause in the prison should be sent to the nearest magistrate to hold inquests and the officer in charge of the police station having jurisdiction is required to make a preliminary investigation. The body of the deceased prisoner should be kept for inspection and orders of the officer holding the inquests.
- No prison officer should be a member of a panchayat formed to express an opinion as to the cause of death of any prisoner.
- According to the National Human Rights Commissions guidelines, the intimation of the custodial death should be sent to the National Human Rights Commission within 24 hours of its occurrence; Post Mortem Reports, Magisterial Inquest along with other documents must be sent within 2 months of the incident without waiting for the viscera report; The viscera report should be sent subsequently as soon as it is available; The video filming of post mortem examination of deaths occurred in jails and cassettes of video-filming needs to be sent to the NHRC only in cases where preliminary inquest by magistrate has raised suspicion of some foul play, where any complaint alleging foul play has been made to the concerned authorities or there is any suspicion of foul play.

The occurrence of custodial deaths and the procedure followed by different prisons of four Southern States of India in case of custodial deaths to rule out any negligence in providing proper treatment and foul play is given below:

## **PRISONS IN ANDHRA PRADESH**

### **Central Prison, Cherlapalli**

The examination of jail records revealed that of the 13 prisoners died in this prison since 1.1.2003. National Human Rights Commission (NHRC) had received intimation of only 9 deaths. Post mortem was conducted only for 11 cases. Magisterial inquiry was ordered for 9 cases, whereas as per the instructions of NHRC, post-mortem examination and Magisterial inquiry are essential requirements in each case of death of prisoner. Moreover, the Commission had not received detailed reports of any of the nine cases reported by this prison. The Special Rapporteur explained the seriousness of this matter to the Superintendent of Prison and the DIG Prison.

### **Suggestion**

- Post mortem must be conducted in every case of custodial death.
- Magisterial enquiry needs to be conducted in every case of death of a prisoner in custody.

### **District Jail, Karimnagar**

The examination of jail records revealed 5 deaths of prisoners between January 1, 2002 and December 4, 2004 but the records of the Custodial Death Cell showed that the Commission had received intimation about 6 deaths during the same period. The death of P. Malikarjun on October 10, 2004 did not find mention in the jail records. The detailed reports were awaited in all cases of custodial deaths except that of an under-trial Mohd. Azeemudin, who died on January 9, 2003 due to AIDS. The Superintendent of jail was not sure about ordering magisterial enquiries in these cases.

### **Suggestions**

- Detailed reports in all cases of custodial deaths should be sent to the NHRC within two months of the occurrence of the death.
- The Magisterial enquiry needs to be conducted in every death of a prisoner in custody.
- The discrepancy in number of deaths in the jail records and records of Custodial Death Cell needs to be explained.

### **Open Air Prison, Cherlapalli**

There had occurred no death in this prison during the last three years.

### **State Jail for Women, Hyderabad**

There occurred only one death of a convict aged 41 years transferred from Rajhamundhry Jail for treatment of cancer since January 1, 2003. She died in M.N.J. Cancer Hospital, Hyderabad on 29.7.04. The NHRC was informed promptly and the detailed report was also sent to the Commission on 18.10.04.

### **Sub - Jail Bhongir, District Nalgonda**

There had been no death in this jail during the last 3 years. The Superintendent reported that after one death in 1998 no prisoner had died in this prison.

## **PRISONS IN KARNATAKA**

### **Central Prison Agrahar parappana, Bangalore**

The scrutiny of the incidence of death in the Central Prison, Bangalore revealed that 59 prisoners including 24 convicts and 35 UTPs had died during the period between January 1, 2004 and February 25, 2006. The Custodial Death (CD) Cell of the Commission, however, had records of 56 deaths. The detailed examination of records showed that the Chief Superintendent Central Prison Bangalore had intimated two deaths to the Secretary General, NHRC by Fax on the day of occurrence of deaths itself. Copies of the Fax Messages had been sent to the C.D.

Cell for further necessary action. As such the Jail Authorities were not to be blamed for this discrepancy. However, there was no documentary proof of intimating death of a prisoner on August 14, 2005 to the Commission. This needs to be explained.

The submission of detailed reports to the Commission, after sending the first intimation was found to be very slow. Detailed reports were awaited in all the 59 cases. The jail authorities could not give a convincing reply for not ordering an Magisterial inquiry in each and every case of custodial death in accordance with the directions of the NHRC.

### **Suggestion**

- The deaths in the prison on the whole had not been receiving proper attention. Additional DGP-cum-IG Prisons, Karnataka needs to examine the issue in detail and ensure strict compliance with the Commission's directions. Home Secretary may be requested to issue suitable instructions to the District Magistrates.

### **District Prison, Mangalore**

There had occurred one death in 2004 and two deaths in 2005 in this Jail. These cases were reported to NHRC in time but detailed reports were awaited in all the cases. A UTP of this prison died of AIDS at Boring Hospital Bangalore on February 2, 2006. The Commission was informed by the Chief Superintendent Central Jail Bangalore.

Scrutiny of records relating to cases of deaths revealed that post-mortem examination had been conducted in each and every case but magisterial inquiry was not ordered. The first inquest held by the Asstt. Commissioner who visited the Jail along with police after receiving intimation was being treated as the magisterial inquiry.

### **Suggestion**

- The practice of conducting inquiry followed by this prison was not in conformity with the directions issued by the National Human Rights Commission. The magisterial enquiry needs to be conducted in each and every case of death of a prisoner in the jail.

### **Open Air Jail, Koramangla**

There occurred no death in Open Jail since 2000. There had been one case of escape since 2000. A lifer escaped in 2002 after completing eight and half years of imprisonment.

### **Taluk Sub Jail, Chickaballapur**

There occurred no death in this jail.

## **PRISONS IN KERALA**

### **Central Prison, Thiruvananthapuram**

The total number of deaths occurred in this prison was 6 in the calendar year 2001, 4 in 2002, 12 in 2003 and 14 up to 30 October 2004. The NHRC had received detailed reports of all cases of deaths that had taken place in 2001 and 2002 and closed these cases. However, detailed reports had not been received for 11 out of 12 deaths occurred in 2003 and all the 14 custodial deaths in 2004.

A discrepancy was also observed in the deaths reported by the jail hospital and the list of deaths obtained from the C.D. Cell of the National Human Rights Commission. The commission had not received intimation about the death of prisoners that had taken place on 28 January 2003 and 13 January 2004. Commission received the information about the death of a prisoner undergoing treatment at NIMHANS Bangalore but his name did not figure in the list compiled by Jail hospital.

### **Suggestions**

- DIG may get the process of sending the detailed reports expedited and ensure sending of these reports within the prescribed time of two months.
- These discrepancies in the deaths reported by the jail hospital and list of deaths available in the CD Cell of the National Human Rights Commission needs to be explained and reconciled.

### **Central Jail Viyyur, Kerala**

There occurred 3 deaths in 2009; 4 in 2010; and 1 in 2011. These deaths had been investigated and found to be natural deaths.

### **District Jail, Kollam**

There occurred 2 deaths in this jail in 2001-02; no death in 2002-03; 1 death in 2003-04 and 1 death of an UTP on May 6, 2004. The Commission was informed only about one of the two deaths that occurred in 2001-02. The Commission had not received the Inquest report, Post-mortem examination and Magisterial Inquiry reports in the case of death of the UTP.

The Superintendent seemed to be unaware of the revised instructions regarding videography of post-mortem examination in cases of death in jail issued vide the Commission's letter No 3/2/99-PRP&P dated 21.12.01.

## **Suggestions**

- Director General (Prison) should ensure that the contemporaneous record of inquest report, post mortem examination and Magisterial inquiry report are sent to the Commission at the earliest.
- The Collector Kollam may expedite the detailed reports in respect of all the pending cases.
- DIG (Prison) HQ may get the revised instructions regarding videography of post-mortem examination circulated among the Superintendents of all the Jails in the State.

## **Open Prison, Nettukaltheri**

There occurred 4 deaths in the Open Prison in 2002 but only 3 were reported to the National Human Rights Commission. Intimation regarding death of a Convict in the train accident on 28 November, 2002 while on leave was not reported to the Commission. The timely intimation of two deaths that occurred till 31 October, 2004 was sent to the NHRC. This included one case of suicide while on parole.

## **Suggestion**

- The intimation of death of prisoner even on leave along with brief facts needs to be sent to the Commission.

## **Women Prison Neyyattinkara**

There occurred no death in this prison since its establishment.

## **Sub Jail, Pathanamthitta**

There occurred 4 deaths in this jail in 2001-02; one each in 2002-03 and 2003-04. Timely intimation of all cases of deaths had been sent to the NHRC. However, detailed report containing inquest report, post mortem examination report and magisterial inquiry report had not been sent in any of these cases till the date of the visit.

## **Suggestion**

- The District Collector needs to expedite the submission of these reports to the NHRC.

## **JAILS IN TAMIL NADU**

### **Central Prison I at Puzhal, Chennai**

There had occurred 5 natural deaths since the inception of this prison in 2006 and 2007. The deaths had been audited and reports had been submitted by the RDO to the Government through the Collector.

## **Central Prison II at Puzhal, Chennai**

There occurred 7 deaths during the period between January 18, 2007 and December 31, 2007 and one of these deaths was unnatural death due to suicide. The RDO concerned had been conducting enquiry in each and every case of death of prisoners and sending his report including the post mortem report to the District Collector concerned. The Collector concerned after perusal of the records and findings of the RDO had been sending his report to Government for passing final orders in each and every case of death.



## PRISON ADMINISTRATION

The prison custody implies certain restrictions on the basic rights of prisoners as human beings under the process of incarceration that prisoners are required to undergo. The prison administration needs to pursue the overall objective of reform and rehabilitation of prison inmates within the framework of custody. The primary responsibilities of the prison administration include the secure custody of prisoners and their overall reform and rehabilitation. The prison administration has the following dimensions:

- The necessary manpower for guarding and maintaining security of prison premises; supervision of prisoners; discipline; to ensure that the human rights of the prisoners are not impinged upon or restricted beyond the limit inherent in the process of incarceration itself and to ensure that prison programmes are geared towards the overall objective of imprisonment in terms of reform and rehabilitation of the prisoners.
- Constitution of the institution of Board of Visitors and organising regular visits of the Judicial authorities for monitoring the living conditions of the prison inmates and progress of correctional works; protecting their legal rights; and redressal of their grievances.
- Hold Jail Adalats in prisons for trial of petty offences and disposal of cases on admission of guilt by offenders.
- Involvement of NGOs in various matters such as education, health care, recreation and cultural activities, vocational training, legal aid to needy inmates, and other welfare programmes for the prison inmates.

### I) HUMAN RESOURCES

The effectiveness of prison administration depends largely on the adequacy and quality of manpower for supervision of various institutions and the programmes therein. The fundamental duties and responsibilities of every staff member of the prison include custody, security, discipline and preventive and control action during emergency. The primary duties and responsibilities of different categories of institutional personnel mentioned in the Model Prison Manual for the Superintendence and Management of Prisons in India formulated by Bureau of

Police Research and Development, Ministry of Home Affairs, Government of India are given below:

- Every prison has a guarding establishment comprising guarding staff i.e., warders to carry out internal and external guarding of the prison, supervision of prisoners during labour hours; and guarding and maintaining security of prison premises including prison gate, posts and towers, wards, blocks, workshops, tools and plants and other government properties, posts and towers. The staffing strength (custodial/guarding staff) of each institution should be determined in accordance with the requirements of security, discipline and programme emphasis, duty posts, workload and distribution of functions. In principle there has to be one guarding staff for every six prisoners.
- Executive staff includes Superintendents, Additional Superintendents, Deputy Superintendents, Assistant Superintendents, guarding staff including Chief Head Warders, Head Warders and Warders. The superintendent will be head of the prison and incharge of executive management of the prison subject to any order of the State Government, Director General, IGP of Prisons and Regional DIG (Prisons). The primary duty of the executive staff is to ascertain that the human rights of the prisoners are not impinged upon or restricted beyond the limit inherent in the process of incarceration itself and to ensure that prison programmes are geared towards the overall objective of imprisonment in terms of reform and rehabilitation of the prisoners.
- Medical Personnel including Medical Officers, Psychiatrist, Nursing staff and Pharmacist will be directly responsible for the medi-care and health of prisoners. The specific duties of the medical personnel include examination of all inmates on admission and periodical re-examination; immediate provision of requisite treatment for different diseases; segregation and treatment of prisoners having infectious and contagious diseases; inspection and advice regarding diet, clothing, equipment, institutional sanitation and hygiene. Their duties also included maintenance of hospital discipline, assessing work and employment potential of inmates, daily visit to prisoners under punishment, prisoners under death sentence, inspection of kitchen, and liaison with local officers of medical and health departments.
- Welfare Staff includes Assistant Director, Correctional Services, Welfare Officer, Law Officer, Counselor, Probation Officer and Psychologist. The welfare personnel would primarily be concerned with the well-being of prisoners; undertaking individualized care for those needing institutional adjustment and responsiveness through correctional programmes.
- The law officers are supposed to be advising prison authorities on the protection of human rights of prisoners within the limitations of

imprisonment; interpreting legal and procedural rights of prisoners; assisting prison authorities in dealing with all prison matters pending in the courts; arranging free legal aid for indigent prisoners; preparing petition and appeals for deserving cases; assisting prison authorities in holding special courts, Jail Adalats and Video conferencing.

- The Counselors are required to be dealing with emotional and psychological problems of inmates; providing counseling to prisoners facing problems of adjustment within the prison and in relation to their families outside; helping inmates in developing their self- image, self-confidence and motivation for correctional treatment; and helping the staff in understanding the problems faced by inmates.
- The probation officers are required to look after all matters relating to pre-mature release including probation service under supervision of Assistant Director and correctional services.
- Educational staff includes teachers and physical training instructors. The main responsibilities of education functionaries include conducting diversified educational programmes of academics, health, social and moral education; linking prison education with mainstream education; screening new admitted inmates for determining their educational aptitude, abilities and interests; conducting literacy, socio-cultural and spiritual development programmes; arranging periodical tests to asses educational progress of inmates; maintenance of library with sufficient reading material and developing audio visual facilities.
- Technical Personnel includes Instructors and maintenance staff. The instructors conduct vocational tests for inmates to know their vocational history, skill abilities and interests; prepare plans for vocational training projects; impart apprenticeship, on the job and vocational training to inmates; arrange vocational examinations for inmates; provide training to newly admitted inmates, distribute work among inmates, maintain muster rolls of inmates working in various sections; supply inmates with working tools and materials; supervise quality and quantity of production, maintain worksheets and measuring tasks and supporting wages; maintain discipline in the work places and ensure safety measures in workshops and factory areas. The maintenance Staff is responsible for maintenance and repairs of prison buildings; maintenance of machines, tools and equipment and transport; maintenance and service of electric lines, plumbing facilities, water supply plant and power plant.
- Agricultural staff including Supervisors and Agricultural Assistants are responsible for imparting training to inmates in improved methods and practices of agriculture and horticulture and development of agriculture in

prisons; distributing agricultural work to prisoners, maintaining muster rolls, assessing the work done and apportioning of wages; maintaining discipline in the work place, conducting daily inspection rounds, weekly night inspection of farms and attending to all emergencies.

- Ministerial Staff including Administrative Officer, Office Superintendent, Accountant, Store Keepers, Cashier, Office Assistants, Stenographers, Typists/ Computer Operators and Miscellaneous is involved with preparation of budget, maintenance of accounts, daily checking of stores and accounts register, and monthly stock taking of all stores. The store keeper is in-charge of all stores including grains, provisions, supplies, raw materials, accessories, manufactured articles, equipment, dead stock and miscellaneous stores.

The human resource position and facilities available for staff in different prisons of four Southern States of India are as under:

## **PRISONS IN ANDHRA PRADESH**

### **Central Prison, Cherlapalli**

The Central Prison Cherlapalli was established by relocating the Central prison Secunderabad. While the Central Prison Secunderabad had been holding only UTPs, the new Central prison Cherlapalli had been keeping convicts, UTPs, detenues and civil prisoners. The sanctioned staff strength of the new prison, however, remained the same as that of Central Prison Secunderabad. The new prison was provided only additional staff from the manufacturing section of Central prison Hyderabad due to the transfer of jail factories from Central prison Hyderabad to Central Prison Cherlapalli. The Superintendent in this prison was assisted by one Deputy Superintendent, 3 Jailers (Welfare Officers) and 5 Deputy Jailers. Against the sanctioned posts of 3 Chief Head Warders, 30 Head Warders and 122 Warders at the functional level, one post of Chief Head Warder, one post of Head Warder and 12 posts of Warder had been lying vacant. The position of staff quarters in this jail was fairly good with availability of 17 staff quarters for officers; 36 for Chief Head Warders and Head Warders and 72 for Warders.

