



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

**Status in 20 Prisons of the Eight States  
and UT of Chandigarh in Northern Region  
(Volume-II)**



**NATIONAL HUMAN RIGHTS COMMISSION  
INDIA**





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and UT of Chandigarh in Northern Region  
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and UT of Chandigarh in Northern Region  
(Volume-II)

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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 and it is the responsibility of the State to ensure protection of human rights of persons in custody; provide them best possible facilities admissible as per law to prisoners to maintain their 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 works programmes to rehabilitate them after their release from prisons.

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, Special Rapporteurs, team of Investigation division had been visiting the prisons in various parts of the country to study the functioning and performance of prisons; evaluate the living conditions of prison inmates; review the protection of human rights of prisoners; and assess the strengths and weaknesses of prison administration and management. The jails covered by Chairperson and other officials of National Human Rights Commission in the Northern Region of India are given below:

### **Northern Region**

#### **1. Union Territory of Chandigarh**

Shri Chaman Lal, Special Rapporteur visited the Model Jail, Chandigarh on 10 February, 2005;

#### **2. Delhi**

Shri Chaman Lal, Special Rapporteur visited the Central Women Jail Tihar, New Delhi on 25 November, 2003;

#### **3. Haryana**

Dr. Justice A.S. Anand, Chairperson NHRC and Shri Chaman Lal, Special Rapporteur visited the Central Jail Ambala on 18 October, 2003;

#### **4. Himachal Pradesh**

Shri Chaman Lal, Special Rapporteur visited Model Central Jail Kanda (Shimla), Open Air Jail Bilaspur, Sub Jail Shimla and Sub Jail Bilaspur from 21 to 24 September 2003;

#### **5. Madhya Pradesh**

Shri Chaman Lal, Special Rapporteur visited Central Jail Satna (MP) on 3 and 4 March, 2002, and National Human Rights Commission team comprising Deputy Superintendent Police and Inspector visited Central jail Indore and District Jail Indore on 9 and 10 March, 2011;

#### **6. Punjab**

Smt. S Jalaja, Special Rapporteur visited the Central Jail, Bhatinda, and District Jail Sangrur on 29 November, 2012;

#### **7. Rajasthan**

Shri Chaman Lal, Special Rapporteur visited Central Jail Jaipur on 16 February, 2004, Women Jail, Jaipur on 16 February, 2004. Open Air Jail Sanganer on 17 February, 2004, District Jail Tonk on 17 February, 2004 and Sub Jail Malpura on 18 February, 2004;

#### **8. Uttarakhand**

A team comprising Shri Harsharn Singh and Rajesh Kumar, Inspectors of the Investigation Division of National Human Rights Commission visited District Jail, Dehradun on 23 February, 2011;

#### **9. Uttar Pradesh**

Shri Chaman Lal, Special Rapporteur visited District Jail Meerut on 18 March, 2002, and Special Rapporteur, North Zone visited District Jail Barabanki on 9 and 10 June, 2010.

The issues covered during the visits included the following:

- Adequacy and effectiveness of physical and social infrastructure;
- Problems of congestion and overcrowding of space available in the prison;
- Institutional arrangement for keeping of 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;
- Jail Adalats (Courts);
- Board of Visitors;
- Record Keeping;
- Issues relating to trial and bail of UTPs;
- Issues relating to premature release, parole and furlough of convicted prisoners.



## 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.

Prison profile including brief history, prison infrastructure, problems of overcrowding, and types of prisoners housed in different prisons of Union Territory of Chandigarh and 8 States of the Northern region visited by Chairperson NHRC, Special Rapporteur and Investigation team of the NHRC is as follows:

### PRISON IN UNION TERRITORY OF CHANDIGARH

**Date of visit: 10 February, 2005**

#### **Model Jail, Chandigarh**

The Model Jail Chandigarh was established in June 1972 to cover the entire jurisdiction of Union Territory of Chandigarh. The jail infrastructure was designed to meet the custodial and correctional requirements. It had 9 barracks and 37 cells for keeping prisoners.

The prison had the sanctioned capacity to house 1000 prisoners including 960 male and 40 female inmates. The actual prison population of 503 prisoners including 24 female prisoners and 3 children in the age group of 4-5½ years staying with their mothers on the day of visit showed no problem of overcrowding.

The prison population of 503 inmates comprised of 107 Convicts including 52 lifers and 396 Undertrial prisoners including 18 female. The UTPs constituted 78.7 per cent of the total jail population.

Women prisoners were kept in a separate enclosure within the main campus. Against the sanctioned capacity of 40 female inmates, the female population of 6 convicts, 18 UTPs, and 3 children on the day of the visit showed no problem of overcrowding in the female section of the jail.

The jail building had sufficient accommodation to meet most of the requirements of a Central jail. However, the accommodation in the female section was inadequate for the sanctioned strength of 40 prisoners. It was reported that a proposal for construction of an additional ward for female inmates had been submitted to the Government.

### **Suggestion**

- This jail should have a separate high security ward; and a separate administrative block.

## **PRISON IN DELHI**

**Date of visit: 25 November, 2005**

### **Central Women Jail Tihar, New Delhi**

The Central Women Jail, Tihar was established on June 3, 2000 exclusively for women prisoners. The building was designed to meet the security and correctional needs of prison inmates in accordance with the modern thinking on prison management, which lays emphasis on reform and rehabilitation of prisoners. The 8 wards of the jail had 28 barracks and 54 cells.

This prison had the authorized capacity to house 400 female prisoners. The actual population of 599 prisoners on the day of the visit showed an overcrowding of 50 per cent. As this jail could easily accommodate 550 inmates, the extent of overcrowding could, therefore, be taken as marginal.

The prison population on the day of the visit comprised of 122 convicts including 55 lifers; 476 undertrial prisoners; one detainee; and 54 children in the age group of 0 to 6 years staying with their prisoner mothers. The Undertrial prisoners constituted 79.5 per cent of the total prison population.

## **PRISON IN HARYANA**

**Date of visit: 18 October, 2005**

### **Central Jail, Ambala**

Central Jail Ambala was established in the 19th century. It acquired the status of District Jail in 1872 and became a Central jail in 1947. This jail had a total land area of 55 acres; 8 main blocks and each block had 2 to 6 barracks of different sizes; and 7 Cell blocks had 135 Cells.

Central Jail Ambala had an authorized capacity to house 1228 prisoners including 1194 male and 34 female. The prison population of 2172 excluding 7 children staying with their mothers on the day of the visit showed an overcrowding of 77 per cent. The convicts held in the prison included one condemned prisoner and 413 lifers. The 1299 Undertrial prisoners housed in this jail constituted 59.8 per cent of the total prison population. Central Jail

Ambala had also been holding convicts belonging to different districts including Panipat, Karnal, Yamunanagar, Kaithal, Panchkula, Kurukshetra and Sonapat.

The women prisoners were housed in a separate enclosure within the main campus of the jail. Against the authorized capacity to house 34 female prisoners, the actual population of 111 female prisoners including 32 convicts and 79 undertrials; and 7 children in the age group of 9 months to 3 years staying with their mothers in the women enclosure showed an overcrowding of 226 percent. The women prisoners constituted 5.1 per cent of the total jail population.

### **Suggestions**

- Addl. DG (Prisons) and DC Ambala needs to get the elementary and essential facility of creche provided not only at the Central Jail, Ambala but also in all the jails where women prisoners are detained along with their children up to the age of 5 to 6 years.
- The Superintendent needs to identify a suitable female prisoner for running the Creche and she should be paid normal wages for the job.

## **PRISONS IN HIMACHAL PRADESH**

**Date of visit: 21 to 24 September, 2003**

### **Model Central Jail, Kanda (Shimla)**

The building of Model Central Jail, Kanda (Shimla) was constructed in 1999. It had 5 blocks consisting 22 barracks and 8 cells. One block having 3 barracks had been exclusively earmarked for women prisoners and another block with three barracks for juveniles although there was no juvenile in the jail at the time of the visit.

The jail had an authorized capacity to house 308 prisoners including 268 male; 15 female; 15 Juvenile and 10 better class prisoners. The actual population of 148 prisoners excluding 9 convicts on parole on the day of the visit showed no problem of overcrowding.

The prison was holding 110 convicts excluding 9 convicts on parole and 38 undertrials on the day of the visit. The 110 convicts included 46 lifers. The jail was holding only one female prisoner; 6 foreigners including 3 convicts and 3 Undertrials involved in cases under NDPS Act. The 38 UTPs held in the jail constituted 24 per cent of the jail population.

The women Jail was functioning in a separate enclosure within the main campus of the jail. A female convict undergoing life imprisonment in the women enclosure was staying with her three and half year's child. The child was regularly sent to the Anganwari centre of the adjacent village and was provided appropriate diet.

## **Open Air Jail, Bilaspur**

Open Air Jail, Bilaspur was established in 1960 on the pattern of the Sampurnanand, Model Air Open Jail, Lucknow. Prisoners of this jail were accommodated outside the premises of Jail but within the outer walls of the jail. Their barracks were not locked and they were free to move within the campus. However, the concept of Open Air Jail was not being fully operationalized.

The Open Air Jail had an authorized capacity to house 80 prisoners. The actual population of 29 prisoners including 25 lifers on the day of the visit showed underutilization of the authorized capacity of this jail to the extent of 60 percent. The annual average intake of prisoners was just 4 since 1995. It was reported that only 2 prisoners were admitted in 2001, none in 2002 and 4 in 2003. This prison despite being meant for all the districts of Himachal Pradesh did not receive any convict from the Central Jail Nahan and the Central Jail Shimla. It received 6 prisoners each from Bilaspur and Una districts; 5 from Kangra; and 4 from Kulu.

The selection of the prisoners for admission to the open air jail was made by the Additional DG (Prisons) on the basis of the report of the DM concerned which included the recommendations of the Superintendent of Police of the respective districts. The eligibility criteria for admission to Open Air Jail included age between 21 and 50 years; and completion of 8 years of sentence including remission for lifers.

### **Suggestion**

- The selection procedure of admission of inmates to open air jail needs to be reviewed. A committee needs to be constituted with the Chief Welfare Officer, and the Jail Superintendent and DM as the members for selecting prisoners to the open air jail.

## **Sub Jail, Shimla**

The sub Jail Shimla had 2 barracks and 2 rooms for "Better Class" prisoners. Sub Jail Shimla had an authorised capacity to house 29 prisoners including 27 male and 2 female prisoners. The actual strength of 45 prison inmates including 3 life convicts and 42 UTPs on the day of the visit showed an overcrowding of 55 per cent. The 42 UTPs including 3 female prisoners constituted 93.3 per cent of the total population of the jail.

## **Sub Jail, Bilaspur**

The Sub Jail Bilaspur had been functioning as District Jail for Bilaspur. The jail had been functioning from one barrack divided into four sections and three separate cells. The jail building being more than 100 years old needed constant repairs.



The jail had an authorised capacity to house 52 prisoners including 47 male and 5 female inmates. The actual strength of 34 prison inmates including 1 convict and 33 UTPs showed no problem of overcrowding. The 33 UTPs including 1 female constituted 97 per cent of the jail population.

## **PRISONS IN MADHYA PRADESH**

**Date of visit: 3 and 4 March, 2002 and 9 and 10 March, 2011**

### **Central Jail, Satna**

Satna jail initially set up as a District jail on 21 September 1990 was and upgraded as Central Jail on 23 March 1996. Central Jail had a land area of 43 acres and a well designed and nicely maintained modern building.

The Central Jail had an authorized capacity to house 313 prisoners including 300 male and 13 female inmates. The actual jail population of 860 prisoners on the day of the visit showed an overall overcrowding of 175 per cent. However, the congestion in the prison was being managed nicely. The DIG (Prison) mentioned that an amount of Rs. 33.21 lakh sanctioned by the Government of India under the Eleventh Finance Commission for construction of 3 additional barracks and 4 toilets / bathroom in each barrack had been received and construction work had already been entrusted to PWD.

A separate home constructed adjacent to the main jail for housing Juveniles was lying unoccupied at the time of the visit due to shortage of prison staff. A proposal to connect this with the main jail by demolishing a part of the boundary walls involving an expenditure of Rs. 73,200 was under consideration of the DG (Prisons). Although the juvenile home was constructed to accommodate 20 persons it could easily accommodate 50 additional persons.

The women Jail was located inside jail campus. Against the authorized capacity to house 13 female prisoners, the actual population of 18 women prisoners including 17 convicts and 1 undertrial prisoner and 4 children below the age of 5 years staying with their mothers in the jail on the day of the visit showed an overcrowding of 38.5 per cent. The female convicts included 12 female prisoners sentenced to life imprisonment.

The jail Superintendent had taken a commendable initiative of establishing a Crèche (Jhulaghar) with the assistance of the Dynamic Welfare Society, an NGO just outside the jail for the children of female prisoners along with some 30 odd children from the poor neighbourhood. The monthly salary of Rs. 50 for the Aya and Rs.400 for the teacher was demeaningly low. The Secretary of the Dynamic Welfare Society running the Crèche, agreed to raise the salary of Aya to Rs. 100 per month.

### **Suggestion**

- The proposal of connecting the jail constructed for housing the juveniles with the main jail may be approved as similar arrangements made in some other districts had been proved economical and administratively useful.

### **Central Prison, Indore**

The Central Prison Indore was operating in an old building constructed in 1877. It was situated in the close vicinity of the residential areas. The prison had a total land area of 13.60 acres; 33 blocks and 3 cells. The prison building being old, some parts of the jail building were in dilapidated condition and there was also problem of seepage. The jail authorities apprehended security risk due to the height of the boundary walls being lower than 14' to 16'.

The prison had the sanctioned capacity to house 1150 prisoners. The prison population of 2454 on the day of the visit showed an overcrowding of 113 per cent. In accordance with the proposal of the Prison authorities, the construction of a new prison at a distance of 12 KMs from Indore city had started. However, the construction work of the new prison had to be stopped due to hilly area and problem of water. The Prison authorities then suggested for shifting the prisoners of Central Prison to District jail, Indore and vice versa due to sufficient space in the district jail and some of its barracks being not used due to shortage of prison staff.

The prison population of 2454 prisoners on the day of the visit included 1583 convicts and 871 under-trials. The convicts included 1462 sentenced to life imprisonment; 6 to death penalty; 96 to rigorous imprisonment; 19 to simple imprisonment; and 4 detenues. There was no female prisoner in the Jail. The UTPs constituted 35.5 per cent of the total jail population. The prison had installed CCTV with 3 cameras for monitoring the activities in the prison.

### **Suggestion**

- The building of the Central Prison Indore should be repaired expeditiously. The DG (Prisons) may consider suggestion made by prison authorities to shift prisoners mutually from District Jail Indore to Central Jail Indore and vice versa.
- As the construction of new jail building situated at a distance of 12 KMs had been stopped, a multi storeyed building may be constructed in the existing space of the Central Prison to make prisoners to live comfortably.

### **District Jail, Indore**

The District Jail, Indore had been functioning in the close vicinity of the residential areas. The jail building being constructed in 1839 was very old. This prison had 8 blocks and a female block to lodge prisoners. Three blocks were

lying vacant at the time of the visit due to shortage of staff. The authorized capacity of 480 prisoners of this jail included 404 male and 76 female prisoners. The actual prison population of 618 prisoners including 522 males, 96 females and 12 children on the day of the visit showed an overcrowding of 29 percent.

The prison population included 216 convicts and 402 undertrial prisoners. The convicts included 68 prisoners sentenced to life imprisonment; 126 sentenced to rigorous imprisonment and 22 to simple imprisonment. The undertrial prisoners constituted 65 per cent of the jail population. A CCTV with 5 cameras had been installed in the jail but due to lack of staff, the cameras were not being monitored for 24 hours.

## **PRISONS IN PUNJAB**

**Date of visit: 29 November, 2012**

### **Central Jail, Bhatinda**

The Central Jail Bhatinda was set up as a District Jail in 1954 and the construction of the jail was completed in 1960. The District Jail was upgraded as Central Jail in 1978. The jail had a total land area of 31.05 acres. The jail building was located in an area of 9 acres. The area earmarked for staff quarters 3 acres and for a school, DPO Office as well as the old staff quarters was 5.5 acres. The remaining area of 14 acres was used for agricultural purposes.

The 25 barracks and 46 cells in the Central Jail Bhatinda were used for housing convicts, undertrial prisoners and women prisoners; jail hospital; kitchen and Gurudwara Sahib and Mandir etc. A new jail under construction was expected to be ready within a period of one and half years.

The sanctioned capacity of 1146 prisoners of the jail included 1024 male and 132 female inmates. The actual population of 1233 prisoners including 1151 male and 82 females on the day of the visit showed negligible overcrowding of 7.6 per cent. The jail population included 492 convicts, 2 civil prisoners, 739 undertrial prisoners and 3 small children staying with their mothers. The 483 convicts including 19 females were sentenced to rigorous imprisonment and 9 convicts were sentenced to simple imprisonment. The UTPs constituted 60 per cent of the jail population. The convicts, under trial prisoners, and women prisoners were being kept separately in this jail.

The barracks housing female prisoners were found to be somewhat crowded. The windows-cum-ventilators in the women barracks were found to be in the open condition.

### **Suggestion**

- Bhatinda being a cold place in winter, the jail authorities ought to take care that the women inmates are protected from cold in winter months.

## **District Jail, Sangrur**

The District Jail, Sangrur was constructed in 1954. The total area of this jail was about 32 acres. The jail building was located in 9 acres; and staff quarters in 8 acres. The jail had 14 barracks and 62 cells for housing various categories of prisoners. The barracks for male and female prisoners were in good condition.

The authorized capacity of 550 prisoners of this jail included 484 males and 66 females. The actual occupancy of 1157 prisoners including 1043 male and 114 female prisoners on the day of the visit showed an overcrowding of 110 per cent.

The 1157 prison inmates included 508 convicts; 646 Undertrials; 3 Pak Detenues; and 6 children staying with their mothers. It was reported that 458 male and 47 female convicts housed in the jail were sentenced to rigorous imprisonment and 3 male convicts were sentenced to simple imprisonment. The 646 Undertrial prisoners including 579 male and 67 females constituted 58.8 percent of the jail population. The convicts, undertrial prisoners, and women prisoners were kept separately in this jail.

There were 6 children staying in the jail campus with their mothers. It was doubtful whether the directions given by the Apex Court in *Upadhyay vs. State of Andhra Pradesh* were being implemented in the jail. The Court had directed that health care and education of the children staying in prisons should be assigned top priority. The pregnant females and mothers with newborns require special consideration, but in the absence of a Lady Doctor or supporting staff, the Jail authorities might not be in a position to implement the directions of the Court.

### **Suggestion**

- An economically advanced state like Punjab should have no problem in implementing these directives given by the Supreme Court.