### **Suggestions**

- To strengthen the supervisory control, 2 additional posts of Jailers and 3 additional posts of Deputy Jailers need to be sanctioned.
- The authorization of guarding staff needs to be reviewed in view of the existing requirements.
- The staffing pattern of Central Prison Hyderabad and Central Prison Cherlapalli needs to be rationalized keeping in view the fact that Central Prison Hyderabad had been holding only UTPs whereas Central Prison Cherlapalli had been holding all types of prisoners.

## **District Jail, Karimnagar**

District Jail, Karimnagar had 44 sanctioned posts and all these posts were duly filled and there were no vacancies. In fact, one jailer had been attached from the District Sub-Jail.

The staffing pattern of the women enclosure in this prison was quite faulty and the glaring deficiency observed was the absence of female warders for women prisoners lodged in this prison. Women section was guarded by 6 female home guards under the supervision of a male staff.

The Superintendent, Deputy Jailer, and 2 Head Warders, and one male nursing orderly had been provided staff quarters but the remaining head warders, warders and medical officer and the pharmacist could not be accommodated within the jail campus.

### **Suggestions**

- The Jail needs to be provided with female staff of one head Warder and six warders to look after the women prisoners housed in this prison.
- Staff quarter should be provided to the Medical officer in the prison campus to ensure his/her availability to attend any emergency

## **Open Air Prison, Cherlapalli**

The sanctioned staff strength of Open Air Prison, Cherlapalli was 61 persons. There were 6 vacant posts at the time of the visit. Since no key posts were lying vacant, the available staff was sufficient to manage the Open Air Prison.

## **State jail for Women, Hyderabad**

The sanctioned strength of the women jail comprised of one Superintendent, one Jailer, one Welfare officer, one Assistant Matron, four female Head warders and 14 female Warders. However, the key posts of Deputy Jailer, Welfare Officer and Assistant Matron were lying vacant. The DIG Prisons informed that permission had been given by the Government for filling up the vacant posts of Deputy Jailer and Assistant Matron.

### **Suggestion**

- In view of the meager sanctioned strength, the vacancy of one Head warder and 3 female warders needs to be filled at the earliest.

## **Sub - Jail Bhongir, District Nalgonda**

The prison had been provided staff as per its authorization. The prison staff included one superintendent, one head warder, 4 warders and one junior assistant (clerk). In addition to the above mentioned staff, police had provided one head constable and four constables to guard the jail from outside. The Jail

Superintendent, however, had no administrative or operational control on the police staff.

### **Suggestion**

- The DG Prisons in consultation with the DGP needs to sort out the matter and place the entire staff including staff provided by police under the direct control of the jail superintendent to ensure proper control and discipline.
- The sanctioned strength of one head warder and four warders was inadequate and two additional posts of warders need to be sanctioned.

## **PRISONS IN KARNATAKA**

### **Central Prison Agrahar Parappana, Bangalore**

The prison had a sanctioned strength of 455 personnel and the staffing position at the supervisory and functional level included 1 DIG (Prison); 1 Chief Superintendent; 4 Assistant Superintendent; 14 Chief Jailer/Jailer; 11 Chief Warder; 43 Head warders; and 299 Warders. The total number of vacancies in various ranks included 1 Assistant Superintendent; 1 Chief Jailer/Jailer; 1 Chief Warder; 3 Head Warder; and 112 Warder. The available Staff was not sufficient to meet the current requirements of this prison. DIG (Prison), however, mentioned that a proposal to sanction additional staff including 4 Jailers; 8 Chief warders; 38 Head warders and 244 warders was under consideration of the Government of Karnataka.

The female staff of the women section of this prison including 4 Head Warders and 12 Warders had been supervised by one male Assistant Superintendent nominated for a period of six months.

The prison had 3 Type A; 12 Type B; 248 Type C; and 4 Type D staff quarters. The prison required additional 8 Type A; 7 Type B; and 173 Type C staff quarters.

### **Suggestions**

- The vacant posts should be filled at the earliest and the proposal to sanction additional Staff needs to be cleared quickly to ensure smooth functioning of the hospital.
- The women section of this prison should have one Chief warder to obviate the necessity of involving male supervisory staff.

### **District Prison, Mangalore**

The District Jail Mangalore had sanctioned posts of 1 Assistant Superintendent, 2 Jailers, 1 Chief Warder, 3 Head Warders and 19 Warders. The vacancies at the time of visit included 1 Jailer and 6 Warders. The sanctioned Staff was not adequate to run the jail efficiently. The functional staff of this jail had been working in four shifts rather than the prevailing practice of three shifts in other jails. Prison Headquarters had not taken note of this anomaly.

The women section of District Prison Mangalore had been looked after by female staff comprising one Head Warder and two Warders working under the overall supervision of a male Chief Warder. This was quite objectionable.

As regards the up-gradation of the District Prison to Central Prison, a proposal had been sent to the Government for augmenting the staff strength by sanctioning 206 additional posts including one Superintendent Central Prison, 2 Assistant Superintendent, 4 Jailers, 5 Chief Warders, 27 Head Warders and 133 Warders. It had also been proposed to upgrade the prison hospital by sanctioning additional posts of 1 Assistant Surgeon and 1 Pharmacist.

### **Suggestions**

- The vacant posts need to be filled on priority basis.
- The Women prison should have at least one Chief Warder to obviate the necessity of involving male supervisory staff.
- The up-gradation of the district prison should only be made effected after making the additional staff available.

### **Open Air Jail, Koramangla**

Open Air Jail had sanctioned staff strength of 38 personnel including one Assistant Superintendent, two Jailers, one Assistant Agriculture Officer, one Horticulture Officer, one Pharmacist, one Agricultural Assistant, one Chief Warder, four Head Warders and 11 Warders. The posts of one Jailer, one Agricultural Assistant and six Warders were lying vacant. The available staff was sufficient to meet all commitments of this prison.

### **Taluk Sub Jail, Chickaballapur**

The Sub jail had 7 sanctioned staff posts including 1 Chief Warder-cum-Superintendent, 2 Head Warders and 4 Warders. The sanctioned staff was in position and there was no vacancy.

There were no staff quarters in this prison. The entire staff had been living in rented accommodation and paying huge amount of rent from their meager pay packets. The Superintendent was paying a monthly rent of Rs. 1200 and getting HRA of only Rs. 330. Head warder and Warders had been paying monthly rent of Rs. 1000 and Rs. 800 respectively and getting HRA of only Rs. 285 and Rs. 250.

Sub Jail Chickaballapur was to be shifted to a place two and half Km away. A three acre piece of land had already been acquired and construction was proposed to commence in 2006-07.

### **Suggestion**

- The construction of the new jail building having necessary provision of staff quarters needs to be expedited.

## **PRISONS IN KERALA**

### **Central Prison, Thiruvananthapuram**

The prison had a sanctioned strength of Superintendent, 2 Jailers, 2 Deputy Jailers, 6 Assistant Jailers Grade I and 8 Assistant Jailers Grade II in the supervisory category; 1 Chief Warder, 1 Gate-keeper, 60 Head-warder, 165 warders; 7 female warders for Women Section; 1 Welfare Officer Grade I and 2 Welfare Officers Grade II.; 1 Medical Officer, 1 Pharmacist, 1 Lab. Technician and 2 Nursing Assistant in the hospital of Central Prison. All the sanctioned posts had been filled except 78 posts of warders, 3 posts of Welfare officers including one grade I and two Grade II and 2 posts of Nursing Assistants in the medical staff lying vacant at the time of the visit.

The staff strength of this prison was highly deficient. Requirement of warders to maintain round the clock watch on prisoners was much higher than 165 posts sanctioned long back due to a substantial increase in prison population. In addition to this, 78 vacant posts of warders aggravated the problem of deficiency in the staffing pattern of this prison.

The 113 Staff quarters including 15 quarters available for officers were good enough to accommodate the entire prison staff within the prison campus. However, staff quarters were quite old and needed regular repair and maintenance.

### **Suggestions**

- The Government should fill up all the existing vacancies of warders on priority basis.
- The Government should also fill up the vacant posts of 1 Welfare Officer Gr.I, 2 Welfare Officer Gr.II and Nursing Assistants at the earliest.
- The staff quarters should be repaired and maintained properly.

### **Central Jail Viyyur, Kerala**

The prison had sanctioned staff strength of 131 personnel in different categories. It was reported that all posts were filled except 8 posts including that of a Superintendent and Deputy Jailor lying vacant at the time of the visit. The shortage of trained staff, ministerial staff, computer operator, drivers etc. had some adverse effect on the prison administration. The vacancies had been reported to the Public Service Commission and appointments were being made.

Welfare officer posted in this jail did not have powers like correctional activities, inspection of kitchen and food of prisoners, utilization of wages of prisoners, premature release of prisoners, classification of prisoners and award of prison jobs etc.



## **Suggestions**

- The vacant key posts need to be filled up at the earliest.
- The Welfare officer of the jail may be provided more powers to enable him to coordinate welfare and correctional activities, as well as decision making in the process of releasing prisoners on completion of their sentence.

## **District Jail, Kollam**

The supervisory Staff including 1 Superintendent, 1 Deputy Superintendent, 2 Assistant Jailer (Gr.II) was sufficient to manage the prison affairs despite having one a vacancy of Assistant jailor (Gr.I). The staff position at the functional level including 8 Head Warders; 8 male Warders and 3 Female Warders was far less than its sanctioned strength. It was amazing that against the sanctioned strength of 35 male warders only 8 Warders had been posted to this jail despite the fact that it was holding more than double its sanctioned strength of prisoners.

Women prisoners had been guarded by 3 female warders and no male staff member was allowed to enter this enclosure. They categorically denied any instance of sexual harassment.

A glaring deficiency of this prison was the non-availability of staff quarters. As a result, no staff member was staying in the jail premises.

## **Suggestions**

- A post of a female Head Warder or Matron needs to be sanctioned to ensure proper supervision over the warders.
- The prison staff should be provided accommodation within the prison campus for better administration and management of the prison affairs.

## **Open Prison, Nettukaltheri**

The prison had sanctioned staff strength of 1 superintendent, 1 Deputy Superintendent, 1 Welfare officer, 6 Head warders and 25 Warders. The post of Superintendent had been lying vacant since 13 October, 2004. In the absence of the Superintendent, the Deputy Superintendent had been looking after the entire complex. The Deputy Superintendent was otherwise exclusively responsible for the annexe. The posts of Welfare Officer and 10 warders had been lying vacant at the time of the visit.

## **Suggestion**

- The post of the Superintendent and other vacant posts need to be filled at the earliest.

## **Women Prison, Neyyattinkara**

The entire sanctioned Staff of this prison was in position except one post of nursing assistant lying vacant.

### **Sub Jail, Pathanamthitta**

The sanctioned strength of staff included one Superintendent (Assistant Jailor Grade), 3 head warders, 8 male warders and 3 female warders. All the sanctioned posts were duly filled and there was no vacancy.

Women prisoners had been guarded by female warders under the supervision of the male staff. This was quite objectionable.

This jail had no staff quarters. The guarding staff had been staying in a cell meant for prisoners. The Superintendent had been staying in a rented house and paying a monthly rent of Rs.800 against his entitlement of Rs. 200 as HRA and Warder was paying a monthly rent of Rs.650 against his HRA entitlement of Rs. 180 only.

### **Suggestion**

- As this jail is functioning as a District jail, it should be provided staff, at least, as per the scale of a special sub-jail. The Incharge should be in the grade of Dy. Supdt to be assisted by one Asstt. Supdt. It should be provided with at least one matron Grade II, and the scale of warder should be suitably revised.
- A post of a female Head warder or Matron should be sanctioned for proper supervision over the female warders.

## **PRISONS IN TAMIL NADU**

### **Central Prison I at Puzhal, Chennai**

The sanctioned staff strength of the Central Prison I at Puzhal was 1 Superintendent, 1 Additional Superintendent, 1 Psychologist, 1 Jailor, 1 Welfare Officer, 1 Deputy Jailor, 4 Assistant Jailors, 3 Chief Head Warders, 26 Grade I Warders, and 185 Grade II Warders. Against these sanctioned posts, 89 posts including 73 Grade II warders had been lying vacant at the time of the visit.

Prison had institutional arrangements for providing training to prison officers and staff in the Warder's Training Centre Vellore; Regional Institute of Correctional Administration Vellore; Commando Training School, Chennai and Anna Institute of Management, Chennai. In addition to these institutions NICFS, BPRD, Institute of Correctional Administration Chennai had also been conducting training courses on various aspects of prison administration. The refresher courses had also been arranged from time to time.

### **Central Prison II at Puzhal, Chennai**

The sanctioned staff strength of the Central Prison II at Puzhal was 1 Superintendent, 1 Additional Superintendent, 1 Psychologist, 1 Jailor, 1 Welfare Officer, 1 Deputy Jailor, 4 Assistant Jailors, 3 Chief Head Warders, 26 Grade I

Warders, and 185 Grade II Warders. Against these sanctioned posts, 1 Additional Superintendent, 1 Jailer, 1 Deputy Jailer, 4 Assistant jailors, 2 Chief Head Warders, 23 Grade I Warders and 146 Grade II Warders were in place and 46 posts in different categories had been lying vacant at the time of the visit. There were also some vacant posts of ministerial, technical, medical teaching and sanitary staff.

There existed the same institutional arrangement for training of the custodial/correctional staff as had been indicated for the staff of Central Prison I at Puzhal, Chennai.

### **Suggestion**

- The competent authority/agency should take steps to recruit incumbents and fill up the vacancies at the earliest.

### **Special Prison for Women at Puzhal**

The Special Prison for Women Puzhal had sanctioned staff strength of 82. Against these sanctioned posts, 30 posts including 19 posts of Grade II warders had been lying vacant at the time of the visit.

There existed the same institutional arrangement for training of the custodial/correctional staff as had been indicated for the staff of Central Prison I & II Puzhal.

### **Suggestions**

- Vacancies of warders may be filled up early.

## **II. BOARD OF VISITORS AND JUDICIAL AUTHORITIES VISITS**

### **a.) Board of Visitors**

The State Governments constitute a Board of Visitors comprising Official and Non-official members at District and Sub-divisional level. The chairman of the board of visitors at the District level is the District judge and at the Sub-Division level is the Sub-Divisional Judicial Magistrate. The Board of Visitors shall meet at least once in every quarter in the office of the Superintendent of Prisons and the minutes recorded in the Visitors' Minute Book are forwarded to the IG of Prisons with comments of the Superintendent.

The main functions of the Board of Visitors as underlined in the Model Prison Manual for the Superintendence and Management of Prisons in India formulated by Bureau of Police Research and Development, Ministry of Home Affairs, Government of India include the following:

- Monitor the correctional work in prisons, with special attention to the degree and quality of training and effectiveness of infrastructure/facilities in the prisons and suggest new avenues leading to improvement in correctional work. It should look into the individual or collective grievances of Prisoners and provide redressal in consultation with prison authorities.

- The members of the Board of Visitors would pay special attention to the quality and quantity of prison diet and condition of the kitchen; hospital arrangements for medical treatment of prisoners and availability of medicines; sanitary arrangements; vocational training; literacy program, and library facility for prisoners.
- The official and non-official members of the Board of Visitors should examine the cooked food; inspect barracks, wards, work-sheds and other buildings of the prison generally to ascertain the health, cleanliness and security conditions; arrangements made for discipline; examine prison registers and records, except secret records and records pertaining to accounts; hear individual and collective complaints made by prisoners, and attend to all representations and petitions made by or on behalf of the prisoners; and direct redressal of the grievances in consultation with prison authorities or forwarded to the Government if deemed advisable.

#### **b.) Visits of Judicial Authorities**

The prisoners being in the judicial custody, it becomes incumbent upon the Session Judge to monitor their living conditions and ensure the humane conditions within the prison. The State prison manuals contain provisions for District and Session Judges to function as ex-officio visitors to jails within their jurisdiction to monitor the living conditions in the prisons and to ensure that the prison inmates are not denied the humane conditions and basic minimum standards of health, hygiene and institutional treatment.

The details of functioning of the Board of Visitors in different prisons of the four Southern States of India and the Jails visited by Judicial Authorities of these four States are given below:

### **PRISONS IN ANDHRA PRADESH**

#### **Central Prison, Cherlapalli**

Andhra Pradesh Prison Rules 1979 provided for a Board of Visitors comprising official and 3 non-official members including one lady member. The District Magistrate and District Judge being important members of the Board had played a crucial role in improving jail conditions and protecting the legal interests of prisoners. However, the system had gone defunct. The Judicial authorities had been visiting the jail regularly and the Magistrate East and North District had made six visits since 1 January, 2004. The Magistrate, Western and South had also made six visits to this jail during the same period. The Hon'ble Justice High Court of Andhra Pradesh, Hyderabad also visited this jail on 2 October 2004. The DG and IG (Prisons) and senior Officers of the Prison Department had visited this jail as many as 22 times since January 1 January, 2004.

### **Suggestion**

- The system of Board of Visitors needs to be revived at the earliest.

### **District Jail, Karimnagar**

The records showed that the tenure of non-official members appointed on September 17, 1998 for 2 years had expired in September 2000. The system had gone defunct since then. The superintendent wrote to the collector in August 2002 for fresh appointment but the orders were still awaited. The District and Session Judge Karimnagar had been visiting the jail occasionally but not quarterly as laid down in the Andhra Pradesh Prison Rules, 1979.

### **Suggestions**

- The DIG Prison needs to get the matter examined at the Prison Headquarters and take immediate steps for reviving the system of Board of Visitors.
- The District and Session Judge Karimnagar should make quarterly visit to this jail as laid down in the Andhra Pradesh Prison Rules, 1979.

### **State Jail for Women, Hyderabad**

The institution of Board of visitors had gone defunct. The judicial authorities had visited the jail only twice and non-judicial authorities for 8 times during 2003.

### **Suggestion**

- The Institution of Board of Visitors needs to be revived.
- The judicial and non judicial authorities should visit the jail regularly

### **Sub - Jail Bhongir, District Nalgonda**

The District and Session Judge Nalgonda, Assistant Session Judge, Bhongir and Additional JFCM, Bhongir had been visiting the jail regularly and judicial authorities had made nine visits to this jail till September 6, 2004. The District Sub-Jail Officer, Nalgonda had been visiting the sub-Jail every month and DIG Prisons, Telangana Region had also been visiting the jail regularly.

## **PRISONS IN KARNATAKA**

### **Central Prison Agrahar Parappana, Bangalore**

Karnataka Prison Rules provided for a Board of Visitors comprising District Magistrate as the Head and official and non-officials as Members. The system had become dysfunctional because of the expiry of the term of non-official members and inordinate delay in notification of their replacements. It was reported that Judicial Authorities made four visits and Non Judicial authorities made six visits to this prison during the year 2005.

## **Suggestions**

- The system of Board of Visitors needs to be revived.
- The judicial authorities need to visit the jail regularly as per the provision of Jail Manual to solve the problems of UTPs to a great extent.

### **District Prison, Mangalore**

This prison had a Board of Visitors provided under Karnataka Prison Rules and Prison Manual. The Board of Visitors constituted on June 7, 2004 comprised Deputy Commissioner Mangalore as Chairman and Mayor, Sessions Judge, Deputy Director C&I, Deputy Director PWD, District Surgeon, Local MLA as official Members and Shri D. Devdas Hegde as non-official Member. The Board of Visitors, however, did not include any woman member which was a mandatory requirement as per the Prison Rules. The previous Board had visited this jail thrice in 2003 and twice in 2004. However, the new Board of Visitors had not visited the jail after June 7, 2004 up to the date of the visit.

## **Suggestions**

- The members of the Board of Visitors should visit the prison as per the Karnataka Prison Rules and Prison Manual.
- The Government should include a lady member in the Board of Visitors to meet the mandatory requirement of the Karnataka Prison Rules.

## **PRISONS IN KERALA**

### **Central Prison, Thiruvananthapuram**

The Kerala Prison Rules 1958 provided for a Board of Visitors comprising District Collector as Chairman and both official and non-officials as members. The Board was required to meet quarterly at the Jail. The Chairman was required to arrange the roster and ensure monthly visits to the jail by each visitor official and non-official in turns. The institution of Board of Visitors had gone defunct. The District and Sessions Judge, Thiruvananthapuram had been visiting the prison regularly. He had made two visits in 2002, 4 in 2003 and 5 till 29 October 2004.

## **Suggestion**

- The institution of Board of Visitors needs to be revived. An official communication was sent from the NHRC to the Chief Secretary, Kerala on this subject but reply was awaited till the date of the visit.

### **Central Jail Viyyur, Kerala**

Board of Visitors had not been constituted. Judicial authorities paid two visits and non-judicial authorities visited the prison for 26 times during the last one year.

### **Suggestion**

- Director General (Prison) may be directed to constitute board of visitors.

### **District Jail, Kollam**

The institution of Board of Visitors was not functioning in this prison. The District Judge had not been visiting the jail as regularly as had been seen in other places. The visitor Register showed that the District Judge/Session Judge visited this jail only on April 9, 2003, August 5, 2003 and May 4, 2004.

### **Suggestion**

- The State Government may constitute the Board of Visitors.
- The District Judge should visit the prison regularly.

### **Open Prison, Nettukaltheri**

The institution of Board of Visitors provided in the Prison Rules was not in operation. However, the DIG (Prison) had been visiting Open Prison twice a month in accordance with the directions of the Session Judge, Trivandrum. The District Judge and Session Judge had also been visiting the Prison regularly. The District Judge and Session Judge visited the Open Prison 5 times in 2003 and 3 times in 2004.

### **Women Prison, Neyyattinkara**

The Board of Visitors had not been functioning in this prison. District Judge/Session Judge had been visiting this prison regularly almost every second month in 2003 and paid only 3 visits in 2004 on 25 March, 19 May, and 29 July, 2004.

### **Sub Jail, Pathanamthitta**

Board of Visitors was not functioning in this jail. The register recording the visits of judicial authorities showed no such visits in 2003. There had taken place six visits including 3 by Session Judge and 3 by Chief Judicial Magistrate till November 1, 2004. The last visit was that of the CJM October 20, 2004.

## **PRISONS IN TAMIL NADU**

### **Central Prison I at Puzhal, Chennai**

The Central Prison I at Puzhal did not have a Board of Visitors till the date of the visit. A proposal for constitution of the same had been submitted and the approval of Government was awaited. Pending this, District Judge, Collector/DM, SP and officers from State Human Rights Commission had been visiting the Puzhal Central Prison Complex from time to time.

### **Suggestion**

- Their visits & inspection reports should be made available to all research scholars who want to go through them for empirical studies.

### **III. JAIL ADALATS**

The Supreme Court of India gave directions for holding Jail Adalats for disposing off cases of petty offenders who are willing to confess their guilt. The actual position of Jail Adalats being held in different prisons of four Southern States is given below:

#### **PRISONS IN ANDHRA PRADESH**

##### **Central Prison, Cherlapalli,**

Jail Adalats had not been held in this prison.

##### **District Jail, Karimnagar**

The jail records showed that Jail Adalat was held in this jail only once on November 29, 2003.

##### **State Jail for Women, Hyderabad**

The State Jail for Women Hyderabad had started Jail Adalat in 2004 following the instructions of the High Court at the instance of the NHRC and of the 27 cases presented before the Jail Adalat 14 had been decided.

#### **PRISONS IN KARNATAKA**

##### **Central Prison Agrahar Parappana, Bangalore**

Jail Adalats had not been held regularly in this jail since August 2004. It was reported that 7 Jail Adalats had been held during the period between August 14, 2004 and December, 2005. These Jail Adalats considered 938 cases and released 241 prisoners after conviction.

##### **District Prison, Mangalore**

Jail Adalats had not been held in this jail. A legal aid camp was organized by the Prison Ministry of India, Mangalore on May 23, 2005. The District and Sessions Judge also attended this legal camp.

#### **PRISONS IN KERALA**

##### **Central Prison, Thiruvananthapuram**

Jail Adalats were not held in Kerala in accordance with the directions of the Supreme Court of India for disposing off cases of petty offenders who were willing to confess their guilt.

##### **Central Jail Viyyur, Kerala**

Jail Adalats were not being held in this prison.

##### **Sub Jail, Pathanamthitta**

Jail Adalats were not being held in this prison.



## **PRISONS IN TAMIL NADU**

### **Central Prison II at Puzhal, Chennai**

Jail Adalats had been held in this prison once in a week. Jail Adalat had been trying cases related to petty offences in which the maximum punishment was not more than 3 years and the prisoner pleaded guilty. The period of imprisonment was set off against the remand period and they were released.

## **IV. INVOLVEMENT OF NGOS**

The prison administration should involve NGOs in different spheres such as education, vocational training, recreation and cultural activities; providing legal assistance; counselling on HIV and AIDs; arranging primary education and residential schools for children of convicts; arranging visits of medical Specialists and health camps in the prison; and rehabilitation of prisoners after their release from the prison.

The involvement of NGOS in different prisons of four Southern States of India is as follows.

## **PRISONS IN ANDHRA PRADESH**

### **State Jail for Women, Hyderabad**

A number of NGOs had been involved in education, recreation, cultural, and welfare of prisoners. The Sterllite Foundation Mumbai working in this prison since 1998 had provided a tailoring Instructor and 10 Sewing machines. Prison Ministry of India Hyderabad had been giving counselling to prisoners on every Saturday and also making arrangements for celebration of Christmas and international Women Day. They had also admitted 4 children of convicts including two naxalites in their Hostel at Kazhipet in Warangal District. The Penal Reforms and Justice Association, another NGO had been helping the released prisoners by providing jobs in hostels and schools. Shri Venkateshwara Charitable Trust had arranged primary education for 5 children of convicts in a residential school. Actionaid India had been proving counseling and legal assistance to the prisoners. They had admitted two children of remand prisoners in a hostel in RR District. PSH had been giving counseling to prisoners in HIV/AIDS.

## **PRISONS IN KARNATAKA**

### **Central Prison, Cherlapalli**

A number of NGOs had been helping the Jail Administration in matters related to education, vocational training, legal aid and welfare of prisoners. Prison Ministry of India, a National Voluntary Organization had been conducting vocational training for male and female prisoners and Home Nursing Training Course for female inmates. Lions Club arranged Eyes Testing camps with the assistance of expert Ophthalmologists and provided spectacles to treated prisoners.

Intel technology Pvt. Ltd. Bangalore had been planting trees in the jail campus on the eve of Gandhi Jayanti. Prison Fellowship India Bangalore had been running a residential school for the children of prisoners. St. Marx Cathedral Bangalore had arranged medical examination of inmates and supplied free drugs to them. Vakthi Vikasana Kendra had been conducting Art of Living Programmes. Social Service Wing of Oxford Dental College Bangalore had been organizing Weekly Dental Camps.

### **District Prison, Mangalore**

The NGOs had been playing a significant role in prison activities relating to prisoners' welfare. Prison Ministry of India, Mangalore Unit had been actively involved in providing free legal aid and arranging celebrations of all religious festivals as well as National festivals; M.V. Shetty College of Social Works, Mangalore conducted an AIDS Awareness Programme; Yenepoya Medical College Mangalore organized a Dental Camp and Fr. Muller Medical College Hospital Mangalore conducted a Skin Camp; and Jan Jagriti Vedicka Mangalore in collaboration with Sri Dharamasthal conducted a Drug Awareness Programme.

### **Taluk Sub Jail, Chickaballapur**

The students of St. Joseph College used to visit Sub Jail regularly for conducting entertainment programmes for prisoners; and two to four sisters of the Prison Ministry of India had been visiting this Sub Jail on every second Saturday for counselling the prisoners; involving prisoners in cultural activities and helping their rehabilitation. However, these admirable initiatives of the civil society were stopped w.e.f. October 25, 2005 due to instructions issued by Prison HQ that no NGO or other functionaries should be allowed in the prison without prior permission. The Chief Warder-cum-Superintendent accordingly wrote to the Prison Ministry of India and St. Joseph College to apply for permission to the Prison HQ.

### **Suggestion**

- The Superintendent instead of asking these bodies to apply to the Prison Headquarter should obtain permission from the Prison Headquarter for continued involvement of these dedicated personnel in the affairs of the Prison. The Additional Director General (Prisons) should straightway order for continued involvement of these organizations which had been doing commendable work for the welfare of the prisoners.

## **PRISONS IN KERALA**

### **Central Jail Viyyur, Kerala**

Two NGOs had been involved in conduction moral classes and for moral boosting; yoga classes; and organizing cultural programmes for inmates.

### **Women Prison Neyyattinkara**

The Blind Association had been making periodical visits for detection of TB cases. The PSH working under the NACO had been conducting counselling and moral classes. However, no NGO was involved in imparting vocational training and helping the inmates in their rehabilitation.

## **PRISONS IN TAMIL NADU**

### **Central Prison I at Puzhal, Chennai**

The NGOs like Prison Ministry of India, Bethel Missionaries and Art of Living (Pandit Ravi Shankar) had been rendering yeomen's services to the inmates of Central Prison I Puzhal by imparting functional literacy, conducting yoga, meditation and prayer classes.



## **RIGHTS OF UNDERTRIAL PRISONERS (UTPS) AND CONVICTS AND CERTAIN CONCESSIONS GRANTED TO THEM**

The Prisoners both Undertrial and Convicts, to be housed in different prisons have certain rights and are also eligible for certain concession. Prison authorities should ensure that UTPs and Convicts are not deprived of their rights and concessions available to them under normal circumstances.

### **I.) UNDERTRIAL PRISONERS**

The Model Prison Manual for the Superintendence and Management of Prisons in India formulated by Bureau of Police Research and Development, Ministry of Home Affairs, Government of India provides certain rights and concessions for Undertrial prisoners housed in jail. These rights and concession include the following:

- Right to speedy trial. This implies timely filing of charge sheet and commencement of trial immediately after filing of the charge sheet; the UTPs should be produced before the Magistrate on every date of hearing; the lawyers provided to the UTPs should take necessary interest in their cases; witness should appear in the courts to record their evidence on due date; and the judgment should be pronounced quickly after completion of the necessary judicial procedure.
- Right to be produced before the Magistrate. An under-trial prisoner should be produced in person on the date of hearing by sending requisition for police escort sufficiently in advance to the police authorities. However, an under-trial sick person may not be produced before the court if Medical officer certifies prisoner's inability to attend the court. A medical certificate issued by the Medical officer should be forwarded to the court. The under-trial prisoners should be served morning meals before sending to the court and brought back to the prison after completion of the court work at least one hour before the lock-up time.
- Right to communicate with relatives/ family members, friends and advocates. The under-trial prisoners shall be allowed interview with his family members/ close relatives/close friends once a week. The prisoners shall be allowed

interview with his legal advisor after applying to the Superintendent. The interview shall be held within the sight but out of hearing of a prison official. In deserving cases additional interviews may be granted for legal purposes with the discretion of the Superintendent. Under-trials shall not be granted interviews with convict prisoners unless they are close relatives. Under-trial prisoners shall be allowed to write two letters at his own cost and two at the cost of the Government per week and additional letters for legal purposes such as arranging defence, bail may be allowed at prisoners' own cost.