## **PRISONS IN RAJASTHAN**

**Date of visit: 16 to 18 February, 2004**

### **Central Jail, Jaipur**

The Central jail, Jaipur was constructed in 1923-24. It had land area of 40.53 acres and built up area of 9.495 acre. It had 13 Wards, 32 Barracks and 60 Cells. The jail complex also had a newly built building of ITI establishment for prisoners. The 2 barracks were being used as Jail Hospital; one ward having 60 cells had been earmarked as security ward to house high security/dangerous prisoners; and one ward was being used for educational activities.

The Jail had an authorized capacity to house 1300 prisoners. The actual strength of 1656 prisoners on the day of the visit showed an overcrowding of 27.4 percent. It was reported that the population of this jail had been going up to 1900 during

the period from October to December every year partly due to High Court vacations and largely due to the anti-crime drive launched by the police during this period. However, given the size and quality of construction of barracks and cells, the overcrowding had no substantial impact on the living conditions of prisoners in the jail.

The total jail population of 1656 included 915 convicts and 741 Undertrial Prisoners. The 741 Under-trial prisoners housed in this jail constituted 44.7 per cent of the total jail population. This was much below the State average of 59.54 per cent as of 31 December 2002. The situation of Under-trial prisoners in Rajasthan was much better as compared to other major States and the All India average of 74.15 per cent. The 915 convicts held in this jail included 9 condemned prisoners and 542 lifers. The jail was not holding any detenues or civil prisoner at the time of the visit.

### **Women Jail, Jaipur**

Women Jail, Jaipur was established in a separate compound in 1992. Women Jail, Jaipur had an authorized capacity to house 175 prisoners. The jail population of 197 prisoners including 160 convicts and 37 Undertrial Prisoners, and 20 children up to the age of 4 years staying with their mothers on the day of the visit showed negligible overcrowding of 11.2 per cent. The Convicts included 90 lifers. The Undertrial Prisoners constituted 18.8 per cent of the total prison population. A creche for children had been running efficiently with the help of a life convict.

### **District Jail, Tonk**

The District Jail, Tonk being of 'A' category district jail could hold convicts Sentenced to imprisonment upto 10 years. District jail, Tonk had total land area of 20 bighas and built up area of 5 bighas. The 2 of the 5 barracks in the jail were being used to house convicts; 2 for undertrial prisoners; and the remaining 1 barrack was used for the hospital complex. The District Jail, Tonk had an authorized capacity to house 154 prisoners including 142 male and 12 female inmates. The actual strength of 207 prison inmates on the day of the visit showed an overcrowding of 34.4 per cent.

The total population of District Jail Tonk comprised of 120 convicts including 2 civil prisoners and 87 Undertrial Prisoners. The Undertrial Prisoners constituted 41 per cent of the prison population. Women prisoners were lodged in a separate enclosure. The female enclosure of the prison was housing only 2 female prisoners on the day of the visit.

### **Suggestion**

- An additional barrack needs to be constructed to accommodate 60 to 70 prisoners.

## **Open Air Camp, Sanganer**

The Open Air Camp, Sanganer was the largest of the 9 Open Air Camps functioning in the State. The Sanganer Open Air Camp called Dr. Sampurna Nand Open Air Camp was established in 1962-63 as a pioneering experiment of providing useful work to the prisoners in the open atmosphere to help them to lead a life of self-respect and dignity.

The Open-Air Camps established in Rajasthan did not have any compound walls or strict surveillance. The prisoners were allowed to stay with their families in these jails. The initial plan of providing Government work in agriculture, industry, construction, and digging of canals and dams to the inmates of Open-Air Camps did not materialize. As a result, the prisoners were required to find work for themselves as shop-keepers, vendors or daily wage labourers in the surrounding area.

The eligibility criterion for admission to Open Air Camp was that the prisoner must be in the age bracket of 25 and to 60 years; sentenced to imprisonment for 5 years or more than 5 years; he must have served one-third of his substantive sentence including remissions; and a lifer must have served a sentence of 6 years and 8 months. The categories of prisoners not eligible for admission to open air camps included those belonging to other States; convicted by a court-marshal; and those escaped or attempted to escape from lawful custody. The rules also debarred prisoners who had been convicted of certain specified offences, such as waging war against the Govt., causing grievous hurt to deter public servant from his duty, rape, robbery and dacoity, etc. The names of eligible prisoners for admission to open air camp had been forwarded by the jail Superintendents along with their recommendations on the basis of the antecedents, nature of crime and unblemished record of prisoners during the last two years and the final selection of prisoners was made by a State-Level Committee headed by the D.G. (Prisons) Rajasthan.

The sanctioned capacity of 150 inmates of Open-Air Camp, Sanganer had not been fully utilized. The actual population of 131 inmates including 13 female convicts and 3 prisoners reported to be on parole on the day of the visit showed underutilization of the authorized capacity to the extent of 12.7 per cent. The prison was holding 119 lifers. All inmates of this jail except 13 prisoners were staying with their families.

### **Suggestion**

- A crèche and a children park may be developed at the camp site in due course.

## **Sub Jail, Malpura**

Sub-Jail, Malpura had been commissioned on 25 April, 2004. This was a well maintained prison. Against the authorized capacity of 60 prisoners, the total number of 16 prison inmates held in this jail on the day of the visit showed underutilization of the jail capacity to the extent of 73.4 per cent. The prison was holding only Undertrial prisoners and there were no convicts or female prisoners.

## **PRISON IN UTTARAKHAND**

**Date of visit: 23 February, 2011**

### **District Jail, Dehradun**

The District Jail Dehradun was about three years old at the time of the visit. The jail had been constructed as per the norms of the Model Prison Manual. The barracks were well lighted and ventilated. The Jail had barracks for Juveniles; general wards; a separate female ward divided into different sectors. Each sector and ward had secured entrance and each sector had common toilet blocks and one emergency toilet in each dormitory. The prison being newly constructed did not have any seepage problems. The repair and maintenance of the jail was done by the prisoners themselves.

The District Jail Dehradun had the sanctioned capacity to house 580 prisoners including 40 female prisoners. The actual population of 835 prisoners including 792 male and 43 female prisoners and two children staying with their mothers on the day of the visit showed overcrowding of about 44 per cent. The prison population included 526 convicts and 309 Undertrial prisoners. The convicts included 258 lifers and 268 Prisoners sentenced to rigorous imprisonment. The Undertrial prisoners constituted 37 per cent of total prison population. The women prisoners were kept in separate accommodation.

## **PRISONS IN UTTAR PRADESH**

**Date of visit: 18 March, 2002 and 9 and 10 June, 2010**

### **District Jail, Barabanki**

The district jail, Barabanki had 20 barracks and the barracks of the jail were well repaired and maintained. The Barabanki jail being a second Class district jail was authorized to house convicts sentenced to imprisonment of more than two years but not exceeding three years. However, this prison was holding all types of prisoners including those who were sentenced to life imprisonment and had already served 1 to 14 years of their sentence as well as UTPs. The orders issued by IG Prisons for transferring prisoners sentenced to more than seven years had not been followed.

The District Jail, Barabanki had an authorized capacity to house 660 prisoners. The actual population of 1193 prisoners on the day of the visit showed an overcrowding of 80 percent. The women and young boys in the age group of 18 to 20 years were kept in separate barracks. These barracks were also found to be overcrowded for example each women barrack was housing 34 female inmates and 10 children staying with their mothers and each barrack was housing 37 young boys.

It was observed that both Convicts and UTPs were kept together. The Civil prisoners were also kept with other prisoners in violation of the provisions of the Jail Manual. The Superintendent stated that the reason for not segregating the convicts and UTPs was 'administrative convenience'. The other prison officers were not aware of the fact that the practice of keeping both convicts and UTPs together was irregular due to lack of their knowledge about prison rules and regulations.

### **Suggestions**

- Keeping in view the likely population of not less than 1000 in the foreseeable future, the government needs to chalk out a proper plan for making use of the available land for further construction to ensure good living conditions for prisoners being held in the prison.
- The convicts and undertrial prisoners should be segregated and housed separately;
- The civil prisoners should be housed separately;
- The jail officials should be provided proper training on prison laws/rules.

### **District Jail, Meerut**

District Jail Meerut was established in 1857. It had an authorized capacity to house 796 prisoners including 766 male and 30 female inmates. A separate juvenile jail was established next to the main Jail in 1990 to house 60 prisoners. Against the total capacity of 856 of both the jails, the actual population of 2235 prisoners including 43 women and 150 juveniles on the day of the visit showed an overcrowding of 161 per cent. It was reported that one barrack was being renovated and sanction had been accorded for the construction of a high security barrack. The 2081 under-trial prisoners held in the jail constituted 93 per cent of the prison population.

### **Suggestion**

- The available land may be used for construction of 4 to 5 additional double storied barracks to ease the problem of congestion in the prison.



## 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.

### i.) Food

The status of meeting the minimum basic requirements of food in different prisons of Union Territory of Chandigarh and 8 States of the Northern region of India is as under:

### PRISON IN UNION TERRITORY

#### Model Jail, Chandigarh

Model Jail Chandigarh had been following the practice of classifying the prisoners according to their socio-economic background and habits of superior mode of living as laid down in the Punjab Jail Manual. It was reported that 5 male convicts and 12 UTPs including one female were enjoying higher standards of accommodation, food, bedding and clothing due to B Class Status accorded to them. While UTPs had been accorded higher category under the court orders, the Convicts were accorded B Class status by the Inspector General Prisons.

The UT Government had adopted the food scales laid down in the Punjab Jail Manual for its prisoners. The scales of food were adequately meeting the nutritional needs of the prisoners. The daily per capita expenditure incurred on food was Rs. 16. Prisoners' Panchayat was involved in drawing rations from the Store, selection of menu and cooking of food. The prisoners were found to be satisfied with the quantity and quality of food served to them in the jail. The children staying with women prisoners were provided additional diet of 400 ML milk. The female UTPs

complained that the tea served to them in the court Lock-up was invariably cold.

### **Suggestions**

- A separate Diet scale for children needs to be fixed after determining their nutritional requirements with the help of experts.

## **PRISON IN DELHI**

### **Central Women Jail Tihar, New Delhi**

The prescribed scales of food were different for female convicts sentenced to rigorous imprisonment; and for female inmates sentenced to simple imprisonment and undertrial prisoners. A special diet of 750 gms of milk was supplied to each child; 500 gms of milk to each pregnant woman, lactating mother and sick woman; 300 gms of milk was provided to each old woman and 'lungar' worker. It was learnt that Mahila Pratti Raksha Mandal and Indian Vision Foundation, NGOs were supplying fruits regularly to prison children.

Food was cooked under the hygienic conditions in the jail. Diesel was used as fuel for cooking purposes. The arrangement for distribution of food was satisfactory. The prisoners including some foreigner prisoners expressed their satisfaction with the quantity and quality of food being supplied to them and no prison inmates made any complaint relating to food.

### **Suggestion**

- A proper diet scale needs to be formulated with the help of a nutrition expert.

## **PRISON IN HARYANA**

### **Central Jail, Ambala**

The scale of ration was found to be satisfactory and prison inmates appeared to be satisfied with the quantity and quality of food. Prisoners had been engaged as cooks and were paid wages for the services rendered by them. The kitchen of the Central Jail Ambala had only 2 hot cases against its requirement of 8 hot cases. As a result the prisoners could not be served hot chapattis in winter months. D.C Ambala agreed to provide 6 more hot cases to this prison. The prison administration had introduced gas cooking partially and 25 per cent of the cooking was done on Gas stoves on the day of the visit.

The children staying with their mothers in the prison were provided special diet of milk and biscuits besides a small but sufficient quantity of cereals. Although some toys and picture-books had been kept in a room for children, the jail had no regular crèche.

### **Suggestion**

- In view of the economy and eco friendliness of gas cooking, the Addl. DG (Prisons) needs to approach the Government of Haryana for a complete switchover to gas cooking in all the jails of the State as had been done in many States including some relatively poor States like Bihar.
- A proper scale of special diet for children should be worked out in consultation with the nutrition experts.

## **PRISONS IN HIMACHAL PRADESH**

### **Model Central Jail, Kanda (Shimla)**

The cooking arrangements appeared to be good. The LPG stoves were being used for cooking food in the kitchen. The prisoners were found to be satisfied with the scale of ration fixed by the Government. However, some inmates complained about insufficient supply of dal and vegetables, and poor preparation of chapatis.

### **Suggestion**

- Chief Welfare Officer may look into the complaints of the prisoners and take necessary steps for their redressal.

### **Open Air Jail, Bilaspur**

The inmates of the open Air Jail, Bilaspur had been served food prepared in the kitchen of Sub Jail Bilaspur.

### **Sub Jail, Shimla**

A Better Class prisoner was enjoying a higher scale of food than an ordinary prisoner. Against the daily expenditure of Rs.22.75 on the diet of the ordinary prisoner, the daily expenditure on the diet of a 'Better class' prisoner was Rs. 30.20.

### **Sub Jail, Bilaspur**

The prisoners complained about poor quality of chapattis.

## **PRISONS IN MADHYA PRADESH**

### **Central Jail, Satna**

The kitchen complex was found to be neat and clean. The entire cooking was being done on Gas stoves. The standard of personal hygiene of prisoners engaged in cooking was found to be good. The jails in Madhya Pradesh did not have any sanctioned posts of cooks and prison inmates were engaged in cooking work. As a result the quality of food could not be ensured. The quality of chapatis, even on the day of a visit, left much to be desired.

### **Suggestion**

- As the food served to prisoners relates to the fundamental right of the

prisoners 'the right to a well cooked and wholesome food, there should at least be one or two regular cooks in the prison kitchen to train the prisoners in cooking.

### **Central Prison, Indore**

The prisoners had been provided food as per the diet chart prescribed in the Jail Manual. The diet chart had been displayed in front of the kitchen. Government had sanctioned a daily per capita expenditure of Rs.24.83 for convicts and Rs 23.53 for UTPs.

The prison had a good kitchen with 6 rooms. The Gas stoves had been used for cooking food and the kitchen had electric roti mix. The food was cooked in aluminium utensils and served in steel plates. The prisoners seemed to be satisfied with quality or quantity of food.

### **District Jail, Indore**

The prisoners had been provided food as per the diet chart. The daily diet allowance was Rs 24.17 for UTPs and Rs 27.10 for convicts. The convicts were engaged in cooking food and gas stoves were used for cooking food. The food was cooked in aluminium utensils and served in steel plates to the prisoners. The prisoners seemed to be satisfied with the quantity and quality of food.

## **PRISONS IN PUNJAB**

### **Central Jail, Bhatinda**

The prisoners were provided food as per the scales of diet prescribed in the Jail Manual. Cooking was done by the prisoners themselves on the LPG stoves. The special diet was supplied to sick prisoners. However, no special diet being prepared in the jail kitchen was noticed at the time of the visit.

### **District Jail, Sangrur**

The different categories of prisoners had been provided food as per the scales provided in the Jail Manual. Cooking was done by the prisoners themselves on the LPG stoves.

## **PRISONS IN RAJASTHAN**

### **Central Jail, Jaipur**

The prisoners expressed their satisfaction about the quantity and quality of food served to them. The Government of Rajasthan had done away with the anachronistic system of classification of prisoners on the basis of their social and economic status and habits of life in 1976. All the prisoners were entitled to the same scale of food under the broad categories of labouring and non-labouring prisoners. The quantity of 600 grams of wheat prescribed for lunch and dinner was generally found to be more than the requirement of an average prisoner.

Another notable feature was the supply of evening tea to all prison inmates. A special diet of 'Halwa' had been provided to all prisoners on four special occasions including Holi, Deepawali, Idul-fitr and Independence Day.

The kitchen complex of this jail was found to be neat and clean. LPG stoves had been used for cooking food in the kitchen. Prisoners working in kitchen were paid wages, but at a lower rate of Rs. 9 per day fixed for unskilled category.

#### **Suggestion**

- Government of Rajasthan may include the Republic Day in the list of special occasion for the purpose of supplying special diet.
- Considering the nature of kitchen work and hardships involved, particularly in summer months, cooking should be considered as a skilled job.

#### **Women Jail, Jaipur**

The prison inmates were found to be satisfied with the quantity as well as the quality of food. The pregnant female inmates were provided special diet of milk, vegetables and fruits. The quantity of rice or wheat provided to nursing mothers was more than the normal scale. Children were given special diet of milk only.

#### **Suggestion**

- The scale of special diet for pregnant and nursing women and children needs to be worked out in a scientific manner in consultation with some nutrition experts.

#### **District Jail, Tonk**

The kitchen complex was neat and clean. The cooking was done on gas stoves under hygienic conditions. The inmates were found to be satisfied with the quantity and quality of food served to them.

#### **Open Air Camp, Sanganer**

The ration cards had been provided only to 30 odd families living in the open air camp about two years back.

#### **Suggestion**

- Addl. DG (Prisons) should get all the camp inmates registered for ration cards. In fact, some of them may qualify for BPL cards.

### **PRISON IN UTTARAKHAND**

#### **District Jail, Dehradun**

The floors of the kitchen were made of impermeable material. The kitchen had a platform for washing, cleaning and cutting vegetables; adequate number of taps; and an electric kneader for preparing atta paste for chapatias; few exhaust fans and a normal chimney.

The daily per capita food allowance for UTPs was Rs. 30 and for convicts it was Rs. 30.80. The food grains purchased from PDS were of good quality. LPG stoves had been used for cooking food. The food was cooked, stored and served in stainless steel utensils. Small trolleys/carts were being used for transporting food from kitchen to barracks. The Medical Officer of the jail was regularly checking the nutritive value of the food.

## **PRISONS IN UTTAR PRADESH**

### **District Jail, Barabanki**

The kitchen of this jail was of primitive type. The food was cooked and stored in aluminium utensils; cooked food was transported from kitchen to barracks in aluminium containers either manually or in handcarts; and served in steel utensils. LPG stoves had been used for cooking food.

The daily per capita expenditure on food was Rs. 26.34. Wheat was purchased at the market price from the Rajya Karmachari Kalyan Nigam (State Employees Welfare Corporation) and other items were purchased from the local market at rates fixed by Senior Marketing Inspector, Barabanki.

The scale of daily ration issued for two meals to each prison inmate included floor: 350 gms for convicts and 270 gms for UTPs or 235 gms of rice served twice a week; pulses: 45 gms and 60 gms served with rice; vegetables: 115 gms; oil: 7.5 gms; condiments: about 2 gms; and jaggery: 45 gms. There was no provision of special food for children and mothers with small children.

The breakfast consisted of porridge thrice a week; boiled gram twice a week and buns/baked bread twice a week. The lunch served on the day of the visit consisted of 6 chapattis, a ladleful of watery 'chana dal' and a small helping of cooked ripe pumpkins. The quantity of chapattis was adequate but the dal and the cooked vegetable seemed to be inadequate and unappetizing. The food served on the day of visit appeared to be deficient in proteins and micro nutrients. The prison had no arrangement of getting the nutritional value of the food checked.