- Right to free legal aid. The Undertrial prisoners has a right to get legal aid at the Government cost as per the provisions of law and application to the Legal Aid Societies for free legal aid expressing his financial inability to engage a lawyer for defending his/her case.
- Right to be kept separately from convicts. No convict shall be kept in the same area in which UTPs are kept or allowed to have contact with UTPs except prisoners working in essential prison services like conservancy etc. No convicted prisoners shall be allowed to enter undertrial yard or block or supervise undertail prisoners. An undertrial prisoner if convicted shall be transferred to the yard meant for newly admitted convicts.
- Right to proper medical health care. The under-trial prisoner should be transferred to a hospital outside the prison immediately if the medical officer recommends for his/her admission in the outside hospital. The matter should be reported to the court concerned. The death of the under-trial prisoner shall be promptly reported to the court under whose orders he was detained.
- Release on bail. A seriously ill under-trial prisoner may be released on bail on the basis of a report sent by the Superintendent, along with a medical report, to the court concerned and if the law permits and the court think fit. The prison authorities should take prompt action on receipt of a bail bond or release order. In the Central or large District Prison, an under-trial prisoner should normally be released within four hours of the receipt of the bail bond or release order. A bail bond or release order reaching the prison after lock up should not be received. If an undertrial prisoner does not have sufficient money, he/she may be given travel warrant and if journey is likely to take more than 12 hours, he may be given subsistence money. After the release, the bail bond should be duly returned to the court concerned along with a certificate of release.
- Right not to be engaged on extramural work. Employment of under-trial prisoners on hard jobs is strictly prohibited. They should not be employed outside their own enclosure or in the work sheds and areas where other convicted prisoners are working. The under-trial prisoners should however, be detailed to clean the yard, barracks and cells where they are

kept on a group basis. It will also be incumbent on all under-trial prisoners to keep their own clothing, bedding and equipment properly washed, cleaned and disinfected. If under-trial prisoners volunteer to work, they may be engaged in suitable work, if possible and paid wages according to schedules of standard tasks and wages, as fixed by the State Government.

- The Under-trials may be allowed to get food from outside after getting an undertaking from the prisoners and suppliers that they are responsible for the wholesomeness of such food and prison administration will not be responsible for any mishap. The food shall be eaten in the prescribed area and at prescribed hours. An under-trial may make purchases from the canteen up to Rs. 20 per month as per canteen rules.
- The undertrial prisoners are allowed to get usual private clothing to meet reasonable requirements. In case an under-trial prisoner does not have his own private clothing, he may be provided the same at the Government cost at prescribed scales;
- The women undertrial prisoners should be kept under the custody and supervision of women staff. The lady Superintendent or Senior Matron should be present at the time of admission and release of women under-trial prisoners. They should attend to all work pertaining to the women under-trial prisoners.
- Women undertrial prisoners should normally be escorted by women police. When women police is not available, they should be accompanied by women Prison Guard. As far as practicable, separate conveyance should be provided for transporting women under-trial prisoners.
- .As far as possible, women under-trial prisoners should be handed over to their relatives after release. If this is not possible, a women police or woman prison guard should escort the released woman under-trial prisoner to the nearest station or bus stand.

The rights and concession available to Undertrial Prisoners in the different prisons of four Southern States of India are given below:

## **PRISONS IN ANDHRA PRADESH**

### **Central Prison, Cherlapalli**

The 645 UTPs housed in Central Prison Cherlapalli on the day of the visit constituted 39.7 per cent of the total prison population. It was reported that 27 UTPs had been staying in the jail for 1 to 3 years; one for 3 to 5 years; and one was languishing for more than 5 years.

It was reported that 26 UTPs had been languishing in jail even after granting bail due to their inability to furnish sureties. However, they all belonged to period

12.2.04 onwards. Central Prison Cherlapalli had been holding 40 adolescent UTPs aged below 20 years. Some of them needed legal aid and others were granted bail but could not furnish sureties. As many as 38 UTPs had completed more than three months in prison without having their charge sheets being filed. They were entitled to release on bail as per the provisions of section 167 Cr.PC but they could not manage bail because of their failure to produce sureties and continued to languish in jail.

The 29 UTPs had been languishing in this prison for more than one year because of the following reasons:

- Non commencement of the trials despite filing of the charge sheets;
- Slow progress of their cases;
- Non-appearance of the police witnesses;
- Delay in pronouncement of judgement.

The availability of police escort for production of UTPs was as good as 95 per cent. The situation of producing UTPs had improved since introduction of video-linking on June 16th 2003 in this prison. It was reported that 7528 remand cases including 15 cases of bail on personal bond had been handled by video linking.

### **Suggestion**

- The Superintendent Central Prison Cherlapalli needs to bring above mentioned matter relating to 29 UTPs to the notice of the courts concerned with the help of the District Legal Service Authority.

### **District Jail, Karimnagar**

#### **Under trial prisoners**

There were 402 UTPs housed in District Jail, Karimnagar on the day of the visit. They constituted 92 per cent of the jail population. It was reported that 14 UTPs had been staying in the jail for 1 to 3 years and 1 for more than 3 years.

The UTPs situation was certainly better in this jail with only 15 under-trial prisoners comprising 3.8 per cent of total number of UTPs staying in this prison for more than one year due to the introduction of video linkage since December 4, 2003. The courts of Karimnagar and Warangal had been connected with video linkage to the District Jail and 839 prisoners had been produced before the courts through video linkage between December 4, 2003 and December 4, 2004. The operation of this system for 3 days a week had showed an increase of 50 per cent in production of UTPs before the courts.

The 15 UTPs had been languishing in this jail for more than one year due to the following reasons:



- Delay filing their charge sheets;
- Non production of UTPs before the Magistrate despite being taken regularly to the courts;
- Slow pace of trial due to indifference of lawyers provided to them by the Government;
- Failure to get released despite being granted bail due to their inability to arrange sureties;
- Want of legal aid;
- Mental illness of two prisoners involved in murder cases.

The situation of 12 adolescent Under-trial prisoners was equally bad. For example, a 16 year old UTP caught by the police for a theft of Rs. 50 two months back had not been provided any lawyer; another adolescent UTP of 20 years old arrested along with his father and uncle in a case u/s 417/506 IPC read with 34 1PC remained in jail while the adult accused had been released on bail because he was hospitalized for sometimes; and some adolescent UTPs needing legal aid had not been provided that till the date of the visit.

The DIG Prisons stated that a coordination committee comprising Collector, District Judge, Superintendent of Police and the Jail Superintendent had been meeting quarterly in the District Judge's chamber to review the UTPs position and the system was working effectively.

### **Suggestions**

- The prison authorities need to provide some legal aid to the undertrial prisoners at the earliest.
- Necessary arrangements need to be made for their production before the court.
- The Jail Superintendent needs to approach the DLSA for arranging the visits of 2 advocates on every Saturday and Sunday to ascertain from the prisoners their grievances, collect criminal appeal applications for legal aid and file the same in the competent courts.
- The Jail Superintendent needs to ensure that the medical reports relating to their mental conditions condition are sent to the concerned courts regularly.

### **State Jail for Women, Hyderabad**

The 84 undertrial prisoners held in this jail constituted 45 per cent of jail population. It was reported that 2 UTPs had been staying in the jail for 1 to 2 years. The Special Rapporteur interacted with the UTPs to know their grievances and the complaints made by UTPs during interaction included the following:

- They could not be produced in the court due to non-availability of female escort or otherwise;
- Bail application rejected in Session and High Court had been pending with the Supreme Court;
- The legal aid had not been provided till the date of the visit.

This prison had handled 1200 cases including 32 cases of granting bail on personal bond through video linkage introduced in April, 2003. With the introduction of Video linkage the production of UTPs in the local courts had been resolved to a great extent.

### **Suggestion**

- The Superintendent needs to bring the cases of UTPs requiring legal aid to the notice of the District Legal Service Authority for arranging legal aid.

### **Sub - Jail Bhongir, District Nalgonda**

The period of detention of all the 20 UTPs held in this sub jail on the day of the visit was within 3 months. They made no complaints. Against the sanctioned capacity of 3 women prisoners of this jail, no female prisoner had been kept in this sub jail.

## **PRISONS IN KARNATAKA**

### **Central Prison, Parappana Agrahar Bangalore**

The 2895 Undertrial Prisoners including 104 female inmates housed in the jail on the day of the visit constituted about 66 per cent of jail population. It was reported that 300 UTPs were staying in the jail for 1 to 3 years; 51 for 3 to 5 years; and 5 were languishing in the jail for more than 5 years. The complaints made by UTPs during the course of their interaction with the Special Rapporteur included the following:

- Slow pace of trial;
- Unusual delay in commencement of trial despite charge sheet being filed by CBI due to transfer of the Special Judge and replacement awaited or other reasons;
- Non-production of prisoners before magistrate despite being taken to the court regularly;
- Absence of a presiding officer in the Court of Additional Rural District and Session Judge Bangalore for one and half year;
- Delay in examining the witnesses;
- Cases pending due to absconding co-accused;

- Failure to avail benefit of grant of bail due to their inability to furnish securities;
- Delay in pronouncement of judgment.

It was reported that 32.25 per cent of UTPs could be produced in 2005 and 45 per cent in January 2006 due to less than 50 per cent availability of police escort. However, Video linkage introduced on May 28, 2003 between Central Prison and Courts had been functioning efficiently. It was reported that 22277 remand cases had been produced in 2005 and 4132 in the January and February, 2006. Of these 1038 cases had been disposed of in 2005 and 473 in January & February 2006.

The situation of female UTPs languishing in the prison for more than one year was no better. They also faced the same problems of non-commencement of their trial within the stipulated period despite filing of their charge sheets/ challans; and their failure to avail bail granted to them due to their inability to furnish sureties.

### **District Prison, Mangalore**

The 218 UTPs including 5 female prisoners housed in the jail on the day of visit constituted 92 per cent of total prison population. The UTPs held in the jail for 1 to 2 years were 20; and for 2 to 5 years were 16.

The Special Rapporteur interacted with 36 Undertrial prisoners who had been staying in this prison for more than one year and heard their grievances. The complaints made by them included the following:

- Delay in commencement of their trial despite filing of their charge sheets;
- Slow pace of trial;
- Non production of UTPs before the judge despite being taken to the courts regularly;
- Pending evidence of police witnesses;
- Failure to avail the benefit of bail granted to them due to their inability to furnish sureties.

The scrutiny of cases of female UTPs of women section of District Prison Mangalore revealed that the availability of police escort for production of female UTPs in the courts was 100 per cent. An under-trial female prisoner involved in a murder case had completed 8 months in this prison and had engaged her own lawyer, but her case had not commenced in the Session court. Another under trial women prisoner hailing from West Bengal was admitted in this this prison under ITP on February 8, 2006. She needed legal aid and wanted her family to be informed. The actual period of detention had been wrongly recorded in many cases of UTPs due to poor documentation. The period spent by them in other jails before arriving

to this jail on transfer had not been recorded in the UTPs statement. The UTPs did not have the history tickets which was the mandatory requirement of the Jail Manual.

### **Suggestion**

- The Superintendent should arrange to send a letter written in Bangla to the family of the female undertrial for arranging a private lawyer for her.
- The discrepancy in the actual period of detention of UTPs needs to be rectified.

### **Taluk Sub Jail, Chickaballapur**

There were 31 Undertrial prisoners in this prison on the day of the visit. The under trial prisoners had been regularly - produced before the Court on Peshi days and no UTP had ever missed any Peshi. The availability of Police escort for production of UTPs in Court was 99 per cent. Five UTPs admitted between October 4, 2005 and January 12, 2006 had been granted bail but they could not avail the benefit of the bail and remained in the prison because of their inability to furnish sureties.

## **PRISONS IN KERALA**

### **Central Prison, Thiruvananthapuram**

The 604 Undertrial prisoners housed in this prison on the day of the visit constitutes 37 per cent of the total prison population. This was much below the State average of 65.5 per cent in 2004.

The complaints made by the Under-trial prisoners during the course of their interactions with the Special Rapporteur included the following:

- Delay in trial;
- Delay in filing their charge sheets;
- Non production of UTPs before judge despite being taken to the courts;
- Failure of UTPs to avail the benefits of bail offered to them by the courts due to their inability to furnish sureties.

### **Suggestion**

- The Superintendent needs to bring these cases to the notice of the District Legal Service Authority for placing their cases before the Courts concerned.

### **Central Jail Viyyur, Kerala**

This prison was holding 176 Under-trial Prisoners including 153 male and 23 female prisoners on the day of the visit. The average stay of UTPs in this prison was less than one year. It was reported that 22 male UTPs and 1 female UTP had

been staying in this prison for more than 6 months. Under trial prisoners had been kept separately from convict prisoners. Prison authorities faced difficulties in providing police escort due to shortage of police on some occasions like festivals, hartals etc. when the police personnel had been engaged in maintaining law and order. In such cases jail authorities had been seeking next date of hearing. The female UTP complained that she was not produced before the court due to the non availability of women constables.

### **Suggestion**

- The duration of stay of UTPs in the prison may be reduced by constitution of more trial courts.
- The DGP Government of Kerala needs to make permanent arrangement to provided woman police constables from the district itself to facilitate production of women prisoners before the court as and when required.

### **District Jail, Kollam**

There were 169 undertrial prisoners including 13 female UTPs. The Undertrial prisoners constituted 90 per cent of the total prison population. The Special Rapporteur interacted with 13 Undertrial Prisoners languishing in this prison for more than six months to hear their grievances. The complaints made by these UTPs included the following:

- A UTP arrested under Abkari Act had not been granted bail despite his co-accused being released on bail;
- Long gaps between two hearings of the case of a UTP arrested under Abkari Act;
- Gap between the need and availability of legal aid;
- Rejection of bail application of a UTP involved in case of counterfeiting currency notes by the High Court; and
- In the Female Section, one female UTP involved in murder case was nor aware about the admissibility of legal aid to her.

### **Suggestion**

- The Superintendent should bring the cases of UTPs arrested under Abkari Act to the notice of the District Legal Service Authority.
- The Superintendent should obtain applications for legal aid from those UTPs who cannot afford to engage private lawyers and forward the same to the District Legal Service Authority.

### **Women Prison, Neyyattinkara**

The two Under-trial prisoners admitted under u/s 302/201 IPC o13 October, 2003 and under Abkari Act on 1 July, 2004 had been provided Government lawyer.

### **Sub Jail, Pathanamthitta**

It was learnt that 32 Under-trial prisoners had been held in this jail after being arrested u/s 41(2) Cr.PC. Such a large-scale arrest of persons merely on suspicion about their likelihood of committing a cognizable offence was not a good example of professional policing especially when the jails were already overcrowded with accused persons involved in substantive offences. The prison had been housing 10 UTPs for more than 6 months. Majority of these prisoners during their interactions with the Special Rapporteur made the following complaints:

- Legal aid not being provided;
- Failure to avail the benefit of grant of bail due to inability of a prisoner from Bihar to furnish two local sureties;
- Languishing in jail for want of bond execution;
- Failure of a female prisoner to furnish sureties to avail the bail granted to her and hearing of her case had not commenced;

### **Suggestions**

- The District Collector may take up the matter relating to arrest u/s 41(2) Cr. PC with the Superintendent of Police and District Judge.
- The applications for legal aid should be forwarded to the DLSA.
- The case of the female prisoners should be recommended for a fast track court.

## **PRISONS IN TAMIL NADU**

### **Central Prison II at Puzhal, Chennai**

The 1528 UTPs held in the jail on the day of the visit constituted about 85 per cent of the jail population. It was reported that 344 UTPs had been staying in the jail for 1 to 3 years; 197 for 3 to 5 years; and 98 UTPs were languishing for more than 5 years.

The main reason for long stay of UTPs in this prison was too much delay in disposal of their cases on account of the following reasons:

- Delay in filing their charge sheet;
- Delay in furnishing copies of the documents;
- Delay in securing the absconded co-accused;
- Delaying tactics adopted by the Counsel for the accused;
- Splitting the case from the other co-accused.

The UTPs expressed their satisfaction about the facilities and amenities being made available to them; care and attention provided by jail authorities; the humane treatment meted out to them; and arrangements made for their health, sanitation and personal hygiene, food, recreation etc.. They appreciated prison officials for being very responsive to their grievances and had no complaints against them.

However, they complained about delay in their trials due to delay in filing of their charge sheets. For example filing of charge sheets in case of high security prisoners sometimes had been taking more than ten to eleven years; A UTP, Paediatrician by profession involved in narcotic crime had already spent 7 years as UTP in the prison whereas the maximum sentence in this case was of 10 years due to inordinate delay in filing of charge sheet which in turn caused delay in trial; A Sri Lankan prisoner booked in NDPS a couple of years ago had lost contact with his family members living in Sri Lanka due to delayed trial.

The Principal Secretary, Home attributed delay in trial of NDPS cases to shortage of courts to try these cases, for example there were only 1 court at Chennai and 2 at Madurai to try 3000 NDPS cases; and large number of vacancies of Magistrates.

Video Conferencing had been an excellent medium of interpersonal communication and an excellent mechanism for ventilation and redressal of grievances. Video Conferencing facility provided by jail authorities facilitated extension of remand; enabled prisoners to see the Magistrate face to face and Magistrate to directly interact with the prisoners.

### **Special Prison for Women at Puzhal**

The Special Prison for Women was holding 10 UTPs on the day of the visit. It was reported that 4 female UTPs were held in the jail for 2 to 3 years; and the remaining 4 female UTPs for 3 to 5 years.

There was no pending case lying in the trial court for grant of bail. Since all NDPS offences were non-bailable, the question of grant of bail in those cases did not arise.

The female UTPs during their interaction with the Special Rapporteur attributed the delay in their trials to the following factors:

- Delay in filing the charge sheet;
- Delay in furnishing copies of documents;
- Delay in arresting the absconding co-accused;
- Delaying tactics adopted by the Counsel for the accused; and
- Splitting the case from the other co-accused.

## **Suggestions**

- Director General Police should personally look into the matter regarding delay in filing of charge sheet;
- The necessary copies of the documents should be furnished to the UTPs.

## **II.) CONVICTS**

The convicts have certain rights and are also granted certain concessions to reform prisoners to ensure good conduct and behaviour of the prisoners; ensure prison discipline; enable them to maintain continued contact and social relations with his/her family and community; develop a sense of self confidence, constructive hope and active interest in life; encourage them to learn work culture; reformation of offenders and their rehabilitation and integration into the society. The Model Prison Manual for the Superintendence and Management of Prisons in India formulated by Bureau of Police Research and Development, Ministry of Home Affairs, Government of India provides for the following rights and concessions to convicts housed in jails.

- Right to appeal. The convicts have a right to appeal to the higher court against the judgment delivered by the court.
- Right to be released on completion of the term of his/her sentence. The prisoners shall not be detained in the prison beyond the period indicated by the terms of the warrant of commitment.
- Remission is a concession granted by the State government. This concession with prospects of early release from the prison is intended to reform the prisoners and ensure prison discipline; good conduct and behavior of the prisoners and to encourage them to learn work culture.
- The ordinary remission is granted by Superintendent or an officer nominated by him on his behalf to prisoners sentenced to simple imprisonment for two months or more. The scales of ordinary remission for eligible prisoners are 3 days per calendar month for good behavior, discipline and participation in institutional activities; 3 days per calendar month for performance of work according to prescribed standards; one day per calendar month for prisoners employed on prison maintenance services requiring them to work on Sundays and holidays; 8 days per calendar month for those working as night watchmen; 10 days per calendar month to convict overseers and warders; one day for each day's stay in open institutions to prisoners sentenced to imprisonment of one year or more and transferred to such institutions; and 30 days annual good conduct remission in addition to any other remission to any prisoner who has not committed any prison offence for a period of one year from the date of sentence or the date on which he was last punished for a prison offence.



- The special remission is granted by the Superintendent of the prison and Inspector General/Head of the prisons Department. Special remission of 30 days per annum is granted by the Superintendent of the prison to the prisoners eligible for ordinary remission; and 60 days per annum by the inspector General of prisons for meritorious work done by inmates in addition to the annual good conduct remission to create a spirit of healthy competition among prisoners. The IG of Prisons may grant special remission even to a prisoner who is not eligible for ordinary remission in special circumstances. The State Government Remission is granted by the State Government to such prisoners or categories of prisoners as the State Government may decide. The scale of State Government remission will be fixed by the State Government from time to time.
- The Remission Committee of each institution consists of Superintendent in-charge of the institution as chairman and Deputy Superintendent or senior most prison officer in the institution, Assistant Superintendent/ Deputy Jailor, Assistant Jailor in charge of remission section and officer in charge of Industries/ Vocational Training as members. The remission committee shall meet on the fixed days in the last week of every month or as and when required and attend to all matters pertaining to remission, to recommend cases of prisoners to the Inspector General/Head of Prisons Department for grant of special remission and grant special remission as per provisions of this manual.
- The concession of remission is subject to subsequent withdrawal/ forfeiture/revocation. The State Government reserves the right to debar/ withdraw any prisoner, or category of prisoners, from the concession of remission. The State Government, the Inspector General of Prisons and the Superintendent may remove any prisoners from remission for a specified period for committing prison offences.
- Leave and Special leave is not a right but a concession granted to convicts. These are progressive measure of correctional services. It helps him/her to develop a sense of self confidence and continued contacts with family and community and also enables him to develop constructive hope and active interest in life.
- The prisoners sentenced to imprisonment of not exceeding 5 years become eligible for release on leave of 21 days per annum for the first time after completion of actual imprisonment of one year; second release on leave after completion of 6 months of actual imprisonment to be counted from the date of his last return from leave and then after 6 months of actual imprisonment from the date of his last return from leave. Prisoners sentenced to more than five years but less than 14 years become eligible for release on leave after completion of 2 years of actual imprisonment, second release

after completion of 1 year of actual imprisonment and then after completion of 6 months of actual imprisonment. The duration of leave will be 21 days per annum during the first 5 years of confinement and 28 days for the rest of the term. The prisoners sentenced to life imprisonment or imprisonment exceeding 14 years become eligible for release on leave after completion of 3 years of actual imprisonment, second release after completion of 1 year of actual imprisonment and then after completion of 6 months of actual imprisonment. The duration of leave will be 21 days per annum during the first 5 years of confinement and 28 days for the rest of the term.

- The prisoners not eligible for release on leave include those whose presence is considered dangerous or otherwise prejudicial to public peace; involved in serious prison violence like assault, outbreak, riot, mutiny or escape, or found to be instigating serious violation of prison discipline; prisoners convicted for offences such as dacoity, terrorist crimes, kidnapping, smuggling including those convicted under NDPS Act and foreigners; prisoners committed for failure to give security for maintaining peace or good behaviour; suffering from mental illness, if not certified by the Medical Officer to have been recovered; not having good conduct during the preceding 12 months; convicted of an offence against any law relating to matters to which the executive powers of the Union Government extends, unless approved by the Union Government; and those whose release on leave is likely to have repercussions elsewhere in the country.
- This concession is subject to cancellation. The State Government/Inspector General reserves the right to debar/withdraw any prisoner or category of prisoners from the concession of leave.
- Special leave may be granted to a prisoner in a special situation such as death or serious illness of father / mother / brother / sister / spouse / children; marriage of brother/sister/children. Special leave is granted under normal circumstances for a period not exceeding 30 days at a time but can be extended under special circumstances up to a period of 90 days but in no case should be extended further. The competent authority for granting release on leave and special leave up to 30 days will be Head of the Prison Department/IG Prisons and for extending such leave beyond 30 days the Head of Department/IG Prisons need to obtain orders from the State Government. However, special leave may be granted for a maximum period of 14 days excluding the journey time by the Superintendent of the prison concerned in the event of an emergent situation like death of a family member of the prisoner.

- Premature Release is also a concession granted to the prisoners. The primary objective of premature release is reformation of offenders and their rehabilitation and integration into the society. The premature release of prisoners depends largely on their conduct, behaviour and performance in prison. This is a confirmation that they have become harmless and useful member of the society.
- The different categories of prisoners become eligible for consideration of premature releases as follows:
- The cases of women offenders sentenced to life imprisonment may be considered after completion of 7 years of imprisonment, including remission except those covered under Section 433-A of Cr.P.C. 1973 whose cases shall only be considered after completion of 14 years of actual imprisonment; cases of life convicts (men and adolescent) on completion of 10 years of imprisonment including remission except those covered under Section 433-A of CrPC, 1973 whose cases shall only be considered after completion of 14 years of actual imprisonment;
- Cases of prisoners convicted of offences such as rape, dacoity, terrorist crimes, kidnapping, smuggling including those convicted under NDPS Act, offences against the State, and undergoing life imprisonment shall be considered after completion of 14 years of actual sentence including remission;
- The cases of habitual offenders (other than those sentenced to life imprisonment) sentenced to 5 or more than 5 years imprisonment shall be considered on completion of two-third of their sentence including remission, subject to the condition that they shall not be released unless they have undergone imprisonment of five years including remission;
- Cases of non-habitual prisoners including men, women and adolescent (other than those sentenced to life imprisonment) sentenced to more than one year of imprisonment shall be considered after undergoing half of their substantive sentence, including remission subject to the condition that they shall not be released unless they have actually undergone at least one year of sentence including remission;
- The cases of women offenders sentenced for infanticide and women who have committed crime under compulsions and/or under social and cultural pressures should be considered immediately after their admission in the prison and they should be sent to the care of voluntary organizations of good repute.
- cases of prisoners above 65 years of age and infirm offenders other than those serving life imprisonment shall be considered on completion of

one third of their substantive sentence including remission, subject to the condition that they shall not be released unless they have undergone at least one year of imprisonment including remission;

- Cases of offenders certified by designated Medical Board to be suffering from incurable diseases likely to prove fatal shall be considered whenever such a situation arises.
- A sentence Review Board recommends the premature release of prisoners to the Government. The sentence review board should consist of Minister in-charge, Jail Department/Principal Secretary/Home or Secretary in charge Jail Affairs/Law and Order as Chairman and Judicial Secretary/Legal Remembrancer, District & Session Judge nominated by the High Court, Director Probation Services/Chief Probation Officer, Senior Police officer nominated by DG of Police of the State not below the rank of IG of Police as members and Inspector General of Prisons (Head of the Prison Department)/ Senior Prison Officer nominated by the Secretary as member Secretary. The Board should meet once in a quarter and the Chairman of the Board can convene the meeting of the Board more frequently. The meeting shall not be held if the Coram is less than 4 members including the Chairman.

The actual position of the above mentioned rights and concessions available to convicts in different prisons of four Southern States is given below:

## **PRISONS IN ANDHRA PRADESH**

### **Central Prison, Cherlapalli**

The Prison had been housing 939 convicts including 642 lifers. The disposal of appeals in this prison was commendable as compared to the situation of appeals in some of the prisons in North Indian States. The appeals against life imprisonment had been decided within a period of 2 to 3 years in most of the cases. However, the appeals of four convicts had been pending for more than three years.

Grant of parole had been governed by the Andhra Pradesh Suspension of Sentence on Parole Rules, 1981. A convict became eligible for grant of parole after completion of 6 months from the date of his admission after conviction. The period of release on parole was ordinarily one month with no provision for extension. Government had been deciding the matter of extension in exceptional circumstances on merit. A unique feature of Andhra Pradesh Rules was that the period spent on parole was not counted as part of sentence. Habitual offenders and prisoners convicted of heinous offences or under the Arms Act, Explosives Act, Counterfeiting laws, Indian Coin Currency etc. were not eligible for release on parole.

Parole was granted on the recommendations of the District Police and Probation Officer in the first case and on the recommendations of the Superintendent

thereafter. A prisoner became eligible for second and subsequent paroles after 6 months of availing the first parole. The Superintendent of Prisons had been delegated powers to grant Escort parole for 48 hours in case of death of near relative including father, mother, wife, husband, brother, sister and children. Besides parole, this prison had a provision for granting furlough of 15 days to well-behaved convicts. Most of the lifers confirmed that they had been granted parole. It was reported that 34 prisoners were granted escort parole in 2003; and 50 convicts availed the facility of escort parole in 2004 for attending certain emergencies.

A convict undergoing life imprisonment since February 2000 expressed his grievances that his parole application had been rejected once and furlough application twice. Similarly another convict undergoing life imprisonment since February 2001 stated that his parole application had been rejected four times.

The Special Rapporteur examined the matter of premature release in detail in the light of the guidelines issued by the NHRC on the subject. The premature release of lifers in Andhra Pradesh had been ordered only under the provisions of Art.161 of the Constitution. A Committee comprising Principal Secretary to Government (Home) Prisons Department as Head and Secretary to Government Legal Affairs, Chief Legal Adviser CID Hyderabad, Additional Director General/Inspector General Police (Law and Orders), Director General/I.G of prisons as members had been considering cases of premature release. The criterion followed for considering premature release of all the lifers was that they should have completed actual sentence of 7 years and total sentence of 10 years with remission and the prisoners above 65 years were required to undergo actual sentence of 5 years and total sentence of 7 years. Almost all lifers who had completed 7 years of actual and 10 years of total imprisonment had been released on August 15, 2004. It was reported that 602 lifers including 72 of Cherlapalli prison had been released on the occasion of Independence Day 2004.

However, the cases of three convicts aged 69 years, 44 years and 38 years were not considered for premature release despite the fact that they had already completed actual sentence of 14 years and 27 days, 19 years and 3 months and 15 years and 19 days respectively. Among these three prisoners, two had been convicted and sentenced by the court of Maharashtra. Since no premature orders were issued under the provisions of section 432 Cr. P.C in this prison, these prisoners were not considered eligible for release under the provision of Art.161 of the Constitution of India, presumably because of gravity of their offence.

The Guidelines issued by the NHRC had not yet been given any effect. In fact, neither the Addl.IG Prisons, nor the DIG Prison, Telengana region had seen these guidelines, which in all probabilities must be lying in the Home Department.

## **District Jail, Karimnagar**

It was reported that all the 37 convicts constituting about 8 per cent of the total prison population were found to be happy with the living conditions. The one lifer under temporary transfer to this jail stated that he had availed the facility of parole. A prisoner undergoing 10 years sentence in this jails with effect from 5.1.2004 complained that he had not been given the benefit of set off period of one year admissible U/S 428 Cr.P.C. despite sending three applications by him. He had been originally lodged in Warangal Jail and then at Chanchalguda prison before coming to Karimnagar.

### **Suggestion**

- The Jail Superintendent needs to bring this matter of premature release of three prisoners to the notice of the District Legal Service Authority.

## **Open Air Prison, Cherlapalli**

Open Air Prison, Cherlapalli had been holding 73 convicts including 66 lifers on the day of the visit. Parole provisions had been relaxed in case of inmates of the Open Prison. The prisoners could be released on parole by the Director General/ Inspector General of Prisons himself. The police verification report was an essential requirement for the first release only and the prisoners could be released subsequently on their personal bonds just on the recommendations of the Superintendent. Prisoners were also entitled to furlough twice a year for 10 days each time on personal bond.

It was reported that the rejection rate of parole was not very high in this Open Prison for example the number of rejected cases for parole were 13 out of 48 in 2002; 2 out of 85 in 2003 and 1 out of 77 cases of parole upto November 30, 2004. However, 11 lifers despite completion of 5 years of actual imprisonment and recommendation by district probation officer could not be granted parole either due to police report not supporting grant of their parole or police report was being awaited. The inmates of Open Prison had been earning remission of 30 days in a month.

The inmates of open prison were given preference in the matter of premature release under Article 161 of the Constitution. They used to become eligible for release after spending a minimum period of 3 years in open prison. The Standing Committee recommended cases of all those inmates for premature release who had completed 7 years of actual sentence including 3 years in open prison and 10 years total imprisonment including remission. It was reported that 103 inmates of open prison had been released on April 13, 2004. However, one case belonging to prohibited category for having convicted U/s 302 IPC r/w Section 4 of Dowry Prohibition Act had been rejected.

## **Suggestions**

- The above mentioned 11 cases of lifers who had not been granted parole due to police report not supporting grant of parole or non-receipt of police report call for intervention if the DG/IG Prisons. If the request for furlough or parole is rejected repeatedly by the police, the DG/IG Prisons should refer the matter demi-officially to the Superintendent of Police concerned and ask him to get the report of the Police station verified in order to guard against abuse of powers by the local police.
- The request of transfer of prisoners to open Jails near to their native place may be considered sympathetically to enable their family members to meet them frequently.
- The talented prisoners like singers should be encouraged in their pursuit by approaching some voluntary agencies to record their songs for commercial purposes.

## **State Jail for Women, Hyderabad**

This prison had been holding 98 convicts including 67 lifers. Parole had been granted liberally as per the Andhra Pradesh Prisons Rules. For example only one out of four applications received for parole in 2002 was rejected; no application was rejected in 2003 and of the four prisoners applied for parole in 2004, two had been granted parole and cases of two were pending with the Government at the time of the visit.

Some of the convicts during the course of their interaction with the Special Rapporteur stated that no member of their families had visited them for more than one year because they belonged to districts outside Hyderabad and their families being extremely poor could not afford the journey expenditure. The DIG prisons agreed to consider their request for temporary transfer to their Districts.

A convict sentenced to life imprisonment stated that her appeal filed in the High Court had been pending for more than 3 years and another complained that her request for parole had been rejected 3 times because of her inability to arrange sureties due to poverty.