The jail authorities reported that the prisoners had been growing vegetables on a 25 acre farm. However, no seasonal and perishable fresh vegetables were cooked on the day of visit in the month of June when these vegetables were available in plenty.

### **Suggestion**

- The jail authorities may purchase food grains including wheat and rice from PDS at concessional rates.

### **ii.) Water**

The status of meeting the minimum basic requirements of water in different prisons of Union Territory of Chandigarh and 8 States of Northern region of India is given below:

## **PRISON IN UNION TERRITORY**

### **Model Jail, Chandigarh**

The Model Jail Chandigarh with two water storage tanks of 60,000 gallons and 10,000 Liters capacity had adequate supply of water to meet water requirements of prison inmates. Aqua-guard filters had been installed in all the barracks and two water-coolers had also been installed to supply cold water to the prisoners.

## **PRISON IN DELHI**

### **Central Women's Jail Tihar, New Delhi**

The water had been supplied for half an hour in the morning and half an hour in the evening. Taps had been provided in all cells and barracks and inmates were given personal pitchers to store water. During the period of general shortage of water in summers, regular supply of water was ensured through water tankers. No one complained about quantity or quality of water supplied to them.

## **PRISON IN HARYANA**

### **Central Jail, Ambala**

The water supply for drinking, bathing and washing purposes appeared to be satisfactory as there were no complaints on this count.

## **PRISONS IN HIMACHAL PRADESH**

### **Model Central Jail, Kanda (Shimla)**

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

### **Open Air Jail, Bilaspur**

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

### **Sub Jail, Shimla**

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

### **Sub Jail, Bilaspur**

The supply of water for drinking, bathing and washing purposes was found to be satisfactory despite this jail facing the common problem of shortage of supply of water in summer months.

## **PRISONS IN MADHYA PRADESH**

### **Central Jail, Satna**

The supply of water for both drinking, bathing and washing purposes in this jail was found to be satisfactory.

### **Central Prison, Indore**

The water supply was sufficient to meet the requirements of the prisoners. The jail had 2 water tanks with capacity of 80,000 litres. The water tanks were being cleaned regularly and chlorine tablets were used for cleaning the water. Prison, however, did not have water filters or water coolers.

### **District Jail, Indore**

The prison had one tube well and one overhead tank. There were no water coolers and water filters in the jail.

## **PRISONS IN PUNJAB**

### **Central Jail, Bhatinda**

There was no shortage of water in this jail. The Municipal Corporation had been supplying piped water to the jail. An RO system had been installed in the jail to provide clean and safe drinking water to the prison inmates.

### **District Jail, Sangrur**

There was no supply of pipe water in the jail and the water had been supplied to the prison inmates through 3 tube wells.

## **PRISONS IN RAJASTHAN**

### **Central Jail, Jaipur**

The water was supplied to this jail through two PHED connections. However, the water supplied from this source could only meet kitchen requirements. The water for other purposes was being supplied through two submersible pumps provided with an overhead tank. Water from one of these pumps was reported to be brackish and unfit for drinking purposes.

### **Women Jail, Jaipur**

The supply of water for drinking, bathing and washing purposes appeared to be quite satisfactory as no complaints were made on this count.

### **District Jail, Tonk**

The supply of water from a tube well in the jail with an overhead tank of 25,000 litres capacity appeared to be satisfactory. In fact, the entire city of Tonk had earlier been supplied water from this source.



### **Sub Jail, Malpura**

The supply of water was reported to be satisfactory. Water was supplied from PHED through an under-head tank fitted with a 3 HP motor.

## **PRISON IN UTTARAKHAND**

### **District Jail, Dehradun**

There was no shortage of water in the jail. The source of water supply in the jail was bore wells. The water was protected from being polluted by percolation of surface water. There was no system of cleaning the overhead storage tanks by using the state-of-the-art technology with mechanized dewatering sludge removal, high pressure cleaning, vacuum cleaning, antibacterial spray and ultra violet radiation. The water samples had not been sent for testing to the approved pathological laboratories to ensure that water was free from chemical and bacteriological impurities; excess of sulphur, magnesium, sodium and fluoride.

### **Suggestions**

- The overhead storage tanks should be cleaned by using the state-of-the-art technology with mechanized dewatering sludge removal, high pressure cleaning, vacuum cleaning, antibacterial spray and ultra violet radiation.
- The samples of water should be drawn regularly and sent for testing to an approved pathological laboratory to ensure that the water is free from chemical and bacteriological impurities; excess iron, sulphur, magnesium, sodium and fluoride; colour hardness and alkalinity.

## **PRISONS IN UTTAR PRADESH**

### **District Jail, Barabanki**

The quantity of water supplied to the jail inmates was found to be inadequate and lacking in quality. A bore well (with pump) provided in every barrack was running for one hour depending on the availability of power and supplying about 900 litres of water to 66 prison inmates. There were no overhead storage tanks, no arrangement for water testing and treatment of the pumped water. A small quantity of water stored only at the ground level in one 'Hauj' in each barrack was used for washing clothes. Prisoners were taking their bath in running water of the pump provided for one-hour. In addition to bore wells, there were 20 hand pumps in different parts of the jail.

### **Suggestion**

- The prison authorities may seek expert assistance of the government department concerned for immediate improvement in quantity and quality of water supplied to prison inmates.

### **District Jail, Meerut**

The supply of water for drinking as well as bathing and washing purposes appeared to be satisfactory as no complaints were made on this count.

### **iii.) Clothing**

The status of meeting the basic requirements of clothing and bedding in different jails of Union Territory of Chandigarh and 8 States of Northern region of India is as under:

## **PRISON IN UNION TERRITORY**

### **Model Jail, Chandigarh**

Convicts had been provided clothing and bedding as per the scale laid down in the Punjab Jail Manual. The scale was adequate and replacements were issued in time. The inmates, however, made a general complaint about the poor quality of the jacket/coat issued to them for winter season.

### **Suggestions**

- Considering the extreme cold climate of Chandigarh, their grievance may be addressed by supplying good quality winter wears.

## **PRISON IN UTTARAKHAND**

### **District Jail, Dehradun**

The jail authorities had been providing clothes only to the convicts and UTPs were using their own clothes.

### **Suggestion**

- Jail authorities may consider providing clothes to poor and needy UTPs.

## **PRISONS IN UTTAR PRADESH**

### **District Jail, Barabanki**

There were no beds, cots or raised platforms in the jail. Prisoners including female inmates and children staying with their mothers in the jail were sleeping on the floor. They were made to sleep very close to each other due to overcrowding in the prison. This was not only degrading but also posing a health risk to prison inmates. The bedding consisted of just one blanket and no mattress. The convicts had been provided uniforms but no clothes were provided to the undertrial prisoners.

### **Suggestions**

- The inmates may be provided raised cement platforms or beds to sleep.
- The clothes may be provided to poor and needy undertrial prisoners who have been languishing in the jail for long.

#### **iv.) Personal hygiene and sanitation**

The maintenance of basic requirements of personal hygiene and sanitation in different prisons of Union Territory of Chandigarh and 8 States of Northern region of India is given below:

### **PRISON IN UNION TERRITORY**

#### **Model Jail, Chandigarh**

The general standard of cleanliness and personal hygiene was found to be very good. The jail with 112 toilets and 86 bathrooms for the sanctioned capacity of 1000 inmates had a satisfactory toilet to prisoner ratio of 1:8.9 and bathroom to prisoner ratio of 1:11.6. The toilet and bathroom facilities in the female section were found to be inadequate.

The toothpaste/powder was an authorized item for B class convicts only and other inmates were denied this elementary facility. Sanitary napkins were not included in the scale as an essential item to meet the personal needs of women prisoners.

#### **Suggestions**

- The tooth paste/powder should be supplied to all prison inmates;
- The glaring omission of sanitary napkins in the existing scale needs to be removed by including sanitary napkins in the prescribed scales.
- The female section needs to be provided with at least 2 more toilets and one bathroom.

### **PRISON IN DELHI**

#### **Central Women Jail Tihar, New Delhi**

All the barracks and cells had internal toilets for night use. Each barrack had one toilet. The prison having 81 external toilets for 599 prison inmates on the day of the visit gave a toilet to prisoner ratio of 1:7.4. Besides an attached toilet to each barrack and cell, another 44 toilet available for common use of prison inmates gave toilet to prisoner ratio of 1:4.7, which was much better than the standard recommended by the All India Prison Reform Committee. Inmates were required to clean their living areas themselves and they were doing that happily.

The sanitary napkins had been provided to all inmates as per requirement. The convicts were provided datum/dental powder and soap for bathing as well as washing purposes. The poor and the needy UTPs were also provided these items on request from the Prison Welfare Fund. The number of such prisoners, however, was found to be negligible

## **PRISON IN HARYANA**

### **Central Jail, Ambala**

The prison manual did not provide for supply of bathing soap to prisoners except Sikhs (for hair wash). The Central Jail Ambala was not providing bathing soap to prison inmates. The poor prisoners could not afford to arrange bathing soap for themselves. The weekly scale of 28 gms of washing soap and 14 gms of soda-ash was also found to be inadequate.

The 173 toilets in the Central Jail of Ambala for 2172 prison inmates on the day of the visit gave a toilet to prisoner ratio of 1:12.5 which was far below the recommended ratio of 1:6 by the All India Jail Reforms Committee and nowhere near the reasonable level of 1:10. The 69 bath rooms available in this jail gave a bathroom to prisoner ratio of 1:30, which was also found to be below the recommended ratio of 1:15 by the Jail Reforms Committee.

The women prisoners had been supplied sanitary napkins on specific recommendations of the lady Doctor. However, this essential item was yet to be included in the authorized scale despite the specific recommendations of Justice V.R. Krishna Iyer Expert Committee report reiterated by the Parliamentary Committee on Empowerment of Women.

### **Suggestions**

- The bathing soap is considered as one of the basic needs of prisoners which the State is obliged to meet. The Addl. DG (Prisons) and D.C. Ambala needs to take note of this deficiency and do the needful.
- The weekly scale of washing soda and soda ash needs to be reviewed and increased.
- The Jail Administration should construct requisite number of new toilets and bathrooms.
- The regular supply of sanitary napkins needs to be included in the authorised scale to ensure personal hygiene of women prisoners.

## **PRISONS IN HIMACHAL PRADESH**

### **Model Central Jail, Kanda (Shimla)**

The standard of sanitation and hygiene in this jail was good. The Model Central jail having 25 toilets inside the barracks and 26 toilets outside had an ideal toilet to prisoner ratio of 1:6. The prison had 8 bathrooms inside the barracks and 19 outside. However, the arrangement of engaging a single-safai karamchari on part time basis against the sanctioned strength of 4 regular safai karamcharis showed a glaring deficiency. Although the Jail Superintendent was supplying sanitary napkins to the female convict, this item was not included in the authorized scale.

### **Suggestions**

- The supply of sanitary napkins should be included in the prescribed scale to ensure personal hygiene of female prisoners.

### **Open Air Jail, Bilaspur**

The availability of 8 toilets for prison inmates gave an ideal toilet to prisoners ratio of 1:4.

### **Sub Jail, Shimla**

The standard of sanitation and personal hygiene appeared to be good. The total number of 6 toilets including 2 inside and 4 outside the barracks gave a satisfactory toilet to prisoner ratio of 1:6. However, it may be desirable to provide at least two more external toilets.

### **Sub Jail, Bilaspur**

Standard of sanitation and personal hygiene was satisfactory despite a part time Safai Karamchari working only for four hours in a day. The jail having 10 toilets including 7 inside and 3 outside the barracks gave a satisfactory toilet to prisoner ratio of 1:5.2. The prisoners complained about non-availability of barber services, and 'Dahun' being not issued as an authorized item.

### **Suggestions**

- The sole sanctioned post of safai karamchari needs to be filled up on regular basis.
- Dahun or tooth paste/powder should be included in the scale of authorized items

## **PRISONS IN MADHYA PRADESH**

### **Central Jail, Satna**

This jail with 91 toilets and 52 bathrooms for authorized prison population of 313 had an ideal toilet to prisoner ratio of 1:3.4 and bathroom to prisoner ratio of 1:6. The toilet to prisoner ratio for 860 prisoners actually housed in the jail on the day of the visit worked out to 1:9 and bathroom to Prisoner ratio came out to 1:15.

### **Central Prison, Indore**

The prison had 246 latrines outside the barracks and one urinal in each barrack. The toilet to prisoner ratio with 2454 prisoners housed in the prison on the day of the visit worked out to 1:10. The toilets were found to be somewhat clean. There were no bath rooms and prisoners were taking bath in the open. The prisoners were supplied adequate quantity of oil and soaps.

### **District Jail, Indore**

The jail had sufficient number of latrines. The latrines were septic type but were not clean. The male prisoners were taking bath in the open. The female prisoners were taking their bath in the bathrooms.

#### **Suggestion**

- The toilets in the District Jail need to be kept neat and clean.

## **PRISONS IN PUNJAB**

### **Central Jail, Bhatinda**

The total number of 186 toilets and 81 bathrooms in the jail for 1233 prisoners housed in the jail on the day of the visit gave a toilet to prisoner ratio of 1:6.6 and bathroom to prisoner ratio of 1:15. The barracks, toilets, and bath rooms were cleaned regularly. The condition of the toilets was generally satisfactory. An amount of Rs.4.25 lakhs had been set apart for the repair of toilets. The women section of the prison had eight attached toilets and two outside toilets. The toilets in the female section were found to be in good condition.

### **District Jail, Sangrur**

The standard of cleanliness in the jail was quite good. The barracks, bathrooms and toilets had been cleaned regularly. It was reported that 2 toilets had been provided in each barrack and toilet to prisoner ratio in this jail was 1:10 to 12.

## **PRISONS IN RAJASTHAN**

### **Central Jail, Jaipur**

The jail having 337 toilets for 1656 prison inmates on the day of the visit gave a toilet to prisoner ratio of 1:5, which was better than the ideal ratio of 1:6 recommended by the All India Jail Reforms Committee. The bathing arrangement with 50 bathing platforms was found to be satisfactory while the maintenance of toilets was satisfactory, the overall standard of sanitation required improvement. The old sewerage system being beyond economical repair had to be rebuilt. It was reported that an amount of Rs. 32.0 lakh had been sanctioned to improve the sanitation. The convicts were entitled to get toothpowder, bathing soap, washing soap and hair oil.

#### **Suggestion**

- The best practice of providing toothpowder, bathing soap, washing soap and hair oil implemented by Rajasthan may be followed by other States of the country.

### **Women Jail, Jaipur**

The 12 toilets available for authorised capacity of 175 prisoners gave a toilet to prisoner ratio of 1:14.6, which was far below the accepted ratio of 1:10. The 13 bath-rooms in the prison appeared to be all right. Sanitary napkins had been

issued to women as per requirement under an executive order issued in January, 1996.

### **Suggestion**

- More toilets need to be constructed in the jail to bring down the toilet to prisoner ratio to at least 1:10.

### **District Jail, Tonk**

The jail having 28 toilets for 207 prisoners on the day of the visit gave a toilet to prisoner ratio of 1:7.4. The proposed renovation of 2 septic tanks was expected to improve toilet to prisoner ratio further by making available 9 old toilets lying out of order at the time of the visit.

There was only one toilet available in the women block for an authorized capacity of 12 inmates. The arrangement could be taken as satisfactory for the time being as the average number of women prisoners held in this jail had always remained less than 3. The 13 bathing platforms provided in the jail gave a bathroom to prisoner ratio of 1:16.

A number of convicts complained about inadequate scale of soap supplied to them for washing purposes. According to them, the earlier system of supplying washing powder was much better.

### **Sub Jail, Malpura**

The provision of 6 toilets and 6 bathing platforms was considered satisfactory for 16 prisoners housed in the jail on the day of the visit but not for the sanctioned capacity of 60 prisoners.

## **PRISONS IN UTTARAKHAND**

### **District Jail, Dehradun**

The barracks had sufficient number of WCs, urinals and washing places. The toilet prisoner ratio was 1:10. The latrines were of sanitary type with arrangements for flushing. The flushing system in most of the latrines was found to be non-functional and most of the toilets were found to be dirty. The inside walls of the latrines did not have the tiles.

There were covered cubical for bathing with proper arrangement for privacy. The ratio of the bathing cubical to prisoner was 1:10. The prisoners were taking their bath regularly. Prisoners had been provided soap, washing powder, detergent etc. for taking bath and washing their clothes. The prison did not have a mechanized laundry.

### **Suggestions**

- The general cleanliness of the jail with special focus on the latrines should be improved.

- Adequate number of sweepers should be posted in the jail;
- Flushing system should be repaired at the earliest.

## **PRISONS IN UTTAR PRADESH**

### **District Jail, Barabanki**

The number of latrines provided inside and outside barracks was extremely inadequate for the prisoners housed in this jail. Latrines were without cisterns or other means of flushing. Some of the toilets had tiled walls while others had plain cemented wall surfaces. There was no supply of running water in the toilets.

There were no bathrooms. Prisoners were taking their bath in running water of the pump in the open. In the absence of any provision of soap or washing powder for prisoners in the jail, prisoners were fully dependent on their visitors for the supply of these items. The prisoners not having visitors were facing great difficulty, as they had to depend on the charity of other prisoners.

### **District Jail, Meerut**

The availability of 159 toilets for male prisoners in the main jail, 17 for juvenile delinquents and 7 for the women prisoners gave toilet to prisoner ratio of 1:12.8, 1: 8.8 and 1:6 respectively for male, female, and juvenile prisoners. The maintenance and general standard of sanitation of these toilets was far from satisfactory. Some of the prisoners complained about toilets being not cleaned regularly.

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

The recreational and cultural activities organized in the different prisons of 1 Union Territory and 8 States of Northern region of India are as below:

## **PRISON IN UNION TERRITORY**

### **Model Jail, Chandigarh**

Prisoners of Model Jail, Chandigarh had been provided facilities for indoor game and arrangements had also been made for outdoor sports like volleyball etc. Badminton facility provided earlier had been withdrawn due to this facility being abused by some prisoners. Under the orders of the Punjab and Haryana High Court, TV facility had been provided but restricted to 5 religious Cable Channels. The yoga and meditation classes also remained suspended till the date of the visit. The cultural and recreational activities suspended in the wake of the jailbreak, had not been restored till the date of the visit.

### **Suggestion**

- The cultural and recreational facilities suspended due to jailbreak should be restarted at the earliest.



## **PRISONS IN HIMACHAL PRADESH**

### **Open Air Jail, Bilaspur**

The prisoners housed in Open Air Jail had been provided two black and white portable TV sets for their recreation. However, one TV was not in working condition since long and needed replacement.