## **PRISONS IN KARNATAKA**

### **Central Prison, Parappana Agrahar Bangalore**

The prison had been housing 1530 convicts including 898 lifers and 12 female convicts. Parole had been granted in this prison as per rule 191 of Karnataka Prison Rule 1974. Under this provision, the prisoners applying for parole were required to execute a Bond from two satisfactory sureties for a sum of Rs. 3000 each or in lieu of such sureties, the prisoner should deposit an amount of Rs.

6000 in cash along with an undertaking that he would return to the prison before the expiry of the period of his temporary release. Though the amount of deposit had been reduced from Rs. 6000 to Rs.3000 as a result of an amendment to the said rule notified by the Government of Karnataka on 20 February 2004, but a large number of prisoners could not avail parole facility due to their inability to deposit Rs. 3000 on account of poverty.

The rejection rate of granting parole was quite reasonable in this prison. Parole was granted to 192 prisoners and 21 cases were rejected in 2003; 154 prisoners were granted ordinary and 70 extraordinary parole and 42 cases were rejected in 2004; 194 prisoners were granted ordinary and 126 extraordinary parole and 46 cases were rejected in 2005 and 29 prisoners were granted ordinary, 25 extraordinary parole and 4 cases were rejected till February 2006; 93 cases of ordinary and 26 of extraordinary parole were pending with the District Authorities and 17 at the Prison Head Quarters.

Premature release in Karnataka was not being ordered u/s 432 of Cr.P.C which provided for actual imprisonment of 14 years without remission in respect of convicts undergoing life imprisonment for an offence for which death was one of the punishments provided by Law. The premature release of lifers in this prison was being ordered only under the provision of 161 of the Constitution. The eligibility for premature release under this section was 10 years actual incarceration for male lifers and 5 years for female lifers. The recourse to constitutional provision of Art 161 as a matter of routine in this prison had nullified the effect of Section 433A introduced in 1978 following a ruling of the Apex Court. As a result the Central Prison, Bangalore was not holding any lifer who had completed 14 years or even 12 years imprisonment.

The only exceptions were 4 lifers belonging to Maharashtra State whose release was to be governed by the practice being followed in Maharashtra. Similarly, The premature release of an ex-army convict sentenced to life imprisonment by General Court Marshal in 1992 and kept in Central Prison, Bangalore was rejected even after completing 10 years of imprisonment because premature release of ex - army personnel convicted by Court Martial had to be cleared by the Army authorities which in the interest of uniformity had been following 14 years rule 433A of Cr. PC. It was reported that 106 premature releases had been ordered on January 26, 2005; 57 on August, 2005; and 61 on January 26, 2006. These included 64 lifers.

### **Suggestion**

- The grant of parole should be governed by conditions regarding the conduct of the prisoner in Jail and his undertaking about satisfactory conduct during the period of parole and other conditions. The Government may consider reducing the amount of deposit further from Rs. 3000 to Rs. 1000.



### **District Prison, Mangalore**

This prison had been holding 21 convicts including 4 lifers and 6 female inmates. No case of parole was handled at District Jail.

### **Open Air Jail, Koramangla**

This prison had been housing 29 convicts on the day of the visit. Most of the prisoners had been availing admissible parole facility of 30 days in six months. The duration of parole could be extended to 90 days by Inspector General (Prisons). It appeared that the information relating to the amendment to Rule 191 of KPR reducing the amount of cash deposit with application of parole from Rs. 6000 to Rs. 3000 in case the prisoner failed to arrange two sureties had not percolated down as neither the Superintendent or the Jailer were aware of the amendment to Rule 191 of KPR.

A prisoner staying in the Open Air Jail for the last one and half year stated that he applied for parole twice from the Central Jails Bangalore but his parole request was rejected every time. He was advised to send fresh application. Another prisoner mentioned that he was not granted parole despite his case being recommended by Jail Superintendent due to non-receipt of report from police authorities.

### **Suggestions**

- The Prison authorities should take into consideration the amendment to Rule 191 KPP made at the instance of National Human Rights Commission reducing the amount of cash deposit from Rs. 6000 to Rs. 3000.
- Jail authorities need to resort to the provision of the amended Rule 191 KPR, which states that non-receipt of report from the Executive Magistrate and Police within the stipulated time will be deemed as a favorable report for grant of parole.

## **PRISONS IN KERALA**

### **Central Prison, Thiruvananthapuram**

The Parole provisions of Kerala Jail Rules were fairly liberal. Under the Kerala Jail Rules, ordinary parole was admissible to well-behaved prisoners sentenced to imprisonment of one year and above and emergency parole/leave was granted in very exceptional circumstances such as death, serious illness or marriage in family. The Superintendent was authorized to sanction emergency leave upto 7 days and the IG (Prisons) up to 10 days at a time. The ordinary parole was granted by DG (prisons) up to a period of 30 days only at a time on receipt of favourable recommendations from the local police and execution of a bond by prisoner with two sureties of Rs 10,000 each undertaking to return to the prison on the expiry of

parole. This obviously limits the availability of parole facility only to the prisoners belonging to the well-off sections of society.

It was reported that ordinary parole had been granted to 116 prisoners in 2002, 122 in 2003 and 127 till 29 October. Six cases of parole were rejected in 2002, 9 in 2003 and 3 in 2004. The emergency parole had been granted to 123 prisoners in 2002, 88 in 2003 and 93 till 29 October 2004 and no case of emergency parole was rejected between 2002 and 2004 except one case rejected in 2004.

There was lack of uniformity in matter relating to premature release of lifers in different prisons of Kerala and guidelines issued by the NHRC on premature release of prisoners vide 233/10/97-98 dated 8.11.99 and 26.9.03 had not yet reached office of DG (Prison).

Premature releases of prisoners are being ordered on the recommendations of two separate Bodies. Kerala Prison Rules 1958 provided for the constitution of a Prison Advisory Board to recommend cases of premature release u/s 432 Cr.P.C. The cases of all lifers who had completed actual imprisonment of 14 years excluding remission were referred to the Board. Premature release was also ordered on the recommendations of the State Prison Review Committee under article 161 of the Constitution. The cases of lifers who had completed 8 years of actual sentence and 10 years with remission were considered by the State Review Committee under Article 161 of the Constitution. The Review Committee had been constituted in accordance with Home Department G.O (MS) No. 130/2004-Home dated 31.3.04. The Committee comprised of the retired Judge of the High Court as Head and 7 other Members including Secretary (Home), Law Secretary and Addl. Director General of Prisons. The Committee was required to meet quarterly to considers the cases of life convicts who had completed 8 years of actual imprisonment including set off period but excluding remission, the nature of the crimes committed, possible effect of their release on the community and the prisoners' conduct. Professional or hired murderers, persons involved in communal/cast murders; smuggling operations; persons involved in murder of prison staff, murder of prison visitors, and public servants on duty; premeditated murder of women and children; and NDPS cases were debarred from its consideration for premature release.

Central Prison Thiruvananthapuram had been holding 15 lifers who had completed 14 years of imprisonment without remission. It was reported that no premature releases had been ordered on the recommendations of the Advisory Board under section 432 Cr.PC in respect of the Central Prison Thiruvananthapuram after 11 July 2001. The Prison Review Committee had not met after March 2001 when the last premature release order was issued. While 11 of the 15 cases of lifers were rejected by the last Review Committee due to their long period of overstay while on parole.

The Special Rapporteur interacted with the convicts to know their grievances. The complaint made by convicts included the delay in disposal of their appeals against life imprisonment, which the Superintendent informed normally takes three years; denial of parole even after completion of five to twelve and half years of imprisonment either due to adverse police report or rejection of their request for parole by police; the request made by a lifer who became severely handicapped due to an injury in the neck in an accident in jail factory for benefit of the set off period u/s 428 Cr.P.C had not been considered favourably; stoppage of Pension of an Ex-Subedar undergoing life imprisonment after 20 years of his retirement from active service due to his failure to appear before the Bank and fill up life certificate and of another Ex- Naib Subedar after his conviction in accordance with Para 29 of PCDA(P) circular No 91 of July 4, 2002 stating that the pension of the convict will be stopped from the date of his imprisonment till the competent authority issues orders to the contrary. His case had been referred to PCDA (P) Allahabad, Pension Sanctioning Authority.

### **Suggestions**

- The cases of prisoners who had been in jail from 1988 to 1990 may be considered for premature release by the Prison Advisory Board.
- The Prison Advisory Board is required to hold separate meetings for the 3 Central Jails namely Thiruvananthapuram, Kannur and Viyyur; Open prison Nethukaltheri and Women prison Neyyattitnkara to consider the cases of lifers for pre mature release.
- The Superintendent needs to pursue the cases of convicts whose pensions had been stopped with the Army authorities for taking a quick action.
- The National Human Right Commission may like to ask the Government for its response in not forwarding the guidelines issued.

### **Central Jail Viyyur, Kerala**

This prison had been housing 387 convicts including 167 lifers on the day of the visit. The appeal petition of 24 convicts had been pending in the High Court for one Year. Prison advisory board had been constituted with Head of the Department of Prisons as the Chairman and Superintendent of Police, District Collector, District Judge, District Probation Officer and three nominated persons including MLA's and MP's as members and Jail Superintendent as Secretary to consider cases of pre-mature release, parole and remission. The Prison Advisory board had been following the procedure as per the guidelines of NHRC and Section 433 Cr.PC. The convicts complained that parole had been denied to them on account of unfavourable police report.

## **Open Prison, Nettukaltheri**

This prison had been holding 234 convicts including 233 lifers on the day of the visit. The well-behaved prisoners used to become eligible for home leave of 15 days in a year after completion of one year in the Open Prison. This was in addition to the ordinary parole admissible to prisoners under the Prison Rules, 1958. Home leave was granted on the recommendations of the Probation Officer concerned. Most of the prisoners confirmed that they had been availing home leave as well as ordinary leave.

However, three convicts had not been granted home leave even after completion of two to three years in the Open Prison because the probation officer had not given his report; some convicts had never been granted a single parole even after completion of 9 to 14 years of imprisonment; a prisoner had not been granted emergency parole to see his ailing father undergoing treatment in the medical college even after completion of 11 years of life imprisonment and 2 years in the Open Jail due to non-receipt of police report from his district.

The cases of two convicts who had completed more than 15 years of actual imprisonment and another two convicts who had completed 14 years of actual imprisonment were not found fit for release by the Prison Review Committee which met last in Feb. 2001. They were eligible for consideration by the Jail Advisory Board for pre-mature release u/s 432 Cr.PC. DIG (Prison) informed that the Prison Review Committee had held three meetings, the last one on 31 October, 2004 for examining 332 cases for the entire State including 132 of open prison.

### **Suggestions**

- Deputy Inspector General (Prisons) should bring the cases of these convicts who had not been granted home leave, ordinary parole and emergency leave even after completion of the required time in the prison to become eligible for this concession to the notice of the Director General Prisons.
- Since parole is being granted solely on the basis of police recommendations, a senior officer of suitably senior rank should do some sample check to ensure that the powers vested with the police to recommend parole are not being abused and prisoners are not being denied their legitimate concession without sufficient reasons.

## **Women Prison, Neyyattinkara**

This prison had been holding 21 female convicts on the day of the visit. The convicts made no complaints. The case of a lifer who had completed 13 years of imprisonment was fit for consideration of the Prison Review Committee.

## **PRISONS IN TAMIL NADU**

### **Central Prison I at Puzhal, Chennai**

The prison authorities had been rendering all possible help to convicts in drafting and filing their appeals. It was reported that 11 appeals filed by convicts had been pending in the High Court, Chennai.

The prevailing arrangement of granting leave had been working satisfactorily. Under the extant instructions the Superintendent of Prisons had been empowered to grant emergency leave of 15 days to the prisoners to attend the marriage/death ceremonies of their blood relations. The range DIG was empowered to grant ordinary leave of 30 days to the prisoners and the Home Department was competent to grant ordinary leave for a period exceeding 30 days to prisoners.

An advisory board comprising Collector/District Magistrate as the Chairman and Chief Metropolitan Magistrate/Chief Judicial Magistrate as the case may be, Regional Probation Officer and a non-official member nominated by Government as members had been constituted to consider all cases for premature release. The Superintendent of the Prison who acted as Secretary of the Board had been placing all eligible cases for premature release before the Board. It was reported that 5 cases of life convicts had been placed before the Advisory Board for consideration.

### **Special Prison for Women at Puzhal**

Power to grant emergency leave had been delegated to the Superintendent and the prevailing arrangement had been working satisfactorily.

No appeal cases of this prison had been pending in the High Court.

No case of premature release had been pending for consideration of competent authority.



## CONCLUSIONS AND RECOMMENDATIONS

In consonance with the functions elucidated under the Protection of Human Rights Act 1993, Members of the National Human Rights Commission and Special Rapporteurs and other officials of the Commission visited 18 prisons of four Southern States of India where prisoners had been detained or lodged for purpose of treatment, reformation or protection during the period between October 2004 and February 2011. They visited the prison premises, held discussions with prison officials and interacted with the prisoners to evaluate the living conditions and human rights position of prison inmates; and evaluate strengths and weaknesses of jail administration and management. The state wise assessment of the strengths and weaknesses of the prisons visited by them in the southern region and some recommendations are given below:

### Prisons in Andhra Pradesh

The strengths/best practices observed in prisons visited by National Human Rights Commission are as follows:

- The situation of Undertrial Prison inmates in jails under study had improved significantly due to the introduction of the following best practices/commendable measure taken by the State Government:
- The introduction of video linking by the State Government on June 16, 2003 in Central Prison, Cherlapalli; December 4, 2003 in District Jail, Karimnagar and April 30, 2003 in Women's jail Hyderabad resolved the problem of lack of police escort for producing UTPs before the court. The number of UTPs produced before the court was 7528 including 15 cases of bail on personal bond in Central Prison, Cherlapalli; 839 cases in District Jail, Karimnagar; and 1200 cases including 32 cases of bail on personal bond in Women Jail Hyderabad.
- Constitution of a coordination committee in each district with District and Session Judge as the Head and Collector, District Judge, Superintendent of Police and Jail Superintendent as members. This Committee had been meeting every quarter in the chamber of District Judge to review cases of long stay UTPs and take remedial measures for disposal of their cases.

- The constitution of a High Level Committee comprising Additional Director General of Police (Law & Order), Inspector General (Prisons), Additional Inspector General (Prisons), Deputy Commissioner of Police (Central Armed Reserve) Hyderabad and Commandant Special Armed Reserve Central Police Lines Hyderabad by the State Government for periodical review of production of UTPs in the Courts. The Committee had been reviewing the production of remand prisoners in courts every month to identify problems and take prompt action.
- A great importance had been assigned to the education of the prisoners. Besides encouraging the prisoners to pursue higher education through correspondence courses by offering certain incentives like exemption from examination fee, grant of special remission etc., the literacy classes had been run for the illiterate prisoners. It was reported that 30 students had acquired BA degree and one student obtained MA degree in Central Prison, Cherlapalli during the period between 2001 and 2003.
- The liberal parole rules. The jail Superintendent had been delegated powers to grant 48 hours Emergency parole under Police Escort in emergency situation to enable the prisoner to attend death ceremonies of near relative including father, mother, brother, sister, wife, husband and children. These provisions need to be extended to the happy occasions like marriage in family.
- The long term convicts had been imparted vocational training in a number of trades such as steel-furniture, book-binding; printing press, carpet-weaving, tailoring, smithy, masonry; plumbing etc to enable them to earn an honest living after their release. The Construction Workers Training Institute (CWTI) Hyderabad had been engaged to train prisoners in plumbing, electric wiring, masonry skills and the Organization for Environment Protection had been engaged in conducting training programmes for prison inmates in "Solid Waste Management Project" at Central Prison Cherlapalli and Open Jail Cherlapalli. Another organization had been engaged to conduct training programme in 26 trades including fashion designing; jute-bags making; zari work; woollen knitting, glass-painting, dry-cleaning and laundry shop maintenance etc., in all Prisons of Telengana region.
- The basic needs for food, water, clothing and bedding of prisoners had been met satisfactorily in all the five prisons of Andhra Pradesh and the revision of Diet scale recommended by the expert committee was under consideration.