#### **Suggestion**

- The TV set may be repaired or replaced as the case may be at the earliest.

### **Sub Jail, Bilaspur**

The prison inmates of Sub Jail Bilaspur had been provided three Black and White Television sets. Two TV sets had been installed in the Barracks and one TV set was installed in one of the three Cells.

#### **Suggestion**

- The Sub Jail Bilaspur should be provided with at least 2 more TV sets to make this essential recreational facility available in all the four sections into which the Barrack had been partitioned.

## **PRISONS IN MADHYA PRADESH**

### **District Jail, Indore**

A TV set had been installed in each block of this jail. The outdoor and indoor games including volley ball, carom and chess had been provided to the prisoners for entertainment. Yoga and meditation facilities were also available for the prisoners.

## **PRISONS IN PUNJAB**

### **Central Jail, Bhatinda**

The TV sets had been installed and Newspapers had been provided to the prisoners. The sport activities had been organised for prisoners on regular basis. The jail had facilities for both indoor games and outdoor sports. Prison inmates were found playing Volleyball, Kabaddi, badminton and other games.

The different cultural programs, including music, dance drama as well as PT had been organized regularly in the jail. The Bhangra and Gidha teams had already started preparation. To keep inmates stress-free regular Yoga classes had been held for both male and female inmates. A Yoga guru from outside the jail had been holding yoga classes for male prisoners and a female teacher had been engaged for female inmates. Yoga classes at the time of the visit had been conducted by inmates trained by the Yoga guru. The Samarpan Foundation, a voluntary Organization, had been assisting in organizing Art of living and Meditation classes regularly in the jail for prisoners.

A Gurudwara and a temple had been constructed within the jail premises to take care of the religious/spiritual needs of the prisoners. Religious programs had been organised during various festivals of different communities and the prison inmates were celebrating all religious festivals collectively.

### **District Jail, Sangrur**

A TV sets had been installed in all barracks of the jail. Jail authorities had been organizing different cultural programs, including music, dance, drama as well as PT in the jail. Bhangra, Gidha and drama teams had been formed. A magic show was organised for the benefit of inmates. The prison inmates had been celebrating all religious festivals collectively.

Sport activities had been organised in the jail on regular basis and prison had the facilities for playing volley ball, Kabaddi, badminton and other games by the prisoners. To keep prison inmates stress-free, prison authorities had been organizing yoga classes by engaging a guru from outside for male prisoners, and a female yoga teacher for training female prisoners.

## **PRISONS IN RAJASTHAN**

### **Central Jail, Jaipur**

It was heartening to note that volleyball was a regular activity for the prisoners of this jail. However, the recreation facilities were found to be inadequate. The Jail required 28 additional TV sets.

#### **Suggestion**

- Small screen B&W TV sets should be provided in each ward.

### **District Jail, Tonk**

The elementary facility of TV was available only in one of the five barracks of the jail.

#### **Suggestion**

- Recreational facilities need improvement. Four T.V sets of suitable sizes may be procured for providing this elementary facility in each barrack.

### **Sub Jail, Malpura**

A Television set provided by the Lions Club had been installed in the prison. The Assistant Jailer had sought permission from the Prison Headquarters to provide a carom-board to the inmates. The SDM stated that he would provide the facility straightaway.

## **PRISON IN UTTARAKHAND**

### **District Jail, Dehradun**

A TV set had been installed in each barrack. The jail had adequate facilities for indoor games and outdoor sports such as badminton and volleyball. The cultural activities including dance, drama, and music were being organized on festivals and various other occasions. Yoga classes had also been arranged for prison inmates. The jail had a canteen facility.

## **PRISONS IN UTTAR PRADESH**

### **District Jail, Barabanki**

A TV set had been installed in all barracks of the jail. The cultural programmes had been organized only on the national days and important festivals. The annual games had been held in the prison. The Art of Living Foundation and the Patanjali Yoga Sansthan had organized one programme each in the jail during the last 12 months.

### **vi.) Communication**

The functioning of interview system and other means of communication in different prisons of Union Territory of Chandigarh and 8 States of Northern region of India is as under:

## **PRISON IN HARYANA**

### **Central Jail, Ambala**

The daily interview facility had been availed by 150 to 200 prisoners. Interviews had been organized both in the forenoon as well as in the afternoon. As per the Haryana Jail Manual, convicts were allowed one and UTPs were allowed two interviews every week. Prisoners with names starting with ABCDEFGHIJ alphabets could avail this facility on Monday and Thursday and those with names starting with R & S on Tuesday and Friday and the remaining on Wednesday and Saturday. The interview gallery measuring about 60 ft. could not allow more than 20 prisoners at a time whereas 30-35 prisoners were lined up for interview.

### **Suggestion**

- While no objection could be raised to the interview procedure this procedure dictated by practical considerations, persons coming from outside to meet prisoners should not be denied the interview facility for this reason until they were thoroughly familiarized with the system of classification.
- The arrangement for interview may be improved by showing a little more sensitively towards the prisoners' rights.

## **PRISONS IN MADHYA PRADESH**

### **Central Jail, Satna**

The Interview Gallery and the arrangements made for holding interview in the jail were very satisfactory. The persons in the waiting room outside the jail had no complaint and some praised the humane conduct of the jail staff particularly the Jail Superintendent. The friends/family members were allowed to bring some items of food when they come to meet prison inmates. They were, however, not aware about the rules relating to food articles which they were permitted to bring.

### **Suggestion**

- The Superintendent needs to display a list of the articles including food items which can be delivered to the prisoners by their friends/family members during the interview.

## **PRISONS IN PUNJAB**

### **District Jail, Sangrur**

Meetings with family members were allowed on request for about 20 minutes. These meetings were held in a common room.

## **PRISONS IN RAJASTHAN**

### **Central Jail, Jaipur**

The Undertrial Prisoners were entitled to a weekly and convicts to a fortnightly interview with their family members. While no one complained about denial of this facility, a number of convicts expressed dissatisfaction with the size of the interview gallery which was 50 x 2 1/2 feet and could hardly accommodate 20 prisoners at a time. The gallery was extended from 30 feet to 50 feet in 1992. The Superintendent informed that funds had been provided for extending the gallery further to 80 feet.

### **Women Jail, Jaipur**

It was reported that on an average 15 interviews were held every day. The arrangements made for interview were satisfactory and female inmates expressed their satisfaction. However, a number of convicts were not receiving visitors because of long distances, for example 28 lifers had not received any visitors since their incarceration. Since this was the only women jail in Rajasthan where all women inmates sentenced to 10 years or more were kept, many poor inmates were not availing the facility of family interview because of the financial inability of their family members to travel to Jaipur.

### **Suggestion**

- There should at least be one more women's jail in the State.

### **District Jail, Tonk**

A number of convicts expressed their unhappiness over the arrangements made for holding interviews. There was no waiting place for the visiting family members to wait for their turn to come. The space between the prisoner and the visitor in the interview gallery was more than five feet as against three feet prescribed under the Jail rules. As a result, prisoners had to speak loudly during their interview.

### **Suggestion**

- The Addl. DG (Prisons) may look into this and order necessary rectification.

### **Sub Jail, Malpura**

Visitors were allowed to meet prisoners only on Sunday and with special permission of the SDM, Malpura on other days. Interview arrangements appeared to be satisfactory. The timings fixed for holding interviews were 8 to 10 AM in the morning session and 3 to 5 PM in the evening session for the duration of 45 minutes. The visitors' register showed 29 interviews held in December 2003, 21 in January 2004 and 18 interviews held till 18 February, 2004.

## **PRISON IN UTTARAKHAND**

### **District Jail, Dehradun**

The relatives/friends and the advocates were allowed to meet the prison inmates after written application. The prison authorities had been receiving on an average 50 applications for interview every day and no request had been turned down without sufficient reasons.

## **PRISONS IN UTTAR PRADESH**

### **District Jail, Barabanki**

The Undertrial Prisoners had been allowed 2 interviews in a week and Convicts were permitted only one interview and one letter in a month.

### **District Jail, Meerut**

The arrangements made for prisoners' interview were found to be very satisfactory. Prisoners meetings with their family members/friends were held on a fairly big cemented and covered platform. These interviews were held in a relaxed atmosphere without any unnecessary interference or restrictions from jail staff.



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

The education and vocational training and work 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 PRISONS**

The educational activities pursued in different prisons of Union Territory of Chandigarh and 8 States of the Northern region of India are as under:

#### **PRISON IN UNION TERRITORY**

##### **Model Jail, Chandigarh**

The Indira Gandhi National Open University (IGNOU) had opened its branch in Model Jail Chandigarh in 2001 and the study center started functioning in 2002. It was reported that 48 prison inmates appeared in various exams held in 2002-03 and 33 had successfully passed these exams. The 47 students enrolled for various courses in 2003-04 could not appear in the exams because of suspension of the activity following the jailbreak in January. The prison had a well-stocked library with 1200 books. Prisoners were supplied 30 English and Punjabi Newspapers every day. The incident of jailbreak led to tightening of security and resulted in acute shortage of staff at the functional level and also caused disruptions in educational programmes sponsored by IGNOU.

##### **Suggestions**

- The educational programmes suspended due to jail break should be restarted and prison inmates should be encouraged to improve their educational qualifications by providing necessary facilities and incentives.

## **PRISONS IN MADHYA PRADESH**

### **Central Prison, Indore**

The basic education was being provided to illiterate prisoners housed in the jail and educated prisoners were encouraged to pursue their higher studies. It was reported that 2 prisoners were pursuing their studies for MA; 2 for degree course; and 32 prisoners were preparing for matriculation. The prison library had 2047 books and was subscribing to 36 newspapers and 6 magazines.

### **District Jail, Indore**

The educated prisoners were providing basic education to illiterate prisoners. An Anganwadi was managing a school outside the jail for teaching children of prisoners housed in this jail along with other children. The prison authorities were subscribing 8 newspapers and magazines for prison inmates.

## **PRISONS IN PUNJAB**

### **Central Jail, Bhatinda**

The learning facilities had been at the minimal level in the jail. While other jails had been implementing Sarva Shiksha Abiyan and other literacy programs, this jail was found to be lacking on this front. A permanent teacher was conducting classes for male prisoners in the jail and a qualified female prisoner was teaching the female inmates. The jail failed to motivate young and old prisoners to pursue their higher studies/learning in the absence of facilities for higher education. The two libraries in the jail had books on religion and literature.

### **District Jail, Sangrur**

The sanctioned post of a regular teacher was lying vacant at the time of the visit. A lady teacher was teaching 10 female prisoners and seven educated prisoners were teaching 90 illiterate prisoners in the jail at the time of the visit. The two libraries in the jail had books on religion and literature.

## **PRISONS IN RAJASTHAN**

### **Central Jail, Jaipur**

The jail staff had been taking keen interest in spreading literacy among prisoners. The prisoners were being encouraged to improve their educational qualifications and an IGNOU Centre had been established in the jail for this purpose.

A remarkable feature of Central Jail, Jaipur was establishment of an ITI inside the jail campus in 1998 to provide training to 60 prisoners in three trades namely, wireman, fitter and carpentry. The Sanctioned staff of 12 persons of ITI was headed by the Superintendent. It was reported that 35 students including 12 lifers were engaged in two trades, i.e. 19 in fitter 16 in wireman trade at the time of the visit. They being fresh convicts were likely to remain in the jail for 8 to 9 years after



completion of their training without getting an opportunity to put in use the acquired profession.

### **Suggestion**

- The Additional DG needs to do selection of beneficiaries for different trades of ITI carefully.

## **PRISON IN UTTARAKHAND**

### **District Jail, Dehradun**

The NIOS and INGNOU had established their study centers in the jail with the financial aid provided by ONGC Dehradun. An educated female prisoner was teaching the children of female prisoners staying in the jail with their mother. The prison library was subscribing to Hindi and English newspapers for the prison inmates.

## **PRISONS IN UTTAR PRADESH**

### **District Jail, Barabanki**

There were no educational facilities in this jail for prison inmates. There were no class-room and the sanctioned post of one teacher had been lying vacant at the time of the visit. There were no arrangements for pre-school education for the children staying with their mothers in the jail. The jail library had just one almirah and for all practical purposes the jail had no library.

### **Suggestions**

- The post of a teacher should be filled up and a classroom should be made available for teaching prison inmates.
- The prison library should be stocked properly by approaching certain NGOs to donate books

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

The functioning of vocational training, work programmes and jail industry in different prisons of Union Territory of Chandigarh and 8 States of the Northern region of India is given below:

## **PRISON IN UNION TERRITORY**

### **Model Jail, Chandigarh**

The convicts were being provided vocational training and gainful employment in 5 factory units including carpentry, canning, welding, polishing, and saw sections. The number of convicts engaged in these units was 33 at the time of the visit. The staffing pattern of works programme included 3 posts of Technical Masters in carpentry, welding and polishing skills. The prisoners engaged in these units were paid wages according to the directions given by the

Supreme Court in State of Gujarat and others vs. Hon'ble High Court of Gujarat criminal Appeal No. 308 of 1986. The Chandigarh Administration did not have its own Wage Fixation Body. It adopted wage rates revised and notified by Punjab Government on November 8, 2000 and the daily wage rates for prisoners engaged in work programmes were Rs. 12 for skilled, Rs. 10 for Semi-skilled and Rs. 8 for trainees.

It was observed that a prisoner working in the carpentry section for about 16 to 17 months and considered proficient by the instructor had been treated as unskilled worker and paid wages of unskilled worker. Similarly another convict, a lifer working in the canning section had been paid wages of an unskilled worker even after working in this trade for about 11 years. The 27 prisoners except 'Numberdar' working in the Jail Kitchen; 3 prisoners working as barbers and a prisoner engaged in ironing of clothes despite being trained and efficient in their respective jobs had been treated as semi-skilled workers and paid daily wage @ Rs.10.

The prison inmates engaged in prison works programmes had been paid wages regularly and their dues had been cleared up to January 2005. The prisoners had a fairly good idea about the rates at which wages had been paid and their accumulated earnings.

### **Suggestions**

- The system of upgradation from trainee to semi-skilled and from semi-skilled to skilled category needs to be streamlined and made transparent.
- These two prisoners working in the carpentry section for 17 to 18 months and in canning section for 11 years should be treated as skilled workers and paid wages accordingly.
- Considering the strenuous nature of the kitchen job, prisoners working in the kitchen jobs should be categorized as cooks and helpers and paid daily wages of skilled and semi-skilled workers @ of Rs. 12 and Rs. 10 respectively on the similar pattern of other States.
- The performance of the barbers should be evaluated and they should be upgraded to the category of skilled workers if found proficient.
- The prison inmate engaged in ironing of clothes should also be paid the wages according to his proficiency.

## **PRISON IN DELHI**

### **Central Women Jail Tihar, New Delhi**

The women prison authorities with the assistance of a couple of NGOs were engaging 14 convicts and 98 UTPs in different types of vocational activities including weaving, stitching, bag-making, crochet work, beauty-culture and pickle-making

etc. The prison had made a proposal to introduce 'Dhoop' and 'Agarbati' making project to engage about 40 prisoners. It was reported that 74 convicts and 71 UTPs were being engaged on miscellaneous jobs including lungar jobs, hospital and library duty, cleaning, general maintenance and horticulture etc. The 94 prisoners including 62 convicts and 32 UTPs working in the Kitchen had been paid wages from the Government funds and others were paid either by the NGOs or out of the Prisoners' Welfare Fund. The prisoners working in hospital, library, and engaged in cleaning and general maintenance work were not paid any wages. The non payment of wages to certain convicts and UTPs engaged in certain jobs was quite objectionable.

The workers in the weaving, stitching and beauty culture sections were well informed about daily wage rates of Rs. 10 for unskilled, Rs. 12 for semi-skilled and Rs. 16 for skilled workers. The wages had been paid regularly and deposited in the personal accounts of the workers. The prisoners were keeping their Pass-books themselves. The wages had been paid to the prisoners engaged in different work programmes up to October 2003.

### **Suggestions**

- UTPs should only be engaged in prison work if they are willing to work.
- The UTPs if engages in prison work should be paid wages at the prescribed rates.
- The convicts sentenced to rigorous imprisonment are required to render their services in the prison work, but they cannot be treated as forced labor under the provision of Art. 23 of the constitution. They should be paid equitable wages.
- The wages fixed in August 2000 in accordance with the Supreme Court judgment in the State of Gujarat vs. Hon'ble High Court of Gujarat were due for revision on account of substantial increase in the minimum wage rates since then.

## **PRISON IN HARYANA**

### **Central Jail, Ambala**

Central Jail Ambala had a well-established and efficiently running factory unit. The prisoners had been imparted vocational training and were engaged in 10 trades including carpentry, smithy, printing, tailoring, tent making, canning and dyeing. This jail had supplied large number of tents for the rehabilitation of Gujarat earthquake victims. The groundsheets (Durries) made in this jail being of very high quality had been purchased by most of the Government Departments. However, this activity had suffered a marked decline in the recent years and the signs of neglect were noticed by the Chairperson during his visit to some of these units.

It was reported that 445 prisoners including 9 female prisoners were engaged in 9 factory units (leather unit was not working). However, a detailed examination of the records showed that only 145 prisoners including 9 female inmates were actually working in different trades of the jail industry. Besides these, 90 prisoners had been engaged as cooks and helpers in the kitchen and 20 in maintenance jobs. The Superintendent of Jail mentioned about a proposal for introducing three more trades/skills including Auto repair, Dairy farming and Service Station in the jail.

The overall production in the factory section declined from Rs.5454307 in 2001 to Rs. 2073411 in 2002 and Rs 1868737 till 30.9.03. The wage payments had accordingly come down from Rs. 165960 in 2001 to Rs. 75154 in 2002 and Rs. 51408 up to 30 September 2003. This showed that the developed facilities were not being utilized to their full potential and affecting the reform and rehabilitation of prisoners adversely.

The wages of the prison inmates were fixed in accordance with the directions given by the Supreme Court in the State of Gujarat vs. Hon'ble Court of Gujarat (1998.7SCC.392). The daily wage rates for different categories of workers were Rs. 10 per day for trainee/unskilled; Rs. 12 for semi-skilled and Rs.16 for skilled workers.

The prisoners working in the printing press and tent making units had learnt these skills and had become competent enough to earn their livelihood after getting released from the jail. In the printing section, 13 out of 18 prisoners had become competent enough to work independently. The number of such trained persons was found to be much larger in the tent making unit. A substantial number of prisoners had developed expertise in tailoring and carpentry. However, most of the prisoners had been paid wages at the rates applicable to the semi-skilled category.

It was also observed that most of the prisoners were unaware of the rates at which wages had been paid to them and had no idea about their earnings. They only confirmed that they had been shown the Worksheets which form the basis of calculation and payment of their wages.

The prisoners working in the factory section had been paid wages up to July 2003, but those engaged in kitchen and maintenance duties had been paid wages only up to July 2002. It reported that DG (Prisons) had already sent a request for an allocation of Rs. 10, 72,602 to clear the wage liability.

The examination of the records maintained by the factory section revealed that the individual ledger showed the earnings made by an individual only after the amount had been drawn from the Treasury and credited to his/her name. It, however, gave no idea about the work done by the prisoner for which money could not be drawn because of non-availability of funds. The documentation thus left much scope for misappropriation and irregularities which could not be checked easily.

The reform and rehabilitation of women prisoners had not received any worthwhile attention. The absence of vocational training facilities was a glaring deficiency in the female section of the prison. It was reported that 8 to 9 women convicts were engaged in yarn spinning but production figures revealed negligible results.

### **Suggestions**

- The Addl. DC (Prison) needs to look into the matter and streamline the procedure for elevation of prisoners from unskilled to semi-skilled and then to skilled category by evolving a fair and objective method based on their competence and efficiency.
- The factory section needs to bring more transparency and openness in its records relating to financial matters by displaying a monthly tabular chart giving details of work done and wages paid to each and every worker at the work site itself.
- The system of payment of wages to the prisoners needs to be streamlined in all the jails of Haryana. The DG (Prison) should follow the best practice of opening bank accounts for prisoners and individual prisoners holding their pass books as followed by most of the States.
- The DG (Prisons) may consider introducing a bakery unit as this trade could be more economical and useful.
- Female prisoners should be imparted vocational training and engaged in suitable trades.

## **PRISONS IN HIMACHAL PRADESH**

### **Model Central Jail, Kanda (Shimla)**

It was reported that 9 convicts had been working in kitchen; 16 were engaged in repair/renovation work given to the private contractor; 3 on maintenance jobs; 1 was engaged as a tailor; 1 as a barber and 2 as weavers and 8 to 10 prisoners had been employed by TLG Spectra Vision Pvt. Ltd. for making of Kero Heaters inside the jail. The work was available for six days a week during the period from October to March. The convicts had been paid wages at the rate of Rs. 65 per day (Rs. 5 more than the prevailing minimum wage rate) at the time of the visit.

It was a pity that the weaving section with well-developed facilities for making shawls, mats, blankets and bed sheets had been employing only two prisoners. The three Power-looms purchased in 1998 had been lying idle for want of the skilled staff to operate them. This had attracted adverse comments from the external audit party of the State.

The prisoners appeared to be well aware about the wage rates and had a fairly good idea of their earning. No one made any complaint about non-payment of wages.

## **Suggestion**

- The Addl. DG (Prisons) should ensure implementation of the important aspect of the judgment of the Supreme Court relating to the recommendations of the Apex Court to the State Governments to make law for "setting apart a portion of wages earned by the prisoners to be paid as compensation to deserving victims of the offence the Commission of which entailed the sentence of imprisonment to the prisoner, either directly or through a common fund to be created for this purpose or in any other feasible mode". Some of the States such as M.P, Bihar and Tamil Nadu has already taken initiative in this regard.

## **Open Air Jail, Bilaspur**

The Open Air Jail Bilaspur had no well-developed agricultural farm or a jail industry for providing gainful employment to its inmates. The jail inmates had been doing all sorts of jobs in the local market. It was reported that 3 prison inmates were selling vegetables; 1 was working as a mechanic in electronic repair shop; 1 as a typist in the court premises and 1 was giving tuition to school children in neighborhood for some consideration.

## **Suggestions**

- The Open Air Jail needs to develop some jobs and work facilities to keep its inmates engaged instead of asking them to find work themselves in the local market.

## **PRISON IN MADHYA PRADESH**

### **Central Jail, Satna**

The jail had well established industrial units for providing vocational training to prisoners in weaving, carpentry, tailoring, soap/washing powder manufacturing, and masala making. The Screen Printing section had started functioning on 5 October, 2001 to print all the forms used in jails. The training in this skill had been imparted to 10 prisoners.

It was reported that 208 convicts working in different industrial units had been paid wages @ Rs. 8 for unskilled and Rs. 10 for skilled worker. It was observed that most of them were ignorant about the scale of wages and their earnings as they had never been shown their Pass-books. The Jail Superintendent confirmed that funds for making payment of wages to the prisoners were being received regularly and there were no pending liabilities.

The Government of MP had introduced the scheme of payment of compensation out of prisoners' earnings to the families of the victims of their crimes. It was learnt that 50 per cent of the prisoners' earnings were being deposited in a common fund created for this purpose, and detailed rules for the

operation of this fund had been notified. However, no payment out of this fund had been made to any families till the date of the visit.

The prevailing system of leaving the decision of upgrading the prisoners from untrained to trained category to the discretion of the instructor could allow some element of arbitrariness.

The Non Official Member of the Board of Visitors was willing to arrange an instructor for running 6 month course in tailoring for the female prisoners provided transport could be arranged by the Jail authorities. It was heartening to observe that the Jail Supdt. had already found a source to supply free sewing machines to all the female prisoners after completion of their training. This welfare activity was expected to be taken up shortly.

### **Suggestion**

- The Jail Superintendent should take prompt action to bring transparency and openness in the financial matters.
- The DIG (Prisons) should streamline the process of upgradation of workers from untrained to trained category by prescribing an objective procedure of testing workers' professional ability by a Board of officers including a member from outside the jail.

### **Central Prison, Indore**

The convict prisoners were engaged in various trades and services such as tailoring, weaving, printing, furniture making, manufacturing steel utensils, hair cutting and cooking. The prison had been supplying steel plates and bowls manufactured in its steel manufacturing unit to all the prisons of Madhya Pradesh. Most of the products manufactured in the jail industry of this prison were either consumed internally or supplied to other jails in the state.

The prison had been paying wages @ of Rs 10 per day to the trainees, Rs 21 to semi-skilled and Rs 27 to the skilled workers. It was observed that most of the prisoners were not aware about the amount earned by them.

It was reported that 50 per cent of the prisoners' income had been deposited in the PD account maintained at State level and used for the welfare of prisoners; one third amount of the remaining 50 per cent amount was used by the prisoner to meet their expenses in the jail such as purchase of canteen items, one third was meant for the families of the prisoners and the rest of the amount was given to the prisoners at the time of their release from the jail. It was, however, observed that the prisoners were not given any amount during their stay in the prison and no amount was sent to their families. Usually some amount was given to the prisoners when they went on parole but no amount had been paid to prisoners who did not go on parole. The prisoners were not aware of the amount accumulated in their account.

## **Suggestions**

- The prisoners of Central Prison Indore working in various fields like tailoring, weaving, carpentry, steel industry, hair cutting and kitchen jobs should be told about the money earned by them during the last few years.
- It was reported that the prison authorities had been depositing 50 per cent of the amount of wages earned by prisoners in the Central fund called PD account for the welfare of the prisoners. The NHRC may consider calling for a detailed report on utilization of funds deposited in the PD Account from DG Prisons, MP.

## **District Jail, Indore**

There were no work programmes for the prisoners housed in this jail. However, some convicts were engaged in kitchen jobs and growing vegetables inside the prison. The prisoners were paid wages at the rates prescribed by the Govt. It was observed that the prisoners were not aware of the amount earned by them.

## **PRISONS IN PUNJAB**

### **Central Jail, Bhatinda**

The vocational training organized in this Jail had not been taken up at the desired levels. While the other jails had been producing various items like carpets, mats, cotton and woolen garments etc. and providing some source of earning to both the prisoners as well as the victims. No such products had been produced in this jail.

## **Suggestion**

- The jail administration needs to upscale vocational activities and promote production of market related products.

## **District Jail, Sangrur**

The jail authorities had been organizing vocational training in carpet making and weaving for male prisoners and knitting and weaving etc. for female prisoners. A small factory had been set up to produce soaps and phenyl etc.

## **PRISONS IN RAJASTHAN**

### **Central Jail, Jaipur**

Central Jail Jaipur was running a well established jail factory for imparting vocational training and providing gainful employment to prisoners in a number of skills/trades such as spinning; darry, niwar, and farash making; handloom and powerloom weaving, carpentry, foundry dyeing, canning etc. It was reported that 681 convicts had been engaged in these units but 363 prisoners were found



to be present in the factory complex on the day of the visit. Besides the factory work, prisoners were also engaged in kitchen work, campus maintenance, hospital services and library duties. A ceiling of 10 per cent of the sanctioned strength had been imposed on deployment of prisoners on service duties. The total number of prisoners deployed on different services in this jail on the day of the visit was 134.

A well-developed jail infrastructure for reforming and rehabilitation of prisoners was found to be running at a much lower level of its installed capacity. The work was available only for 8 to 10 days in a month in most of the units because the work had to be suspended due to non-availability of raw materials. As a result of ceiling imposed on engaging convicts in jail services and limited budget provided for purchase of raw materials, the prisoners of Rigorous Imprisonment category could not be provided work regularly. This could be viewed as non-compliance, though not willfully of the court orders sentencing the prisoners concerned to Rigorous Imprisonment.

A large number of prisoners with more than 2 years of experience and considered capable of working independently by their Supervisors continued to be categorized as unskilled workers in most of the factory units. The prevailing daily wage rates at the time of the visit were Rs. 11 for skilled and Rs. 9 for unskilled workers. The majority of the prisoners working in these units did not have any idea about the rates at which wages had been paid to them. Similarly, a negligible number of prisoners had some idea about accumulated amount of their wages. The wages were not paid regularly and the system lacked transparency.

While skilled prisoners working in factory units had been paid wages till May 2003 and unskilled prisoners had been paid wages up to March 2003. The prisoners deployed on jail services had not been paid any wages after March 2000 for want of funds. According to Superintendent an amount of Rs. 51.17 lakh was required to clear the wage liability up to March 2004.

The Superintendent confirmed that a number of prisoners had not been paid their full wages at the time of their release from the jail because of non-availability of funds. Although they had been informed as and when the funds became available for disbursement but many of them did not come back for collection of their dues. This resulted in accumulation of undisbursed funds and unjustified loss to workers.

The Supreme Court's directions of disbursing 25 per cent of prisoners' wages among the families of the victims had not been operationalized effectively. The examination of the records revealed that out of the total amount of Rs. 361729 deducted from wages of prisoners during the period from May 14, 2002 to December 23, 2003 only an amount of Rs. 8402 (2.3 per cent) had actually been

disbursed to the victims. However, the Government of Rajasthan needs to be complemented for having the process set into motion.

### **Suggestion**

- The prisoners should be paid their wages for services rendered by them.
- The Addl. DG (Prisons) needs to consider to adopt the following ways to resolve the problem of prisoners not being paid their full dues at the time of their release from the prison:
- Creation of a corpus of a reasonable amount to clear the wages of prisoners at the time of their release and reimburse the amount disbursed subsequently.
- To give prisoners a written undertaking mentioning the amount due to them and send it subsequently through a Money Order directly to them or get it disbursed through the District Jail nearest to their place of residence.

### **Women Jail, Jaipur**

The jail authorities with the help of Chand Shilp Shala, an NGO were providing vocational training to the prison inmates in tailoring and stitching. The NGO had provided 30 sewing machines for this purpose and 40 women inmates had become well trained to work independently; and 20 women were working in the Unit at the time of the visit. They were, however, paid no wages. The Superintendent informed that depending upon the availability of raw material, women inmates had also been engaged in Niwar making and Yarn spinning. However, this aspect had not received much attention.

In view of the 10 per cent ceiling imposed by the Government for engaging prisoners in the jail services, a maximum number of 17 prisoners could be engaged in the kitchen, jail garden and campus maintenance.

A lifer looking after the crèche set-up for the jail children was not paid any wages because jail rules did not list this work as one of the authorized jail services for which wages could be paid.

### **Suggestion**

- The female inmates working in the tailoring and stitching units need to be paid wages.
- The woman inmate running crèche should be paid wages at the rate applicable to the skilled category of workers.

### **District Jail, Tonk**

The jail factory running dari, niwar and furniture making units had been closed since February, 2001. As a consequence of the closure of jail factory the prisoners could not be engaged. It was informed that the closed units would be

reopened in the new factory shed. The jail authorities could engage only 22 convicts due to the ceiling of 10 per cent ceiling imposed by the Government for engaging prisoners in jail services. The prisoners had been paid wages at the prescribed rates.

The wages had not been paid for quite sometime to the prisoners. Against the requirement of Rs. 1,86,447 including a liability of Rs.1,66,447 incurred till 31 December 2004, the amount of Rs. 50,000 allotted under this head was much lower to clear the dues.

A private organization, namely 'Jan Sewa Khadi Gramodhyog Vikas Samiti' had been imparting training to 26 prisoners in Namda stitching and cutting work at the time of the visit. The Chairman of the Organization informed that all these prisoners were expected to start earning within a month although the duration of their training was 3 months. The organisation was confident of providing continuous work to a larger number of prisoners.

### **Suggestion**

- The 16 prisoners engaged in kitchen should be paid wages at higher rate due to strenuous nature of work.
- This good practice of involving private organizations in imparting training to prisoners in different trades needs replication at other places.

### **Open Air Camp, Sanganer**

The inmates of open air camp were self-employed. A large number of them were running tea shops; one was working as a tailor; two were running STD booths. Some of them had been working in factories and others were working as daily-wage laborers.

The 11 of the 13 female inmates housed in the open air camp had been working in different fields. It was reported that 7 had been employed in a factory; 2 working as tailors; one as a teacher; and one was running a shop. The remaining two non-working female inmates were being looked after by their sons at the time of the visit.

## **PRISON IN UTTARAKHAND**

### **District Jail, Dehradun**

The various manufacturing units of prison industry included carpentry, welding, tailoring; weaving, pottery and nursery. The vocational training was imparted to female inmates in tailoring, weaving, handicrafts and computer. The prisoners were engaged in producing different articles in these units on demand. The prison inmates engaged in prison industry had been paid wages and the daily wage rates were Rs. 10 for trainees; Rs 13 for semiskilled and Rs. 18 for skilled workers.

## **PRISONS IN UTTAR PRADESH**

### **District Jail, Barabanki**

The prison had no facilities for vocational training. The jail administration had not sought any help from other Government departments dealing with vocational training for conducting such training programmes for its inmates. It was reported that an NGO conducted just one programme on computer familiarization in 2010.

The jail did not have any cottage industry, handloom unit or handicrafts unit to engage prisoners. In the absence of any work programmes for jail inmates, an average number of 225 prisoners including 216 trainees and 9 semi-skilled/skilled workers were engaged in the kitchen work, maintenance of the grounds, and in the jail farm. The prisoners were paid daily wages at the rate of Rs. 10 to trainees; Rs. 13 to Semi skilled and Rs. 18 to skilled workers. The sanctioned amount of wages received by the prison authorities was inadequate to pay wages to prisoners for the services rendered by them. As a result of the meager funds available with the prison authorities, a large number of prisoners had been classified as trainees.

### **Suggestions**

- The various Government departments including Industry, Rural Development, Handloom and Handicrafts etc. should be approached for organizing vocational training for the prisoners.

### **District Jail, Meerut**

The jail authorities had not done much to promote the jail industries and train prisoners in useful vocational skills. The convicts and under-trial prisoners willing to work were engaged in agricultural activities and other jail duties like cooking and gardening etc. It was reported that 10 to 12 prisoners were working for 5 to 6 hours a day in agriculture farms. The number of prisoners involved in agricultural activities used to go up to 30 to 40 at the time of sowing and harvesting.

The prison inmates involved in different activities were paid wages @ Rs. 18 to skilled, Rs. 13 to semi-skilled and Rs.10 to unskilled workers. It was observed that the prison inmates were not aware of the rates at which the wages had been paid to them, for example, an old under-trial engaged in prison work for the last 5 years was not sure about the rates at which wages had been paid to him. The Works Register prepared by Farm Clerk showed that 28 workers were engaged in December 1999; 34 in January 2000; 11 in February 2000; and 11 in March 2000 and no wages had been paid to prisoners after March 2000. Individual Pass books were not being maintained in this prison. It was informed subsequently that an amount of Rs. 1 lakh was received by prison authorities in 2001-02 for making payment of wages and all workers had been paid wages up to February 2002.

The Senior Superintendent of Jail stated that orders had been received for developing facilities of vocational training for prisoners under the Modernization plan and Eleventh Finance Commission. Prisoners had been identified for imparting training in typing, data-entry, gardening, and blacksmith etc.

**Suggestion**

- The DM needs to get all the payments made to prison inmates for services rendered by them thoroughly checked to bring transparency and openness in financial matters.



## MEDICAL HEALTH CARE AND DEATHS IN PRISONS

The prisoners 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

The facilities and quality of medical care and treatment provided in different prisons of Union Territory of Chandigarh and 8 States of Northern region of India are given below:

#### PRISON IN UNION TERRITORY

##### Model Jail Chandigarh

The sanctioned strength of medical staff of the Model Jail Chandigarh included one doctor and two paramedical personnel. This jail was providing only OPD services and the daily average attendance in the OPD was around 40 patients. The jail did not have in-patients services and the prisoners requiring hospitalization were sent to the General Hospital sector-16 Chandigarh. It was reported that 8 Specialists including one Gynecologist were visiting the jail on weekly/fortnightly basis. Model Jail Chandigarh did not have its own Ambulance services. The emergency cases had been handled satisfactorily by requisitioning Police Control Room and Ambulance services.

It was reported that 5 TB patients in the prison were receiving treatment under DOTS. The 2 convicts and 2 UTPs were suffering from mental disorder. The visiting Psychiatrist was treating 2 UTPs and 1 convict; and 1 convict was getting his treatment at Mental Hospital, Amritsar. The periodical reports on the health status and progress had been sent to the courts concerned.

A 65 years lifer suffering from Coronary Artery disease was required to undergo CART/Revascularization as per Department of Cardiology, PGI Chandigarh. He became eligible for premature release in accordance with the norms being followed by the UT Chandigarh at the time of the visit.

## **PRISON IN DELHI**

### **Central Women's Jail Tihar, New Delhi**

The Central Women Jail had a well developed 10 bedded hospital with average occupancy of 70 per cent. The daily average attendance at OPD was 80 patients. The prison hospital had 7 lady medical officers including one Gynecologist; one child specialist; and 10 paramedical personnel. The medicines were being supplied as per requirements and there was no shortage of medicines. The 10 specialists in skin, chest, ENT, eye, radiology, orthopedics, dental, psychiatrist, physio- therapy and medicines were visiting the hospital every week.

It was reported that 42 cases of TB had been detected in the prison since 2001; 5 prisoners suffering from TB were completely cured; 16 were receiving treatment (non-DOTS); 19 were released before completion of their treatment and 2 had died.