Problem areas/weaknesses of these five prisons of Andhra Pradesh are as follows:

- Inadequate health facilities due to the following factors:
- No specialist had been visiting these prison hospitals;



- No prison except the Open Air Prison Cherlapalli had the ambulance facility.
- Sub-jail Bhongir did not have its own medical facilities. A doctor from the district hospital deputed to visit this jail on every week and also come on call had not been visiting the jail regularly in accordance with the instructions. Moreover, only a meager amount of Rs 100 per month was paid to medical officer for the said purpose.
- The number of deaths in these prisons in Andhra Pradesh had been increasing steadily. The examination of relevant records revealed that the instructions issued by the National Human Rights Commission regarding mandatory Post Mortem Examination and magisterial inquiry for each and every case of death of a prisoner were not being followed strictly. A number of lapses had been observed in this regard in the Central Jail Cherlapalli. While intimation about custodial death was received at the Commission within 24 hours, the detailed reports were inordinately delayed.
- The plight of women prisoners especially UTPs presented a prominent weakness of the jail administration in Andhra Pradesh. The women UTPs were lodged only at the Central and District Jails. Sub Jails were also keeping women UTPs earlier in separate enclosures guarded by a female Warder engaged on contract/daily wage basis. This arrangement had been stopped since the contingency paid Staff was replaced by Home Guards. As female Home Guards were not available at most of the places, the women UTPs had been moved out from Sub Jails and lodged at the District Jail/Central Jail. This had been causing hardships for the women prisoners in their court appearance and their family members visiting to meet them.
- The Legal Aid system meant to serve the poor prisoners also needs a critical evaluation to see whether it is functioning effectively. It was observed that a number of UTPs had not been provided any legal aid and some of those to whom legal aid had been provided were not happy with the performance of the legal counsel. The procedure involved in providing legal aid to the indigent prisoners was found to be time-consuming. The order passed by the competent authority had been taking on an average more than a month to reach the Counsel.
- The issue of premature release of lifers being ordered under the provision of Art. 161 of the Constitution calls for a critical examination. As no orders are being issued u/s 433 Cr. PC, the provision of section 433 (A) introduced to give effect to an important judgement of the Supreme Court are being circumvented by taking recourse to the constitutional provision. The National Human Rights Commission guidelines on this vital issue had not been given any effect till the time of the visit.

## Prisons in Karnataka

The strengths of prison administration observed in these four prisons of Karnataka under study were:

- The situation of Undertrial Prisoners in jails under study is expected to improve due to the introduction of the following best practices/commendable measure taken by the State Government:
- Introduction of video linkage facilities;
- Holding of Jail Adalats.
- The basic needs for food, water, clothing and bedding of prisoners had been met satisfactorily in all the four prisons visited in Karnataka.
- A distinct improvement was noticed in the care of mentally ill prisoners.
- The Prisons in Karnataka had developed excellent facilities for vocational training and gainful engagement for the convict prisoners. Considering the availability of infrastructure, the number of skilled prisoners and the quality of finished products, there was ample scope for the expansion of these facilities further and make them effective in ensuring rehabilitation of the released prisoners. The wages had been revised in 1999 following the Supreme Court's directions in Gujarat Vs. High Court of Gujarat 1998 (7 SCC) 392.
- In accordance with the recommendations of the National Human Rights Commission, the provision of depositing cash amount of Rs. 6000 in lieu of Sureties had been reduced to Rs. 3000.
- The civil society was involved in the matters of prison to some extent. The members of religious, philanthropic and academic bodies had been making occasional visits to the prisons.

The problems/weaknesses observed in these prisons are as follows:

- The total strength of prisoners held in the Open Air Jail, Koramangala was less than 1/3rd of its authorised capacity. Production in both agriculture/horticulture and dairy sections had been falling steadily. While other States are expanding the facility of Open Air Jails, the State of Karnataka is allowing it to waste.
- Karnataka was the only State in South India which did not have any women prison exclusively for women prisoners. Separate enclosures had been earmarked for female prisoners in all the Central and District Jails. The most objectionable practice observed was supervision of women enclosures by male staff due to inadequate female staff.

- The education and recreational facilities were rather poor for example the supply of Newspapers and Magazines to prisoners was highly restricted. The subordinate jail Staff lacked sensitivity towards such needs of prisoners.
- Sub Jail Chickaballapur had no sanctioned posts of medical staff and no medical facilities of its own. The Medical Officer from Sub Divisional General Hospital deputed to visit this jail every month was not visiting this jail regularly.
- The Taluk Sub Jail Chickaballapur did not have the basic facility of fans for prison inmates. There were no fans in the cells despite the fact that temperature in the summer months went up to 40 degree centigrade. The prison authorities mentioned that ceiling fans in the over-crowded Cells having low ceiling could be a hazard for inmates with suicidal tendency.
- The suggestion of the Supreme Court in Gujarat Vs. High Court of Gujarat 1998 to deduct a part of prisoners' wages for payment to victims' families had not been implemented. This had been done in a number of States including Tamil Nadu.
- Instructions of National Human Rights Commission relating to deaths in jail had not being adhered to strictly in Karnataka. The intimation about the incidence of death in jail had been sent promptly to the NHRC, post-mortem examination had been conducted in every case of death in jail. However, the Commission's instructions regarding the detailed probe into each case of death were not being followed strictly in Karnataka. The concerned Deputy Commissioners had not been ordering magisterial inquiries in every case.
- The Commission's guidelines about premature release of life convicts had not been given effect. Persons undergoing life imprisonment in Karnataka were being released prematurely only under the provision of Article 161 of the constitution. The standard provision of Sec. 433 Cr.PC with provision of section 433(A) had not been used. Orders of premature release were issued only on special occasions such as Independence Day and Republic Day.
- The time-tested system of Board of visitors had gone defunct. It needs to be revived by nominating committed and dedicated persons as non-official members.

## **Prisons in Kerala**

The strengths best practices observed in six prisons of Kerala visited by NHRC are as follows:

- The Undertrial prisoners constituted less than 60 per cent of the total prisoners in Kerala against the national average of 70 per cent. The position

of UTPs was slightly better in Kerala due to the best practice of regular visits made by the judicial authorities including District/Sessions Judge and CJM to jails in Kerala to review the state of UTPs and hear complaints from prisoners.

- The disposal of appeals against the award of life sentence was quite expeditious in Kerala.
- The parole provisions in Kerala were very liberal in granting emergency leave to well behaved prisoners. For example, Superintendent was authorised to grant emergency leave upto 7 days and Inspector general upto 10 days in exceptional circumstances like death and serious illness and marriage of some very near relative.
- The work programmes had been running efficiently in the Central prisons as well as in Open prison Nettukaltheri. Almost all the inmates in these prisons were being provided vocational training in useful trades to prepare them to lead honest life of a law abiding citizen after their release from the prison. The inmates involved in different works programmes of the jails had been paid wages in a transparent manner to minimize malpractices and irregularities.
- The basic needs of prisoners including food, water, bedding and clothing had been met satisfactorily.
- Central Jail Viyyur, Kerala had displayed the rights of prisoners to communicate with their friends/relatives/family members in the prison.

The problems/weaknesses observed in six prisons of Kerala visited by NHRC are as follows:

- The grant of ordinary parole upto 30 days by the Director General (prison) was subject to the receipt of favourable recommendation from the local police and execution of bond with two sureties of Rs. 10,000 each by the prisoners that he would return to prison on the expiry of parole. This limited the parole facility to well off sections of the society and resulted in repeated rejection of parole applications in some cases.
- The inadequate health cover was a major deficiency of jails in Kerala. Proper jail hospitals with staff of their own were available only in the Central Jails including Thiruvananthapuram and there was absence of proper medical facilities in all the District jails, and Sub jails. These Jails had been served by visiting Doctors from the nearest Government hospital.
- The standard of sanitation and hygiene was poor in most of the jails.
- The recreation facilities were inadequate in all jails. The jails were not provided even the elementary facility of TV as one or two TV sets had

been provided for the entire jail. Facilities of outdoor game were non-existent and the facilities of indoor games such as carom and chess were inadequate.

- The time-tested system of the Board of visitors provided under the jail rules had gone defunct in all the jails. The Commission's directions on the subject communicated to the State Chief Secretaries had not evoked any positive response.
- Another negative feature of the jail administration of Kerala was the absence of NGO's involvement in the education, recreation and welfare of prisoners. Although one or two NGOs had been associated with some jails but no serious attempt had been made to identify and involve NGOs in promoting the welfare and rehabilitation of prisoners in a systematic way.
- The women prisoners were housed in all the jails including Sub-jails. Their plight reflected poorly on jail administration in Kerala due to the following reasons:
- The supervisory arrangement for Women prisoners kept in separate enclosures and guarded by female warders were quite poor. Female Head warders/matrons had not been provided even in jails at District Headquarters.
- Medical facilities for women prisoners were almost non-existent in most of the jails.
- All the women prisoners sentenced to more than 6 months had been lodged in the only Women's jail at Neyyattinkara at the southern end of the State. This caused obvious hardships to the families and deprived many women prisoners of the comfort of visits by their near and dear ones. Consequently, a good number of women prisoners were found to be suffering from mental depression.
- The issue of premature release of prisoners particularly the lifers had not received proper attention of the Government since 2001. No premature release of lifers had been ordered after July 2001. A number of lifers who had actually completed 14 years of imprisonment without remission were entitled to have their cases considered for premature release u/s 432 Cr.PC. It was reported that the State Prison Review Committee constituted in accordance with Government's order dated 31.3.2004 had held a couple of meetings to consider the cases of eligible prisoners for release under Article 161 of the Constitution. The response of Kerala Government to the Guidelines issued by the NHRC on the subject in November, 99 (modified in September, 2003) was still awaited.

## Prisons in Tamil Nadu

The strengths/best practices observed in three prisons under study are as follows:

- The basic needs for food, water, clothing and bedding, personal hygiene and sanitation of prisoners had been met satisfactorily in all the three prisons in Tamil Nadu.
- There existed different avenues of recreation in these prisons. The recreation avenues included meditation hall, open air theatre, gymnasium, yoga and meditation. Training in light music had been imparted to talented inmates.
- Prisons had excellent arrangement for meeting different education needs of inmates. The education arrangement made in the prison included functional literacy; computer education; higher education upto BA/MA level through correspondence course, and spoken English. The prisons had well stocked library to meet different needs of prisoners.
- Vocational training had been provided in a number of market related trades and wages had been paid at the prescribed wage rates.
- In case of custodial deaths, Postmortem was done and requisite inquiry was held in each and every case of death.
- Jail Adalats had been held regularly.
- The prisons did not have the Board of Visitors but jails had been visited by District Magistrate, Superintendent of Police, Collector, and Members of State Human Rights Commission regularly.
- The prisons had been involving NGOs in various activities including education, vocational training, and works programmes, health care and recreational to a great extent.

The problems/weaknesses of the prison administration observed are as follows:

- The problems observed in case of UTPs in the prisons of this State were as follows:
  - Delay in submission of charge sheet by the police;
  - Inordinate delay in commencement of trial;
  - Shortage of magistrates for fast track courts for holding camp court inside the jail;
  - Problems in escorting UTPs to Courts & hospitals;
  - Problems in grant of bail with or without sureties.
- Problems observed in case of convicts were as follows:
  - Problems in disposal of appeals in High Courts;

- Problems in disposal of premature release applications.
- The five out of six children staying in jails with their mothers were underweight.

## **Recommendations**

In view of the above mentioned problems/shortcomings observed in different prisons of Southern region, the following recommendations may be made in the sphere of infrastructure, living conditions, education and vocational training and work programmes, medical health care and custodial deaths, prison administration and management, rights of undertrial prisoners and convicts and certain concessions available to them.

### **Infrastructure**

- The barracks and cells should accommodate prisoners as per their prescribed capacity. All the barracks and cells should be well lighted and ventilated.
- The overcrowding is the root cause of deplorable living conditions of the jails as overcrowding throws every system and facility out of gear. It constitutes a glaring violation of the basic human rights to life which means life with dignity. The following measures may be taken to resolve the problem of overcrowding to some extent:
- The Superintendent should take suitable temporary measures to accommodate all prisoners properly and submit a report to the Inspector General indicating the circumstances leading to overcrowding and the measures to be adopted to resolve the problem of overcrowding;
- The temporary arrangement may be made to accommodate short term prisoners and under-trial prisoners involved in petty offences during the night in secure corridors/verandas, work-sheds, and tents inside the prison;
- In case the overcrowding is likely to continue, the excess prisoners may be transferred to other institutions or camps as the case may be with the prior approval of IG (Prisons);
- A map showing the location of different Central/District/Sub-jails/Women Special Jails/ and Open Air Jails in a state; a map of the concerned Central Prison complex, District prisons, Special Prisons for Women, Sub Jails and Open Air Jails along with organizational chart and the incumbency chart of the concerned jail should be placed on the wall of the Superintendent's room.
- A plate indicating the size of the ward and the number of prisoners it is capable of accommodating should be recorded on a plaque embedded in the outer wall of ward.

- Sampling of trees should be planted in the rainy season to add greenery to the surroundings. The soil should be tested to ascertain the nutrients and suitability of soil for planting particular species. Thereafter suitable samplings should be collected and planted with the help of the horticulture department.
- The grass shall be grown and trees planted shall be kept neatly trimmed in and near the prison if possible. The prisons shall also maintain gardens if space permits.
- To make the building of the prison damp proof and to ensure that no leakage and seepage takes place, a grade plaster and bitumen treatment of the roof should be done.

## **Food**

- The diet scale for persons housed in jails needs to be fixed in minimum calorie terms rather than monetary terms to offset inflation.
- A woman needs more protein and minerals than otherwise during pregnancy and lactation. The extra protein can be obtained by substituting a part of cereal portion of the diet with more milk, fish, meat and eggs and in case of vegetarians by concentrating more on milk and milk products.
- The variety in diet may be introduced by preparing different kinds of pulses, vegetables and antiscorbutics on different days of the week or for different meals. Superintendent may lay down menu for different days of the week.
- The Special dietary needs of the children staying with their mothers in the prison should formally be incorporated in the scale of food.
- The delivery of food to various blocks needs improvement by replacing the primitive method of carrying food with trolleys.
- Director General (Prison) may like to reassess the rates fixed for special food on festival and national days.
- In view of the extremely strenuous job of cooking in terms of duration, discomfort and hazard, the prisoners working in the kitchen should be paid wages at higher rates. The DIG (Prisons) HQ. may get the kitchen work categorized appropriately for enhancement of wages within the prescribed scales.
- The cooks engaged in cooking should be regularly examined to make sure that they are not suffering from any infection.
- The necessary arrangements should be made for cooks to wash their hands with soap and change into clean uniform before starting to cook and serve food.



## **Water**

- The prison authorities need to make institutional arrangements under which samples of water should be drawn at an interval of six months and sent to approved PH testing laboratory for test and certification that the water is free from chemical and bacteriological impurities and it is also free from excess iron, sodium, calcium, magnesium, and fluoride. In case bacteriological and chemical impurities are found, the corrective measures should be taken to remove the impurities.
- The overhead tanks are required to be cleaned regularly with the state of art technology with mechanized dewatering sludge removal, high pressure cleaning, vacuum cleaning, anti - bacterial spray.
- In view of the general possibility of pollution in the source of underground water due to discharge of effluent, a Reverse Osmosis (RO) plant may be installed to ensure supply of potable water to prison inmates.
- Keeping in view the cost effectiveness, arrangements should be made for rainwater harvesting and recycling of water to improve the water supply to the prisons.
- The warder on duty must ensure availability of sufficient quantity of water for prisoners before they are locked in.

## **Clothing and Bedding**

- The State Governments may consider providing rubber chappals in the prescribed scale as has been done by many other states.
- The State Governments may consider providing cots to female prisoners and also to aged male prisoners as has been done by Women Prison Neyyattinkara.
- Most of the prisoners showed their preference for Payjama over Nicker. DGPs need to examine this in detail.

## **Personal hygiene and sanitation**

- The state Governments should provide tooth powder, bathing soap as has been done in other states for ensuring personal hygiene of prison inmates.
- The provision of sanitary napkins for female should formally be included in the prescribed scales.
- The manual washing of clothes needs to be replaced by a steam laundry for the personal hygiene and convenience of inmates.

## **Recreational and Cultural activities**

- The Jail must have the necessary infrastructure/recreational facilities such

as play grounds for outdoor games like volleyball, auditorium for cultural activities, indoor games, yoga etc.