The 3 inmates and 2 children suffering from HIV/AIDs had been segregated and were receiving proper treatment. The 2 prison inmates suffering from mental disorder were receiving proper treatment under the supervision of the visiting psychiatrist. The prisoners suffering from chronic obstructive pulmonary disease with recurrent follicular carcinoma-thyroid; cholechythiasis with chronic obstructive pulmonary disease with general debility; chronic obstructive pulmonary disease with hypertension had been provided constant medical attention.

As a result of serious efforts made by the Jail Superintendent and the Welfare Officer, bail was granted to 6 seriously ill female prisoners under special provisions, of the Jail Manual. However, the case of a foreign national, an NDPS undertrial, was rejected by the High Court. She was HIV positive and had delivered twin boys in prison. Both the kids being seriously sick were admitted in the hospital.

### **Suggestions**

- As per the guidelines issued by the Director General of Health Services, Government of India, all fresh cases of detection of TB are required to be administered DOTS (Directly Observed Treatment Short Course) treatment under the Revised National T.B. Control Programme. The MO in-charge needs to ensure that these guidelines are followed at least in the case of convicts and UTPs who are not likely to be released on bail and can, therefore, complete the prescribed treatment.

## **PRISON IN HARYANA**

### **Central Jail Ambala**

The 12 bedded hospital of the Central Jail Ambala had 100 per cent occupancy. The daily average attendance in the OPD held in the jail hospital was around 180



patients. The hospital of Central Jail Ambala had sanctioned strength of 2 Medical Officers, 1 Dental Surgeon, 2 Pharmacists and 1 Lab. Technician. Both the posts of the Medical Officers were lying vacant at the time of the visit. A Gynecologist from the District Hospital was deputed to visit the jail hospital every week.

It was reported that 12 patients were undergoing TB treatment at the time of the visit and 8 prisoners had been treated for TB in 2000, 22 in 2001 and 26 in 2002. However, only 1 prisoner had completed his treatment in 2000, 3 in 2001 and 6 in 2002 before getting released from this prison. The treatment of TB patients had been integrated with the Revised Centrally funded National TB Control Programme (RNTCP) launched in every District. Besides these TB patients, 12 prisoners were undergoing treatment for Diabetes, 34 for Bronchial asthma and 51 for Hypertension. Among these sick prisoners, the 14 chronic cases of Diabetes, Asthma and Heart diseases were requiring constant medical attention and repeated hospitalization; and 3 were above 80 and 5 were in the age group of 70 to 80 years.

There were 18 mentally ill prisoners in the jail at the time of the visit and 15 of them had been isolated. The mentally ill prisoners were being taken regularly to the Psychiatrist in the Civil Hospital for treatment. The 2 prisoners including one lifer and the other Undertrial prisoner of this jail were undergoing treatment in Mental hospital, Amritsar. The medical report dated 29 July, 2003 showed that the UTP was still suffering from Schizophrenia and was unfit to stand trial.

The jail hospital had regular supply of medicines. The medicines required frequently in large quantities being not on the approved list of the centrally supplied medicines had to be purchased locally.

### **Suggestions**

- In view of the large number of female prisoners in this jail, one post of the Medical Officer should be earmarked for a Lady Doctor.
- The Medical Officer needs to explain the prisoners at the time of their release about the desirability of continuing their treatment and also to ensure that they are provided with proper documents containing full medical history of the case to facilitate their treatment after their release.
- The D.C. should ensure that a Psychiatrist visits the jail at least once a month for proper treatment of the mentally ill prisoners housed in the jail.
- The frequently required medicines should be included in the list of centrally supplied medicines by the State Government.

## **PRISONS IN HIMACHAL PRADESH**

### **Model Central Jail, Kanda (Shimla)**

The 8 bedded Jail Hospital was located in a separate block. The average monthly

occupancy of jail hospital never exceeded 2 patients. The daily average attendance in the OPD was 25 prisoners. The jail hospital had one Medical Officer and one female Multi-purpose Health Worker. The two sanctioned posts of Dispenser were lying vacant at the time of the visit. The initial medical examination of prisoners had been carried out on admission and prisoners were found satisfied with health care facilities.

The Specialists had been visiting the hospital from time to time. A team of Dental Doctors had visited the jail hospital in November 2002 and in August 2003. AIDS Awareness Campaign Team had visited the hospital on 3 June, and 1 September, 2003. A team of Doctors from Indira Gandhi Medical College Shimla also visited the hospital on 13 February 2003. Since a platoon of the armed police was stationed at the jail, there was no difficulty in escorting the prisoners to outside hospital for consultation or treatment purposes. The hospital had an Ambulance in working order. The hospital had its X-ray machine but that had not been used since its installation on account of the absence of a Technician.

It was reported that two prisoners were undergoing treatment for mental illness. One of these patients had been admitted in Mental Hospital Varanasi since 16 March 2003 and the other was being treated in the Jail itself under the observations of the Psychiatrist of the Indira Gandhi Medical College.

### **Suggestion**

- A post of X-Ray technician should be sanctioned to utilize the X-Ray machine installed in the jail hospital.
- The jail hospital needs to have one more Pharmacist and facilities for routine pathology.

### **Open Air Jail, Bilaspur**

The Open Air Jail Bilaspur was provided medical cover by the Sub Jail Bilaspur.

### **Sub Jail, Shimla**

Sub Jail Shimla had no Medical Officer of its own. A Lady Doctor from the adjoining PHC was deputed to visit this Jail on part time basis. She was fully sensitized about the prisoners' medical needs. The immediate health care was being provided to the jail inmates by one dispenser.

It was reported that one mentally ill UTP involved in a murder case had been under treatment at Mental Hospital Varanasi since 2 April, 2003. His file showed that the District Judge had already reminded the hospital for more than once about the progress report on his health status.

### **Sub Jail, Bilaspur**

The Sub Jail hospital had a Medical Officer and a Dispenser and the daily

average attendance at the OPD was 9 patients. The jail hospital had no beds and prisoners requiring hospitalization had been sent to the District Hospital. Since the hospital had to provide medical cover to the Open jail also, the existing medical facilities were inadequate.

A leprosy patient in the jail had not been segregated because doctor opined that the person concerned had been successfully treated; and one mentally ill prisoner was taking treatment at Indira Gandhi Medical College Shimla as an outdoor patient.

## **PRISONS IN MADHYA PRADESH**

### **Central Jail, Satna**

The 15 bedded jail hospital of the Central Jail Satna had monthly average occupancy of 34 patients. The daily average outturn of patient in OPD was 110. The initial medical check-up of all prisoners on admission to this jail was being carried out as per the directions of the NHRC.

The sanctioned staff strength of the jail hospital included 1 Medical Officer, 1 Pharmacist and 1 Staff Nurse. The X-Ray machine provided to this hospital could not be put to use in the absence of technician.

It was reported that 15 TB patients had been effectively cured and 26 were undergoing treatment after being insulated from others. A prisoner suffering from leprosy was successfully treated with the help of District hospital. It was learnt that 27 prisoners required surgery and 2 detailed investigations in the hospitals outside the jail. The surgery cases included Hydrocil; Piles; Hernia; Cataract; and Appendicitis. The surgery in some of the cases had been delayed due to non-availability police escort. The examination of records revealed that the availability of police escort for taking patients to outside hospitals was just 18 per cent during the period from March 2001 to February 2002.

The medical set-up of the jail was found to be functioning very well. In a special Eye-camp arranged in the hospital on 14 July, 2001, 25 patients had been provided spectacles; in another camp held on 15 December, 2001, the eye-sight of 130 patients was tested and 14 were provided spectacles and 2 referred for cataract operation which was yet to be arranged. A sample check of HIV/AIDS was conducted on 100 prisoners on 12 January, 2000 but no positive case was detected. In a special camp held on 16 December, 2002, 47 prisoners underwent sputum test for T.B. and Dental services were also arranged in the jail on 20 May, 2001.

The jail hospital had no Ambulance. This hospital's Ambulance had been transferred to Shahdol after allotment of a new Tata Sumo to this hospital on 2 March, 2002.

## **Suggestions**

- The jail hospital needs to have one more Pharmacist and facilities for routine pathology. A technician should be provided to this jail for operating the X-Ray machine.
- The Collector and the SP should take prompt action and make immediate arrangements for proper treatment of the patients requiring surgery by opening, if necessary, a small jail ward in the hospital. These cases may be taken up in groups of 5 to 6 and the entire job should be completed within a period of 3 months.
- Considering the work-load of the hospital and the distance of 8 KM of the District hospital from the jail, the hospital should have its own ambulance.

## **Central Prison, Indore**

The 42 bedded hospital of the prison had 2 doctors, 1 compounder, 2 Lab. Technician and 1 Radiologist. The prison had facilities for X-rays and pathological tests but the facilities for pathological tests were not being used properly.

The health screening of the prisoners had been done at the time of admission by using the proforma prescribed by the NHRC. However, it was noticed that 3 prisoners having foot injuries were getting treatment. They stated that the injuries had been caused due to accident and beaten by the public before coming to the prison, but there was no mention of these injuries in the health screening report. The budget allocation of Rs. 47,15,649 for medical expenses in financial year 2011 was sufficient to meet prison requirement of medicines.

It was reported that 11 TB patients were kept separately. The 32 prisoners suffering from depression and mental illness were being examined regularly by psychiatrists and provided treatment in the mental hospital. The 3 HIV positive prisoners had also been kept separately. The prison hospital had one ambulance. The prison authorities were facing problems in arranging escort for sending the prisoners to the District hospital.

## **Suggestion**

- The prison doctor should make entries of all injuries in the Health Screening report of the prison inmate.

## **District Jail, Indore**

The District jail had no indoor medical facilities. The jail did not have any sanctioned post of a doctor. It had a male nurse and a female nurse. A doctor had been deputed to visit the prison hospital every day for medical check-up and treatment of prison inmates. There was a medical room to treat prisoners on OPD basis. The daily average outturn of prison inmates in the OPD was 30 to 35 prisoners. A TB patient housed in the prison was taking treatment from outside.

There were no mentally ill patients in the jail. The prison did not have its own ambulance. The 12 children staying with their mothers in the jail were provided proper health care. The immunization programme was being undertaken for them.

### **Suggestion**

- The Government of Madhya Pradesh may consider of appointing a doctor and a lady doctor in this jail on permanent basis.

## **PRISONS IN PUNJAB**

### **Central Jail, Bhatinda**

A 24 bedded jail hospital had average bed occupancy of 12 to 13 patients. There were only 10 patients in the hospital at the time of the visit. The jail hospital had 2 sanctioned posts of doctors and 6 posts of pharmacists. The jail hospital did not have any X-ray equipment or diagnostic testing facilities.

The mentally ill prisoners, drug addicts, and those suffering from infectious diseases like TB had been segregated and kept in separate wards. The screening for HIV/AIDS and TB had been done on the regular basis. It was reported that the jail hospital had 3 HIV cases including 2 male and 1 female; and 7 TB cases. There was no mentally ill prisoner in the jail.

Bhatinda had been facing serious problems of drug abuse as well as drug trafficking. A number of prisoners had been booked for violating the provisions of the NDPS Act. De-addiction Centres had been set up by the state Government in all Central Jails of the State. The drug addicts were being initially treated in the jail Hospital and in case of them not responding to the treatment, they were shifted to the Civil Hospital.

It was mentioned that the supply of medicines was not sufficient to meet the demand for medicine. As a result, jail administration had to resort to local purchase of medicines.

### **Suggestion**

- The quality of health care provided to the inmates, especially the health care cover for female inmates should be improved.
- The hospital facilities in the jail need to be upgraded.
- The diagnostic testing facilities should be provided in the jail hospital. The jail authorities may consider partnerships with reputed agencies for setting up such facilities in all jails of Punjab.
- The jail should be provided adequate funds to ensure regular supply of medicines to the inmates or else additional supply of medicines should be ensured.

- Screening for mental illness should be done regularly with the help of experts in the field.

### **District Jail, Sangrur**

A 20 bedded Prison hospital had the average bed occupancy of 7. There were no isolated wards in the prison hospital and no regular doctor had been posted in the jail hospital at the time of the visit. The doctors had been visiting the jail on rotation basis and a lady doctor had been visiting the jail once in 15 days to attend the female patients in the jail. The daily average outturn of patients in the OPD was around 173.

It was stated that screening of prisoners for TB and other ailments was done at the time of admission and thereafter no regular screening for TB or HIV/AIDS was being done. Based on the screening done at the time of admission, the drug addicts, mentally sick prisoners, and those suffering from infectious diseases like TB were segregated and kept separately.

There was only one TB patient and no HIV/AIDS patient at the time of the visit. A mentally ill prisoner was undergoing treatment. The jail authorities were paying special attention to the seriously sick patients and were shifting them to the civil hospital for treatment on the advice of the Medical Officer.

### **Suggestions**

- In view of the crowded prison and chances of contamination after prisoners admission in the jail, regular screening for TB and other contagious diseases and HIV/AIDS need to be undertaken.
- The jail administration should arrange periodic screening of prisoners for mental illness.

## **PRISONS IN RAJASTHAN**

### **Central Jail, Jaipur**

The 41 bedded Prison Hospital was located in a separate nicely laid out building. The average occupancy of this hospital was 20 including 10 patients brought to Jaipur from other jails for special treatment at the SMS Medical College, Chest and T.B Hospital, Mental Hospital and Dental College, Jaipur. The daily OPD attendance at the prison hospital ranged between 125 and 150 patients.

The sanctioned staff strength of the jail hospital included 1 Senior Medical Officer and 2 Medical Officers including one Lady Medical Officer meant for the female inmates; 4 male Nurses; 1 Mid-wife; 1 Lab. Technician; 1 Jr. Specialist (Radio Diagnosis) and 1 Joint Radiographer. The posts of Jr. Specialist (Radio Diagnosis) and Joint Radiographer were lying vacant at the time of the visit. The facilities of X-ray and Ultrasound installed about three to four years back in the hospital could not be used due to the absence of technicians.

It was observed that 7 TB patients being treated under DOTS system at the time of the visit had been properly segregated. It was reported that 20 prisoners had received treatment for TB in 2001, 26 in 2002 and 19 in 2003 and 31 of these had been fully cured before their release/transfer to other places. It needs to be appreciated that the cases of TB patients released before completion of their treatment or transfer to other jails were being properly referred to the TB Control Programme Officer of the District concerned and a copy of the Transfer certificate was given to the patient also. The jail was housing one prisoner suffering from HIV/AIDS; and 30 mentally ill prisoners including 18 convicts and 12 UTPs. The mentally ill patients including one case of schizophrenia and six of mental retardation were being treated by a Psychiatrist visiting the jail hospital every week. The condition of undertrial prisoners had been assessed regularly to ascertain their fitness to stand trial which was under suspension because of their inability to defend themselves.

The availability of police escort for medical purposes was estimated at 60 percent only. In the absence of emergency escort such duties were being performed by the jail staff resulting in depleting the strength of the guarding staff at jail.

### **Suggestions**

- The Department needs to fill the vacancies of technicians on priority basis to enable the jail hospital to utilize the fairly expensive machines.
- The situation of emergency escort needs to be reviewed thoroughly in view of the concentration of patients brought to this jail from other jails for specialist treatment.

### **Women Jail, Jaipur**

The 6 bedded hospital of women jail had sanctioned posts of one lady Medical Officer and one ANM. The daily average outturn at the OPD was 50 patients. A Psychiatrist had been visiting the hospital once a week. A major deficiency observed in the functioning of this jail hospital was that it did not have any female nurse. A mentally ill prisoner housed in the jail was being treated by the visiting psychiatrist and the jail hospital was not having any seriously sick patient on the day of the visit.

### **District Jail, Tonk**

The jail hospital had 3 beds for indoor patients. The daily average attendance at the OPD was 30 to 40 patients. The District Jail Tonk despite being "A" grade district jail did not have a sanctioned post of a regular medical officer. A doctor from the district hospital was deputed to this jail on part time basis. This jail had only one sanctioned post of a male nurse. The part time doctor had been paid an amount of Rs. 100 per month for making 2 weekly visits of 2 to 3 hours on every

Tuesday and Saturday. He was also available on call duty. The honorarium of Rs. 100 was fixed in the year 1975 to meet the transport charges. There was no proper place for examining the patients as the room provided to Medical officer for examining the patients was used as a medical store.

It was reported that 8 of the 10 patients suffering from TB since January 1, 2001 had been released after completing of their treatment under DOTS and getting fully cured and 2 were staying in the jail at the time of the visit. A mentally ill prisoner held in the jail was undergoing treatment at Mental Hospital, Jaipur since 31 December, 2003. The jail was not holding any seriously sick patient on the day of the visit.

It was reported that on an average 15 patients had been referred to district hospital every week for consultation/specialist treatment. The surgical intervention if required, were arranged within 15 days. The supply of medicines was adequate.

### **Suggestion**

- The Additional DG (Prisons) need to ask the Government for suitable enhancement of the honorarium paid to the doctor.
- The Superintendent needs to obtain a report on the condition of mentally ill prisoner from the Mental Hospital, Jaipur on regular basis.

### **Sub Jail, Malpura**

A Medical doctor from the Government Hospital was deputed to this jail on a part time basis. He was also available on call duty. He had visited the jail for 11 times in December 2003, 11 times in January 2004 and 7 times till 17 February, 2004. Prison inmates expressed their satisfaction with medical care provided to them.

## **PRISON IN UTTARAKHAND**

### **District Jail, Dehradun**

The prison hospital was located at a sufficient distance from the barracks. The floors and walls of the 15 bedded prison hospital were made of impermeable material. The hospital had uninterrupted supply of potable water and electricity. The prison hospital, however, had no separate ward for female prisoners and their children.

The prison hospital had one male doctor and no female doctor; 2 para-medical personnel; and no female nurse. The prisoners had been medically examined on admission. The daily average OPD outturn was 175 patients. The inmates had been referred to Doon Hospital for expert opinion. The prison hospital had adequate supply of medicines and one ambulance.

The prisoners suffering from infectious diseases had been segregated and



kept separately. There were 8 T.B and 2 HIV/AIDS prisoners in the prison hospital. The 25 mentally ill prisoners housed in the prison hospital included 3 female patients. The IG Prisons had been visiting the mentally sick prisoners twice a month under the u/s 39 (1) of Mental Health Act 87 and a psychiatrist had been visiting the jail hospital once a month to examine the mentally ill prisoners. The drug de-addiction service was also available in the hospital.

The prisoners housed in prison hospital had been provided the required diet and milk. The two children staying with their mothers in the jail had been checked periodically by the Medical Officer and health safety, nutrition and immunization of these children was being taken care.

### **Suggestions**

- Adequate number of doctors should be posted in the jail hospital.
- A lady doctor and a female nurse should be posted in the prison to take care of the female patients.
- The prison authorities should make arrangements for keeping children and female patients in a separate ward.