- The Carom boards and Chess boards should be provided in the prisons as per the prescribed scale of one Carom board for 25 and one Chess board for 20 prisoners.
- The TV sets should be installed in all the barracks and Cells of the prison.
- Prison authorities should involve NGOs in recreational and cultural activities and seek their help in procuring more TV sets for prison inmates.
- Convicts endowed with tremendous creative talent should be encouraged to exploit their talent to the fullest extent.

## **Communication**

- Suitable waiting rooms may be provided in every prison to enable visitors to wait their turn for interview. They may be given a token to wait their turn.
- The privileges of interview with visitors and writing and receiving letters, should be contingent to good conduct. In case a prisoner abuses any of the privileges relating to the holding of an interview, or writing of letters, or of communication with persons outside the prison, he should be deprived of such privileges.
- Central Jail Viyyur, Kerala's best practice of providing coin box telephone facility may be followed by all prisons of these four Southern States by providing public call office (PCO) facility inside the prisons.
- Central Jail Viyyur, Kerala's best practice of displaying the rights of prisoners to communicate with their friends/relatives/family members in the prison may be followed by other prisons of the country.

## **Education**

- Education in prison should be pursued as an important means of reformatory treatment. It implies not only providing literacy but also inculcating values among prisoners as are conducive to their social mainstream.
- The social, moral, cultural and spiritual education should be used to erase the memory of past bad experiences among prisoners. The superintendent and other prison personnel should take keen interest in implementing the education programmes in its proper spirit.
- The prison authorities should devise diversified educational programmes for different groups of inmates by keeping in mind their educational and cultural background. Special attention should be paid to develop suitable educational material for women prisoners, young and illiterate inmates.

- A proper survey should be conducted to ascertain the levels of literacy and extent of literacy among the prisoners. On the basis of the findings of the survey, volunteers should be identified from amongst the prison inmates who are literate and willing to teach. The matching and batching among literate and willing volunteers and potential learners (who are illiterate or semiliterate) should take place under direct personal supervision of the Superintendent.
- The literate inmates willing to impart education to illiterate inmates should be given brief orientation as to how to teach.
- The literate inmates imparting education to illiterate and semiliterate prisoners should be paid wages at the rate of skilled labour.
- The NGOs should be involved in providing education to the illiterate and arranging education for the children of female prison inmates.

### **Vocational training and Works programmes**

- The States should provide appropriate facilities and professional personnel for imparting vocational training to prison inmates in market related trades. The programmes chalked out for prisoners should aim at providing work programmes for up-gradation of their skills and their rehabilitation.
- The prison authorities should undertake a survey amongst prison inmates to ascertain their background, mental and physical capabilities, skills and trades already learnt by them and the new skills/trades they want to learn. Keeping in view the market trends and individual preferences and interest in different available trades in the prison factory units, vocational training should be imparted to prison inmates to improve their skills, enhance their productivity, ensure their better participation in the works programmes, and their rehabilitation after release from the prison.
- The prison authorities should conduct market survey to ascertain marketability of products and demand for different services in the market before selecting trades for imparting training and engaging prison inmates in works programmes. Keeping in view the market trends, vocational training should be provided and the prison inmates should be engaged in the construction work, masonry, carpentry, plumbing, electric fitting, tailoring, fabrication of ready-made garments, leather work, prison servicing, agriculture, horticulture, dairy, poultry, floriculture, maintenance of diesel engines and electric pumps, tractor repairing, automobile servicing and repairing, cane work, basket making, pottery, book binding, typing, computer operating, stenography, embroidery, hosiery, bakery, printing, weaving, soap making, candle making, toy making, etc. The work programmes should also include essential institutional maintenance

services like culinary, sanitary and hygienic services, prison hospital, repair and maintenance services and other prison services.

- The work programmes in the open prisons should include agricultural activity, industrial units and agro based production units. Dairies and poultry farms should be developed in open farms on commercial lines under proper technical guidance and supervision. These may also be operated from closed prisons.
- The Government departments should give preference to prison products while purchasing articles for office use. Showrooms should be opened outside the prison gates and at other places for promoting sale of products of prison industry. A brochure should be prepared for information of the public about the products being sold along with their prices.
- The prisons authorities should clear all the dues of the prison inmates at the time of their release from the prisons.
- The system of upgradation of prison inmates from unskilled to semiskilled and skilled category needs to be streamlined and made transparent.
- Prison authorities should make efforts to involve more NGOs in vocational and prison works to impart training to prison inmates in various trades.

## **Medical Care**

- The size of the ward and the number of prisoners it is capable of accommodating should be recorded on a plaque embedded in the outer wall of ward. The ward should accommodate prisoners as per its prescribed capacity.
- Psychiatrists need to be posted in all jail hospitals. If the same is not possible due to shortage of psychiatrists, arrangements should be made for visits of psychiatrists on periodic basis, at least once a week.
- Collector should ensure the implementation of the instructions regarding weekly visit of a doctor to the jails which do not have their own medical facilities and a monthly visit of a lady doctor to the women sections of the prisons.
- The Mentally ill prisoners should not be kept in the prisons. The States should make proper arrangement for the medical care and treatment of mentally sick prisoners.
- Superintendents should ensure that the reports on the health status of the UTPs undergoing treatment at the mental hospitals are furnished to the courts concerned for consideration on the date of hearing.

- Special diet may be provided to TB, HIV patients, new born babies and their mothers in the prison.
- Prisoners working in the prison hospital must be paid remuneration for the services rendered by them. The rates of wages may be fixed in accordance with the proficiency acquired by them.
- The doctors deputed from the district hospital to visit Sub-jails every week do not visit the sub-jails regularly due to meagre monthly amount of Rs 100 paid to them. The monthly amount of Rs. 100 may be increased to at least Rs. 500 to ensure a proper medical cover to the inmates of these prisons.
- One ambulance should be provided to every jail.

## **Custodial Deaths**

- The National Human Rights Commission needs to be informed about every custodial death within 24 hours of its occurrence.
- Post Mortem examination should be done in every case of custodial death.
- Magisterial inquiry should be conducted in each case of custodial death.
- Detailed report needs to be sent to the commission within prescribed time of two months.

## **Human Resources**

- The efficient functioning of the prison depends upon the educational qualifications, sound training, professional competence and personal qualifications and character of the prison personnel. The states Government should pay special attention to orientation and training of prison staff to change their mind-set from custodial to correctional approach. More training institutions should be set up for such staff.
- All the vacant posts in the prisons should be filled at the earliest.
- In case the technical posts are not created or not filled due to financial constraints, suitable guarding personnel should be trained for the purpose and their services should be availed of by giving them special allowances.
- The women section should be manned only by women staff both at the guarding and supervisory level. A post of Head Warder or Matron should be sanctioned for the women section of the prisons for proper supervision over female staff.
- The prison staff should be provided adequate number of staff quarters to enable them to stay in the prison campus.

## **Board of Visitors and Judicial Visits to Prisons**

- The Board of Visitors should be constituted in the prisons which did not

have this institution and should be revived where the institution of Board of Visitors have gone defunct.

- The Judicial Authorities should visit the jails regularly in accordance with the Prison Manual and Prison Rules.

### **Jail Adalats**

- In accordance with the directions of the Supreme Court, Jail Adalats should be held in State Jails. The concept of trial of petty offences and disposal of the cases on admission of guilt by offenders is sound. The best practice of holding Jail Adalats in Women Hyderabad; Central Prison Agrahar Parappana, Bangalore; and Central Prison II at Puzhal, Chennai should be extended to all prisons in the country. Necessary infrastructure should be created by making available the space for setting up the court room and appointing a Magistrate to try petty offences.

### **Involvement of NGOs in prison activities**

- The State should encourage voluntary participation of the community and involve NGOs on an extensive scale in prison programmes such as health, education, recreation and cultural functions, vocational training, safety & welfare/total well-being of the prisoners, providing legal aid to needy and genuinely deserving inmates, rehabilitation of prisoner after release from prison. The Government should provide financial assistance and other assistance to NGOs to extend help to the prisoners and ex-prisoners.

### **Convicts and Undertrial Prisoners**

- Every newly admitted prisoner on admission to prison should be subjected to a programme of orientation so as to inform him about the rules and regulations. His rights and duties as a prisoner should be displayed clearly at each part of the prison and explained to him in a language he understands.
- The States should provide free legal aid to all the needy prisoners and the advocates appointed by the States should take necessary interest in the cases of their clients.

### **Undertrial Prisoners**

There is predominance of undertrial prisoners in most of the jails. Majority of the prisoners were found to be coming from poor and under privileged sections of society with rural and agricultural background. Many of them are seen languishing in the jails for committing petty offences. The plight of Undertrial prisoners suffering all the hardships of incarceration can be attributed to slow progress of their cases in Courts and the operation of the system of bail to the disadvantage of these poor and the illiterate undertrial prisoners. To resolve the problem of overcrowding in the prisons and to enable the UTPs to

enjoy certain rights and concessions given to them, following steps may be taken:

- The undertrial prisoners should be classified on the basis of security, discipline and institutional programmes and not on the basis of their social status.
- Their entitlement of diet, clothing, bedding and interview of all inmates irrespective of their social status should be the same.
- The undertrial mentally sick prisoners, young offenders and women under protective custody should not be lodged with undertrial prisoners.
- The prison staff should strictly enforce the provision of keeping the Convicts and Undertrial prisoners separately. The convicted prisoners should not be allowed to have any contact with the undertrial prisoners except when working in essential prison services like conservancy etc. Convicts should neither be kept in the same area where undertrials are kept nor allowed to enter the undertrial block or supervise the UTPs.
- To accelerate the pace of disposal of cases of UTPs, following steps may be taken:
  - Director General Police should personally look into the matter regarding delay in filing of charge sheets and review the same at periodic intervals;
  - Additional fast track courts need to be set up and all the vacant posts of the judiciary should be filled;
  - Special court should be held regularly in jails and Chief Justice/senior judge of the high court should monitor their functioning.
  - The cases of undertrials languishing in jails even after being granted bails simply because they were unable to raise sureties need to be reviewed after 6-8 weeks to consider their susceptibility for release on personal bonds, especially in cases where they are first offenders and punishment is also less than 3 years;
  - The process of recording of the evidence and examination police officers and medical practitioners who are witness in certain cases needs to be expedited as their transfer may compound delay in trial;
  - In accordance with the jail manuals of all the States, the District and Session Judge as an ex-officio visitor visit jails falling within their jurisdiction periodically to identify the cases of long-staying undertrials and their problems and ensure their speedy trials.
  - As mentioned in the guidelines issued by the National Human Rights Commission, the Criminal courts may scrupulously implement the following

directions given by the Supreme Court in a memorable judgment - Common Cause (a registered society) vs. Union of India, 1996 to try cases of UTPs on priority basis and to streamline the process of bail to the UTPs and make time efficient.

- a. Under-trials accused of an offence punishable with imprisonment up to three years and have been in jail for a period of 6 months or more and where the trial has been pending for at least a year, shall be released on bail.
- b. Under-trials accused of an offence punishable with imprisonment up to five years and have been in jail for a period of 6 months or more and where the trial has been pending for at least two years, shall be released on bail.
- c. Under-trials accused of an offence punishable with imprisonment upto seven years and have been in jail for a period of one year and where the trial has been pending for at least two years, shall be released on bail;
- d. The accused shall be discharged where criminal proceedings relating to traffic offence have been pending against them for more than two years.
- e. Where an offence compoundable with the permission of the court has been pending for more than two years, the court shall after hearing public prosecutor discharge or acquit the accused.
- f. Where non-cognizable and bailable offence has been pending for more than two years, without trial being commenced, the court shall discharge the accused;
- g. Where the accused is discharged of an offence punishable with fine only and not of recurring nature and the trial has not commenced within a year, the accused shall be discharged.
- h. Where the offence is punishable with imprisonment upto one year and the trial has not commenced within a year, the accused shall be discharged.
- i. Where an offence punishable with an imprisonment upto 3 years and has been pending for more than two years, the criminal courts shall discharge or acquit the accused as the case may be, and close the case.

However, The directions of the court shall not apply to cases of offences involving (a) corruption, misappropriation of public funds, cheating, whether under the Indian Penal Code, Prevention of Corruption Act 1947 or any other statute; (b) Smuggling, foreign exchange violations and offences under the Narcotics Drug and Psychotropic Substances Act, 1985; (c) Essential Commodities Act 1955, Food Adulteration Act, Act dealing with environment or any other economic offences; (d) Offences under the Arms Act 1959; Explosive substances Act, 1908; Terrorists



and Disruptive Activities Act, 1987; (e) Offences relating to the Army, Navy and Air Force; (f) offences against public tranquillity and (g) offences relating to public servants; (h) offences relating to elections; (i) offences relating to giving false evidence and offences against public justice; (j) any other type of offences against the State; (k) Offences under the taxing enactments and (l) offences of defamation as defined in Section 499 IPC.

The Judgement also does not provide for suo moto grant of bail to the petitioners by the trial courts. This implies timely filing of bail petitions and production of prisoners. The process thus needs a high degree of coordination between the judiciary, the police and prison administration.

- The District Level Review Committees for Undertrial should meet, without fail, atleast once in every 3 months and review the cases of all prisoners who are in Judicial Custody for periods of six months or more. These meetings should be presided over by the Principal District & Session Judge himself.
- Every Chief Metropolitan Magistrate or the Chief Judicial Magistrate of the area in which a District Jail falls may hold its court once or twice in a month in jail depending on the work load, to take up the cases of those undertrial prisoners involved in petty bailable offences and languishing in jails for the reason that they were not in a position to furnish bail bond to get released on bail.
- Probation of offenders Act 1958 should be extensively used to release the first time offenders.

## **Convicts**

- The incentives of leave, remission and premature release of convicts may be used for improving their behaviour, strengthen their ties with their families and early return to the society.
- The provisions for grant of leave should be liberalized to help a prisoner maintain a harmonious relationship with his/her family. However, this concession should be provided to prisoners on the basis of well-defined norms of eligibility and propriety.
- The procedure and practice followed by the Governments of four Southern States to exercise the power of premature release was not uniform. The States of Southern region should review their existing practice and procedure governing premature release of life convicts and bring it in conformity with the following guidelines issued by the Commission.
- Every convicted prisoner whether male or female undergoing sentence of life imprisonment and covered by the provisions of Section 433A Cr. PC shall be eligible to be considered for premature release from the prison immediately after serving out the sentence of 14 years of actual

imprisonment, i.e. without the remission. However, completion of 14 years in prison by itself would not entitle a convict to automatic release from the prison.

- The Commission held the view that within this category the Sentence Review Board should make a reasonable classification on the basis of the magnitude, brutality and gravity of the offence for which the convict was sentenced to life imprisonment and may release a convict, at an appropriate time considering the circumstances in which the crime was committed and other relevant factors like whether the convict has lost his potential for committing crime considering his overall conduct in the jail during the 14 year's incarceration; the possibility of reclaiming the convict as a useful member of the society; and socio-economic conditions of convict' family.
- Certain categories of convicts sentenced to life imprisonment for heinous cases such as murder with rape, murder with dacoity, murder involving an offence under the Protection of Civil Rights Act, 1955, murder for dowry, murder of a child below 14 years of age, multiple murder, murder committed after conviction while inside the jail, murder during parole, murder in terrorist incident, murder in smuggling operation, murder of a public servant on duty, gangsters, murders committed by contract killers, smugglers, drug traffickers, racketeers would be entitled to be considered for premature release only after undergoing imprisonment for 20 years including remission. The Commission held the view that the period of incarnation inclusive of remission even in such cases should not exceed 25 years.
- Among convicted prisoners not covered by section 433A, Cr. PC undergoing the sentence of life imprisonment, male convicts would be entitled to be considered for premature release after they have served at least 14 years of imprisonment inclusive of remission and after completion of 10 years of actual imprisonment, i.e. without remission; female convicts would be entitled to be considered for premature release after serving atleast 10 years of imprisonment inclusive of remission and after completion of 7 years of actual imprisonment i.e. without remission; 65 years old convicts shall be considered for premature release after serving at least 7 years of imprisonment including the remission.
- Cases of premature release of persons undergoing life imprisonment shall be considered for premature release before completion of 14 years of actual imprisonment on grounds of terminal diseases like cancer, T.B., AIDs, irreversible kidney failure, cardio-respiratory disease, leprosy and any other infectious diseases, etc. as certified by the Board of Doctors can be dealt with under the provisions of Art. 161 of the Constitution.





## **NATIONAL HUMAN RIGHTS COMMISSION**

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