## **PRISONS IN UTTAR PRADESH**

### **District Jail, Barabanki**

The 20 bedded prison hospital established in one of the barracks of the prison was neat and clean. There was no female ward for keeping female patients. The staff of the prison hospital included a full time doctor, a part-time doctor, and two pharmacists. The jail hospital did not have a lady doctor or female nurse. There was no arrangement for regular check-up of female inmates and children staying with their mothers in the prison. The female prisoners and their children were being taken to the local Civil Hospital for treatment. The cases requiring specialized treatment had been referred to the Medical University at Lucknow (CSMMU).

The daily average outturn at OPD was 142 patients. The stock of medicines did not appear to be adequate for such a large number of OPD patients. The doctor, however, stated that the availability of medicines was not a problem. The prison hospital has its own kitchen and an ambulance.

It was reported that the 3 TB patients housed in the jail had been segregated and housed in three isolation cells. These isolation cells, however, did not have beds or mattresses for the patients. The jail had no facilities for HIV/AIDS screening. Despite the fact that Barabanki being an opium-growing district and a large number of prisoners booked or sentenced to imprisonment under the Narcotic Drugs and Psychotropic Substances (NDPS) Act, this jail did not have any facility for de-addiction and counseling for drug addicts. The two mentally ill prisoners in

the jail had not been kept under observation at an appropriate place by the prison administration because they were not violent.

### **Suggestions**

- The arrangements may be made for a female doctor and a nurse from the civil hospital to visit the women ward thrice a week for one hour; and a female doctor should be made available on call.
- The TB patients housed in the cells should be given proper beds and other items of personal use. Their treatment should be monitored properly.
- The two mentally ill prisoners should be moved to Mental Health Care hospital for their proper treatment.
- In view of the large number of prisoners booked/sentenced under NDPC Act, the jail hospital needs to have necessary facilities for de-addiction and counseling.
- The jail hospital should have proper facilities for screening of patients for HIV and AIDS.
- The Ram Manohar Lohia hospital, Lucknow may also be made as a referral hospital in addition to CSMMU for referring prison inmates of this jail.

### **District Jail, Meerut**

The jail hospital presented a good picture of efficiency and care of patients. The 50 bedded Prison Hospital had an average occupancy of 40 patients in the year 2001. The daily average outturn of patients in the OPD was around 400. The medical staff of the prison hospital included one Medical Superintendent, one Medical Officer, two Pharmacists, One Lab. Technician and one Lab. Attendant. The Hospital had its own Pathology Lab., X-ray, Diathermy and E.C.G. units in the functional state.

It was reported that 290 TB prisoners had been admitted and treated since 1997 and 19 TB patients had been undergoing treatment at the time of the visit. A separate cell had been attached to the hospital to keep old and debilitated prisoners. It was stated that old (above 70) and debilitated (hard of hearing, weak in vision, physically weak) prisoners were initially kept in hospital and after their getting reconciled to their imprisonment and jail atmosphere were transferred to the ward. The initiative of the Jail Administration to keep the old prisoners together and under special care was commendable.

The Medical Officer was facing problems in arranging police escort for sending prisoners to Government hospital for consultation and surgical intervention (Hernia, Cataract etc.). The Medical Superintendent despite being allotted a government accommodation in the jail campus was staying outside the campus. The Pharmacists was staying in the campus.

## **Suggestion**

- The presence of Doctor in the jail premises especially when the Government accommodation had been allotted to him should be enforced.

## **II. DEATHS IN THE PRISONS**

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.

The occurrence of custodial deaths and the procedure followed by different prisons of Union Territory of Chandigarh and 8 States of Northern region of India in case of custodial deaths to rule out any negligence in providing proper treatment and foul play is given below:

### **PRISON IN UNION TERRITORY**

#### **Model Jail, Chandigarh**

There occurred 11 deaths in this prison since 1 January, 2002. All the 11 prison inmates died in the General Hospital. Intimation of these deaths had been sent to the National Human Rights Commission within the prescribed time and post-mortem was conducted in all the cases. The information collected from the Commission's CD Cell showed that 4 of the 11 cases had been closed after receipt and examination of the detailed reports. The detailed reports in the remaining 7 cases were pending at the time of the visit. The Additional Inspector General, however, informed that detailed reports had been sent in 5 more cases and were pending only in 2 cases.

### **PRISON IN DELHI**

#### **Central Women's Jail Tihar, New Delhi**

It was reported that there occurred 3 deaths in this jail since January 1, 2001. The cross-checking with the Custodial Death Cell of the NHRC revealed no discrepancies. National Human Rights Commission had been informed about the occurrence of these deaths within 24 hours. Two cases of death had been closed after examination of the detailed reports and the third case of death was under examination at the time of the visit.

### **PRISON IN HARYANA**

#### **Central Jail, Ambala**

It was reported that there occurred 20 deaths of 9 convicts and 11 UTPs during the period between 1 January, 2001 and 30 September, 2003, but according to C.D. Cell of NHRC, the Commission had received intimation about 11 deaths. The intimation about 9 deaths of the prisoners in the Government hospitals was

sent to the DC Ambala with request for arranging inquest. The other omission observed was that no magisterial inquiry had been ordered in any of these custodial deaths.

### **Suggestion**

- The Additional DG (Prisons) should direct all Jail Superintendents to send intimation about death of a prisoner directly to the NHRC by FAX with copies to DG (Prisons) and D.C. Thereafter the DG (Prison) needs to send a detailed report containing (i) Inquest report (ii) Post Mortem examination report (iii) Viscera examination report where required (iv) Video cassette of Post Mortem Examination, where required and (v) Magisterial inquiry report to the Commission. The D.C. should monitor the progress of each and every case and ensure timely completion of the magisterial inquiry.

## **PRISONS IN HIMACHAL PRADESH**

### **Model Central Jail, Kanda (Shimla)**

There occurred no death of a prisoner in this jail since 1 January, 2001, as per the jail records. However, the records of the Custodial Death Cell of the Commission showed that a prisoner of Model Central Jail Shimla had died on 7 February, 2001. Intimation about the custodial death as well as required reports had been sent to the Commission by the Jail authorities and the case was closed after examination on 21 November, 2001.

### **Suggestion**

This vital discrepancy relating to the custodial death needs to be resolved.

### **Sub Jail, Shimla**

The statement of the Deputy Superintendent that no death occurred in this jail since 2000 was found to be incorrect. Perusal of relevant records showed that a convict had died on 2 August, 2002. Intimation about his death had been sent to NHRC on 3 October, 2002 and thereafter post-mortem report and magisterial inquiry reports were also sent and the case was closed by the Commission on 19 June, 2003. Despite clear instructions issued by the Commission that intimation of death in jail custody should be sent within 24 hours of its occurrence, the District Administration sent the intimation about the death of a prison inmate to the Commission after more than two months.

### **Suggestion**

- There is need for reiteration of the Commission's instructions for DMs & SPs issued in 1993.

## **PRISONS IN MADHYA PRADESH**

### **Central Jail, Satna**

There occurred 3 deaths of prisoners in 1998-99, 2 in 1999-2000 and 3 in

2000-01. There occurred no death in the jail after the last death on 4 January, 2001. Intimation about these deaths, post-mortem report and the video-film of the post-mortem had been sent to NHRC.

### **Central Prison, Indore**

It was reported that 14 deaths occurred in the prison in 2008-2009; 14 in 2009-2010 and 7 in 2010-11. Scrutiny of the records revealed that the Post Mortem reports were not available in almost all the cases and the causes of these deaths were also not known. According to prison authorities most of the prisoners died due to sickness but there were no records to certify the fact.

### **Suggestions**

- Postmortem should be conducted in each and every case of custodial death and postmortem records should be maintained.
- The NHRC may also consider advising the Government of Madhya Pradesh to sanction ex-gratia in all cases of custodial deaths from the existing funds on the similar pattern of the Government of Andhra Pradesh.

### **District Jail, Indore**

There occurred only one death of a female prisoner since 2009 in the year 2010 due to ill health.

## **PRISONS IN PUNJAB**

### **Central Jail, Bhatinda**

There occurred 10 deaths in this jail since January, 2012 and 9 of these deaths were due to natural cause and one due to suicide committed by the prison inmate. The guidelines issued by NHRC on custodial deaths had been strictly followed by the jail authorities.

### **District Jail, Sangrur**

There occurred no custodial death in the last year. The guidelines issued by National Human Rights Commission relating to custodial deaths had been strictly followed.

## **PRISONS IN RAJASTHAN**

### **Central Jail, Jaipur**

It was reported that there occurred 19 deaths in this jail in 2001, 17 in 2002, 21 in 2003 and 2 till 16 February 2004. The information available with the Custodial Death Cell of the Commission, however, showed that NHRC had received intimation about 20 custodial deaths in 2001 instead of 19. The death of a prisoner on August 7, 2001 had been intimated by DM Jaipur and dealt with in file No. 919/20/2001-02-CD did not relate to this jail.

The detailed reports including the Magisterial inquiry report were awaited from DM Jaipur in respect of 1 case of death in 2000, 7 cases in 2001, 11 cases in 2002 and all the 19 cases of deaths in 2003. The particulars of these cases had been furnished to D.M Jaipur personally and he was requested to check and report. The progress of Magisterial Inquiries into custodial death in jails was found to be very slow.

The Additional DG (Prisons) had written demi-officially to DM Jaipur on 13 October, 2003 enclosing a list of 37 pending cases as of 27 August, 2003 and requested him to get the inquiries expedited and forward the reports to the NHRC.

### **Suggestion**

- The DM Jaipur needs to clarify the discrepancy in number of deaths.
- The DM Jaipur needs to expedite the process of furnishing detailed reports and magisterial inquiries.

### **Women Jail, Jaipur**

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

### **District Jail, Tonk**

There occurred no death in this jail during the last 3 years.

### **Sub Jail, Malpura**

There occurred no death in this jail since its establishment in April 2000.

## **PRISON IN UTTARAKHAND**

### **District Jail, Dehradun**

There occurred 7 deaths in the jail in 2008; 33 in 2009 and 6 in 2010. All these deaths were natural. The checks and safeguards adopted by the prison administration to prevent suicides included engagement of prisoners in reformatory and entertainment programmes like yoga, painting, cultural and sports activities.

## **PRISONS IN UTTAR PRADESH**

### **District Jail, Barabanki**

There occurred 5 deaths including 1 suicide during 2007; 4 in 2008 and 5 in 2009. It was reported that magisterial enquiries had been held in each and every case of custodial death. Post mortem was done in some of the cases.

### **Suggestion**

- The guidelines issued by NHRC in respect of custodial deaths including reporting of custodial death within 24 hours, post mortem done in every

case and magisterial inquiry held in each and every case should be implemented.

### **District Jail, Meerut**

The scrutiny of death statement in the jail since 1 January, 1998 showed that there occurred 3 deaths in 1998; 2 in 1999, 5 in 2000, 4 in 2001 and 1 till 19 February 2002. The Senior Superintendent Jail mentioned that the intimation of all the custodial deaths had been sent to NHRC. The post mortem reports along with video graphs of postmortem examination and the reports of the magisterial inquiry of all cases of custodial deaths had also been sent to National Human Rights Commission except the last case of death that occurred on 19 February, 2002.

The C.D. Cell of the Commission, however, had no information about death of a 68 years old convict on 19 December, 1998; a 51 years old under-trial prisoner on 21 February, 2000; 65 year old convict on 3 May, 2000; a 26 years old UTP on 4 December, 2000; and a 55 years old UTP on 3 February, 2001.

### **Suggestion**

- The discrepancy in the number of deaths mentioned in the death statement of the jail and the Custodial Death Cell of NHRC needs to be reconciled.





## 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, and 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 human resource position and facilities available for staff personnel in different jails of Union Territory of Chandigarh and 8 States of Northern region of India are as under:

#### PRISON IN UNION TERRITORY

##### Model Jail, Chandigarh

The sanctioned staff of Model Jail Chandigarh set up as a Central Jail was far

below the norms of a Central jail as given in the Punjab Jail Manual. Against the Central Jail's sanctioned strength of 1 Superintendent, 2 Deputy Superintendents, 7 Assistant Superintendents, 1 Welfare Officer, 37 Head Warders and 153 Warders, the Model Jail Chandigarh had the sanctioned posts of 1 Superintendent, 1 Deputy Superintendent, 3 Assistant Superintendents, 1 Welfare Officer, 7 Head Warders and 94 Warders.

The posts of both the Superintendent and Deputy Superintendent were lying vacant at the time of the visit as the incumbents were facing criminal trial in the case of jailbreak. The Deputy Superintendent, Welfare Officer, one Assistant Superintendent and two Warders had been dismissed from the service. The Superintendent of jail was under suspension and was facing departmental inquiry. The Additional IG Prisons UT was officiating as Superintendent of Jail with the assistance of only two Assistant Superintendents.

It was observed that the jail staff had not been provided any training for many years. Assistant Superintendents, the direct recruits had been posted to the jail without any formal training in law and regulations.

The sanctioned staff strength of the female section of this prison included one female Head Warder and 2 female Warders, and 1 additional female Warder was provided on contract basis. Female section in the absence of a sanctioned post of a Matron had been supervised by the male staff.

### **Suggestions**

- The sanctioned staff needs to be augmented as per the norms. It has become all the more necessary after the sensational incident of jailbreak on 21 January, 2004 resulting in the escape of 3 hardcore terrorists involved in the assassination of Shri Beant Singh, former CM of Punjab. The R.S. Gupta Committee, which inquired into this incident, had made specific recommendations for augmentation of the staff. The recommendations were under consideration of the Government at the time of the visit.
- The vacancies of Welfare Officer and Assistant Superintendent need to be filled till the additional staff posts are sanctioned.
- The Model Jail Chandigarh needs to develop its own infrastructure for providing training to jail staff of UT rather than following the earlier practice of getting its staff trained at the Punjab Police Jail Institution at Patiala.
- A post of a matron should be sanctioned for the female section of the Model Jail Chandigarh.

## **PRISONS IN DELHI**

### **Central Women's Jail Tihar, New Delhi (25, November, 2003)**

The women's Central Jail, Tihar presented a good picture of efficient

administration and humane treatment. The neat and clean campus, relaxed general atmosphere and cheerful inmates were clear signs of the interest taken by the jail staff led by a lady Superintendent in performing their duties. A compulsory Human Rights orientation course of one week arranged for the jail staff through the ICRC had certainly helped in sensitizing the prison staff on Human rights issues of prisoners. The efficient management of this jail may be attributed to a substantial extent to the leadership qualities and motivational skills of the Director General Prisons and the selfless efforts made by a number of NGOs working for the welfare of prisoners.

The Central Women Jail, Tihar had the sanctioned staff strength of 144 personnel including 1 Superintendent, 2 Deputy Superintendent, and 1 Welfare Officer. It was reported that 38 posts were lying vacant in different ranks at the time of the visit. The Superintendent, however, informed that 3 Assistant Supdt. had been selected and undergoing training; 3 matrons were expected to join after completion of their initial training. The sole sanctioned post of tailor was lying vacant because of difficulties in getting it filled through the Delhi Subordinate Staff Selection Board. A lady tailor had been engaged as a daily wager against the said post and her appointment was renewed every time after 89 days. The jail authorities approached the Home Department Govt. of N.C.T. for granting its sanction to fill the above mentioned post through the Employment Exchange. The post of a weaving master was also lying vacant at the time of the visit.

The women's jail had been managed by women staff at both the functional and supervisory levels. No male staff member was allowed entry beyond the-main 'deodhi'. However, male dispatch riders were allowed in the morning to collect the food packets from the kitchen for distribution among both male and female UTPs in the court lock-ups.

There was shortage of staff quarters in the prison. For example, the jail had only 24 staff quarters for 106 staff members. Against the requirement of 75 quarters for key functionaries including 6 Assistant Superintendent, 11 Head Matrons, 45 Matrons, 3 Head Warders and 10 Warders, Government accommodation was available only for 24 personnel.

### **Suggestions**

- Considering the importance of the posts of a tailor and weaver in reformation and rehabilitation of the prisoners, the Govt. needs to accord the routine exemption for filling these posts without further delay.
- A phased programme for providing Government accommodation within or in close vicinity of the campus needs to be chalked out for the entire staff of the prison.

## **PRISONS IN HARYANA**

### **Central Jail, Ambala**

The overall Staffing position in the Central Jail Ambala was found to be satisfactory with the addition of 6 Asstt. Supdts. and 130 male and 8 female Warders. Against the 13 sanctioned posts of Head Warders, there were 3 vacant posts. These posts, however, were likely to be filled shortly.

The women enclosure had sanctioned posts of 12 female warders; 2 matrons and no lady supervisor. It was reported that 4 posts of warders and 2 posts of matrons were lying vacant at the time of the visit.

There was shortage of staff quarters in the prison campus. Against the requirement of 16 staff quarters for executive staff members only 12 quarters were available; 6 quarters were available for head warders against the requirement of 22 staff quarters; and 44 quarters were available for Warders against the requirement of 237 quarters. There were no staff quarters for female warders.

### **Suggestions**

- Considering the average number of more than 100 female prisoners housed in this jail, at least one of the two vacant posts of matrons needs to be filled up immediately to ensure proper supervisory control over female Warders.

## **PRISONS IN HIMACHAL PRADESH**

### **Model Central Jail, Kanda (Shimla)**

The sanctioned strength of guarding staff including 9 Head Warders and 56 Warders was adequate to meet the guarding requirements of all blocks and barracks of the jail. The posts lying vacant at the time of the visit included 1 Deputy Superintendent; 1 Assistant Superintendent; 1 Head Warder and 35 Warders. With the engagement of some Home Guards, the available staff was adequate to ensure proper security of the complex.

The prison staff of women enclosure comprised of one Head Warder and one Warder. To ensure round the clock security, the minimum staff requirement was 3 female warders including Head Warder.

### **Suggestion**

- The vacant posts of the Deputy Superintendent and Assistant Superintendent need to be filled to strengthen the supervisory control.

### **Open Air Jail, Bilaspur**

Jail Superintendent of Sub Jail Bilaspur was also acting as the In-charge of Open Air Jail Bilaspur. Although the jail had a sanctioned post of Superintendent, but Deputy Superintendent was discharging these functions and responsibilities at the time of the visit.

## **Suggestion**

- A regular Jail Superintendent needs to be posted for ensuring the proper supervisory control.

### **Sub Jail, Shimla**

The sanctioned staff strength of Sub-Jail Shimla was inadequate to meet its requirements. The sanctioned staff strength of Sub-Jail Shimla included 2 Head Warders and 14 Warders against its minimum requirement of 5 Guards for every shift of eight hours. A post of the Assistant Superintendent Jail was lying vacant at the time of the visit.

The position of female staff was still worse. Since the female inmates kept in this prison were required to be guarded by female staff only, the sanctioned strength of only one female warder was an extremely unsatisfactory arrangement. It was reported that a daily wager had been engaged for guarding the female prisoners during leave period of the female warder.

The sanctioned post of one Safai Karamchari was lying vacant and the engagement of a part time Safai Karamchari was not a satisfactory arrangement.

### **Sub Jail, Bilaspur**

The Deputy Superintendent was holding the charge of the Sub Jail Bilaspur as well as Open Air Jail located in the same campus. The sanctioned strength of 2 Head Warders and 20 Warders was not sufficient to meet the minimum security requirements of this jail. The 8 vacant posts of warders were causing operational difficulties. Although 5 Home Guards had been provided against vacant posts of the warders, the jail must have its sanctioned strength of 20 Warders to ensure proper security.

There was only one post of female Warder to guard the female prisoners. There was no sanctioned post of a female Head warder. A daily wager was being engaged for guarding the female prisoners during the leave period of the female warder. This arrangement was far from satisfactory.

## **PRISONS IN MADHYA PRADESH**

### **Central Jail, Satna**

The central jail Satna had been managed and administered with great efficiency and full concern for the human rights and welfare of the prisoners. The jail had been upgraded from district jail to the Central jail on 1 September, 1996 but it did not have the sanctioned staff as per scale. The jail did not have any sanctioned post of a Probation Officer, cooks and barbers. The Deputy Jailor on the sanctioned strength of this jail was attached to sub-jail Shivpuri. The sanctioned posts of one part time Medical Officer, one part time Assistant Medical Officer, one Assistant

Jailor, one Head Warder, one Warder and one Weaving Instructor were lying vacant at the time of the visit.

Central Jail Satna did not have any regular female staff. Women jail had been manned by 3 temporary female warders since 1992 and 1993. Their appointment orders had been renewed after every 89 days to deny them the quasi-permanent status.

The state of residential accommodation for the jail staff was extremely unsatisfactory. The jail superintendent had not been provided Government accommodation within the jail premises. The Government quarters in the jail campus had been provided to 1 of the 3 Deputy Jailors, 1 of 16 Assistant Jailors and to 12 of 73 Head Warders/Warders. A Big Hall constructed for housing the SAF contingent during the detention of some outside political prisoners in 1991 had been converted into 22 improvised houses for the wardens. A proposal for 1 Type E Quarter for the Superintendent, 3 Type G and 25 Type H. Quarters had been forwarded to Jail Headquarters for providing rent free residential accommodation of suitable type within the jail campus.

### **Suggestion**

- In view of the large number of 485 lifers held in this jail, Central Jail Satna should have a sanctioned post of the probation officer.
- The female warder working in the temporary capacity for about 10 years should be regularized.
- The rates of washing allowance, uniform allowance and training allowance fixed about 20 years back being extremely low should be revised.

### **Central Prison, Indore**

The entire sanctioned staff of this prison was in position except 4 vacancies of Asst. Jailors and 8 vacancies of warders. The sanctioned staff for the prison was not sufficient due to vast area of the prison. The staff quarters being very old needed immediate repairs. The prison despite having no female prisoners had 2 sanctioned posts of female Assistant Jailors and 2 posts of female warders.

### **Suggestions**

- The services of 2 female Assistant jailors and 2 female warders were not being utilized in the absence of any female prisoners in the Central Jail Indore. These female officers may be shifted to District Jail, Indore to manage female prisoners.

### **District Jail, Indore**

The vacancies in the prison included 1 Assistant Superintendent, 8 warders, 1 male nurse and 1 weaving trainer.

## **Suggestion**

- The prison authorities need to take stock of staff strength and provide additional hands to the District Jail, Indore.

## **PRISONS IN PUNJAB**

### **Central Jail, Bhatinda**

The sanctioned staff strength of 143 personnel of this jail included one Superintendent of the jail; three Deputy Superintendents; five Assistant Superintendents; and two Medical officers. It was reported that all the sanctioned posts were duly filled except one post of a Deputy Superintendent (factory) lying vacant at the time of the visit. Among the 6 Pharmacists working in the jail, 4 had been posted in the NDPS project being implemented in the jail.

The latest weapons had been provided to the jail for maintaining its security. The jail had 5 Towers including a central tower. The guard of towers around the main wall had been transferred to the Punjab Home Guards due to shortage of warders. However, with 16 jawans of IRB Battalion and 25 Home guards posted in this jail all the watch tower were manned at the time of the visit.

The prison administration had installed 8 CCTVs. It was reported that during the last three and half months a thorough search was conducted in the jail in the presence of senior officers, but no prohibited items were recovered. A control room had been established at the head office level and any untoward incident may be reported in the control room which remained open for all the 24 hours.

Prison authorities had established a legal aid clinic in the jail for providing free legal counseling to those inmates who were not in position to engage lawyers for defending their cases. Separate legal centres had been established for male and female prisoners. It was reported that 223 inmates had been provided free legal aid during the year.

## **Suggestions**

- Directions of the Supreme Court regarding provision of facilities for special care, education and recreation for young children staying with their mothers in the jail in R.D Upadhyay v/s the State of Andhra Pradesh and others dated 1 November, 2000 need to be implemented fully by the jail administration.
- Jail administration should endeavor to upgrade the jail to a model jail with full-fledged facilities provided to the inmates as per the provisions of the Jail Manual.
- The modern technology should be harnessed for the management of prisons and the prisoners in the areas of energy efficiency, security, education and health care of prisoners, better sanitation and living conditions, monitoring of under trial prisoners, better management of cases, and modern kitchens, etc.

## **District Jail, Sangrur**

The sanctioned staff strength of the jail was 131 personnel and 49 posts were lying vacant at the time of the visit. The posts of the one Superintendent of the jail, one Deputy Superintendent and four Assistant Superintendents were duly filled and occupied. Against one post of a Medical Officer in the jail, a doctor was functioning on deputation basis and the single Pharmacist in the jail was also on deputation at the time of the visit.

The funds allocated under the budget to this prison were reported to be adequate. The jail had 8 watch Towers. The prison administration had installed 8 CCTVs and 6 mobile jammers in the jail. The watch tower around the main wall remained unmanned due to shortage of jail warders/guards. However, with 16 jawans of IRB Battalion and 25 Home guards posted in this jail, all watch towers were manned at the time of the visit.

Prison authorities had established a legal aid clinic in the jail for providing free legal counseling to those prisoners who were not in position to engage lawyers for defending their cases. Separate legal centres had been established for male and female prisoners. It was reported that 105 prison inmates had been provided free legal aid during the year.

## **PRISONS IN RAJASTHAN**

### **Central Jail, Jaipur**

The overall staff position of this jail was not very satisfactory. The sanctioned posts of 1 Deputy Superintendent, 3 Assistant Jailer had been lying vacant at the time of the visit. The other key vacancies included 1 Chief Head Warder; 11 Head Warders out of the 24 sanctioned posts; and 4 out of 6 sanctioned posts of Safai Karamcharis. It was informed that vacancies of Chief Head Warder and Warder had been filled by promotion and the incumbents were expected to join within a month after completion of their training.

The 39 posts of Warders had been transferred from this jail to Bharatpur Jail. As a result of inadequate staff position, 6 watch-towers constructed in this jail with grant received under the 11th Finance Commission were lying un-commissioned since completion of their construction.

The availability of Government quarters for jail staff was far below the actual requirement. The requirement of 11 Type II quarters was fully met; against the requirement of 11 Type III quarters, none was available; against the requirement of 30 Type IV quarters, only 12 quarters were available; and against 242 quarters required for Warders and others only 47 quarters were available.

### **Suggestion**

- Since the Superintendent Central Jail, Jaipur had the responsibility of efficient



functioning of not only the Central Jail but also 3 District and 11 Sub Jails of the Division and all inquiries and routine reports from the District and Sub Jails were routed through the Superintendent Central Jail, the vacancy of Deputy Superintendent needs to be filled immediately.

- The posts of Safai Karamcharis need to be filled to improve the standard of sanitation.
- The requirement of the Guarding staff including Head Warder and Warders and the available staff strength needs to be reassessed.

### **Women Jail, Jaipur**

The staff of this jail was headed by a Deputy Superintendent. He was working under the overall charge of the Superintendent Central Jail, Jaipur. The jail had the sanctioned staff strength of 1 Deputy Superintendent, 1 Jailer, 1 Assistant Jailor, 2 Head Warders and 23 warders. The posts of Head Warders were lying vacant at the time of the visit. The Superintendent informed that one post was being filled.

### **District Jail, Tonk**

The staff position in this jail was satisfactory. Against the sanctioned strength of 25 warders, only one post was lying vacant at the time of the visit. The single sanctioned post of a washerman had been lying vacant since the death of the last incumbent on 23 August, 2003.

The prison was holding women undertrial prisoners but no female supervisory staff had been provided to this jail. There was only one female warder to look after the women prisoners. The number of female warders was being increased from 1 to 3 in all the districts jails after completion of training of 35 freshly recruited female warders.

There were 15 Government houses for 38 staff members in the Jail campus. The staff quarters had been provided in the jail campus to Superintendent, Jailer, 1 out of the 8 Head warder; and 8 out of 24 Warders.

### **Suggestion**

- The post of the washerman needs to be filled on an urgent basis.

### **Sub Jail, Malpura**

The Sub Jail Malpura had been administered by Assistant Jailor under the overall charge of the SDM Malpura. The sanctioned staff strength of this Sub Jail included one Assistant Jailer, one Head Warder and 8 Warders. There were no vacancies. However, one warder was under suspension.

## **PRISONS IN UTTARAKHAND**

### **District Jail, Dehradun**

The sanctioned staff strength of this prison included 1 superintendent; 1 Jailor; 3 Deputy Jailors; 1 Medical officer; 1 Pharmacist; 1 Mill mason; 1 Junior Assistant; 6 Chief Guards; 1 Reserve Guard; 31 Guards; 1 female Guard; 4 Reserve Guards; 1 Barber; 2 Civilians; 1 Chowkidar; 2 Safai Karamchari; and 1 Driver. The 6 vacant posts at the time of the visit included 1 Deputy Jailor, 1 Mill Mason; 1 Reserve Chief Guard; 3 Reserve Guard and 1 driver. The Jail staff also included 28 Ex- service men, 4 female home guards and 20 male home guards and two drivers on daily wages on the day of the visit. The Ex-service men and Home guards working as warders were not well trained to perform jail duties. The Jail department had been arranging training for all categories of jail staff.

### **Suggestions**

- The staff strength of this prison needs to be strengthened.

## **PRISONS IN UTTAR PRADESH**

### **District Jail, Barabanki**

The 15 prison guards posted in this jail had been described as supernumerary. The paramedical staff in the hospital was found to be quite inadequate. The sanctioned post of a teacher was lying vacant at the time of the visit.

The existing provisions of the prison manual makes it mandatory on the part of the officer in charge of the jail to inform prisoners about their human rights; their right to bail and right to appeal; plea bargaining; the provisions of section 436A of the Cr.P.C. The Superintendent and his colleagues were found to be unaware of their responsibility of educating the prisoners. They were also not aware of the activities of the Uttar Pradesh State Legal Services Authority (UPSLSA).

The official copy of the UP Jail manual was not available in the jail on the day of the visit. The jail manual available in the jail was published by the Hind Publishing House of Allahabad in 2008. It had become absolutely outdated as it contained lot of provisions which were dead letter.

The various judgments of the Supreme Court on prisoners rights and guidelines issued by the National Human Right Commission relating to human rights of the prisoners had not been implemented in this prison.

Deputy Jailors expressed their grievances about the new revised scale of pay. It seemed that they had been given a lower pay scale than officers receiving the comparable pre-revised scale of pay in other departments. Pharmacists complained that they did not get even a single promotion in their entire career.

## **Suggestion**

- The State Government should assign top priority to provide suitable training, necessary motivation to induce changes to achieve desired level of efficiency and a strong monitoring system.
- The existing UP Jail Manual needs extensive revision as most of its provisions were dead letter.
- The grievances of Deputy Jailors and Pharmacists may be looked into.
- A cadre review of prison guards, pharmacists appears to be necessary.
- The prison authorities should create awareness among prisoners about their human rights; right to bail; particularly the provisions of Section 436A of the Code of Criminal Procedures; right to appeal; right to legal aid; and plea bargaining etc. by resorting to following measures:
- Displaying a message on the above mentioned rights in all the barracks of the jail in simple spoken Hindi language;
- The standard message may be prepared in the office of the Inspector General of Prison centrally;
- The UPSLSA should extend necessary help to the department for implementing the awareness programme.

## **District Jail, Meerut**

The staffing pattern of the jail appeared to be satisfactory in the supervisory ranks. The Senior Superintendent Jail was assisted by two Jailors and 9 Deputy Jailors. This jail had been provided one Deputy Jailor in excess of its sanctioned strength under the orders of High Court Allahabad. There was, however, acute shortage of staff at the functional level. The vacancies in the jail at the time of the visit included 1 Superintendent; 1 Head Warder; 3 Warders; 8 Reserve Warders; 1 Accounts Clerk; 1 X-Ray Technician; 1 Agricultural Supervisor and 1 Ambar Charkha Instructor.

The position of staff quarters with availability of 93 staff quarters including 84 Type I; 1 Type II; 6 Type III; and 2 Type IV appeared to be satisfactory compared to the poor condition of staff quarters in most of the jails in the state. However, there was an additional requirement of 26 Type I, 24 Type II, 4 Type III and 3 Type IV quarters.

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

The details of functioning of the Board of Visitors in different prisons of Union Territory of Chandigarh and 8 States of Northern region of India and the visits made by Judicial and Non-judicial Authorities to these jails are given below:

## **PRISON IN UNION TERRITORY**

### **Model Jail, Chandigarh**

The Jail Manual provides for a Board of visitors comprising the official and non-official Members. The Government nominated 11 non-official members for a period of two years. Their term expired in October 2003. Additional IG informed that the Board of Visitors was being reconstituted. District and Sessions Judge and Additional Sessions Judge, Chandigarh had been visiting the jail regularly. The judicial authorities had made 7 visits during the year 2004.

## **PRISONS IN DELHI**

### **Central Women's Jail Tihar, New Delhi**

The Jail Manual provides for constitution of a Board of Visitors comprising not less than 2 ex-officio and one non-official visitor. The Board is required to visit the jail once in three months and inspect living conditions and hear prisoners' complaints. The Board of Visitors after remaining defunct for a couple of years had been revived on 24 March, 2003 by constituting a Board headed by the Principal Secretary (Home). The Board meant for the entire Tihar Prison Complex had 15 Ex-officio and 9 non-official members. The lady members of the Board had been visiting the Women's Jail regularly and rendering valuable service.

The Jail Manual provides for quarterly visit of the Commissioner of Police and monthly visit of the District and Sessions Judge to hear complaints/representations made by any prisoner; and to ensure that all rules and regulations, orders and directions governing the functioning of the Jail are duly observed. The Commissioner of Police had not visited the jail at all. Additional Sessions Judge functioning as the visiting judge had visited the women's jail only once in 2001, thrice in 2002 and once in 2003.

## **PRISONS IN HARYANA**

### **Central Jail, Ambala**

Haryana Jail Manual provides for the constitution of Visitors Board comprising ex-officio members, official members and non-official members. However, the system set out in Rule 47 to 60 of the Manual had become defunct in Haryana jails for quite some time. It was observed that the District Judge and Chief Judicial Magistrate were fairly regular in making mandatory monthly visits to jail. The DC Ambala was not visiting the jail regularly as per the provisions of the Haryana Jail Manual. For example Rule 48 of the Haryana Jail Manual says that the DM must visit jail every week, but the DC had not visited the jail even once in 2003.

- The provisions of the Jail Manual should be strictly followed by constituting the Board of visitors, as the institution of Board of Visitors has been

designed to involve the public-spirited members of civil society in the affairs of jails to serve an important purpose.

- Considering the number of women prisoners held in this jail, one woman activist of good record and reputation should be considered for appointment as a non-official member.
- The DM should visit the Jail at least once a month to review the living conditions particularly the standard of hygiene, sanitation and health care facilities.

## **PRISONS IN HIMACHAL PRADESH**

### **Model Central Jail, Kanda (Shimla)**

The Board of visitors provided under Rule 37(5) of the Himachal Pradesh Jail Manual had gone defunct and needs to be revived by appointing the non-official members. Additional DG (Prisons) informed that he had already requested the DM to send nomination of suitable persons for constituting the Board. The District and Session Judge Shimla had visited the Model Central jail five times since January 1, 2002. The District Magistrate Shimla had made no formal visit during the said period.

#### **Suggestion**

- The Board of Visitors may be revived at the earliest.
- The District Magistrate should visit the jail regularly.

### **Sub Jail, Shimla**

The Board of Visitors had gone defunct in Sub- Jail Shimla. Addl. DG (Prison) was trying to get it revived. The Judicial authorities had visited this jail 5 times during the period between 1 September, 2002 and 31 August, 2003. The District Judge was reviewing the position of Undertrial prisoners periodically to ensure timely disposal of their cases.

### **Sub Jail, Bilaspur**

The District and Session Judge Bilaspur had visited this Sub-jail 10 times since January 1, 2002. He had been issuing comprehensive inspection notes regularly. The Undertrial prisoners housed in Sub jail Bilaspur complained about delay in commencement of their trials. The DM Bilaspur had also visited the jail twice during the said period.

## **PRISONS IN MADHYA PRADESH**

### **Central Jail, Satna**

The non-official Member of the Board of Visitors for Satna Jail

was familiar with the problems of prisoners, specifically those of female prisoners.

## **PRISONS IN PUNJAB**

### **Central Jail Bhatinda**

The Board of district authorities comprising District and Sessions Judge as the head and the DM and SP as members had been inspecting the jail on a quarterly basis. The District and Sessions Judge, Bhatinda had been regularly visiting the jail and interfaced with the prisoners every month.

### **District Jail, Sangrur**

The Board of District Authorities comprising the District and Sessions Judge, the District Magistrate and the Senior Superintendent of Police, Sangrur, had been conducting the quarterly inspection of the jail. The District and Sessions Judge, Sangrur had been visiting the jail every month and other members of the higher judiciary were also visiting the jail.

## **PRISONS IN RAJASTHAN**

### **Central Jail, Jaipur**

Rajasthan Prisons Rules provides for a Board of Visitors comprising Ex-official and Non-official members. It was reported that 6 non-official visitors had been appointed for the Central Jail, Jaipur in January 2003. The Institution was, however, not functioning. Additional DG (Prisons) informed that the steps were being taken to revive this Institution. The provisions of the Rajasthan Prison Rules regarding jail visits by ex-officio visitors were not being implemented fully. The District Judge had visited the prison thrice in 2001 on 13 January, and 17 March, 21 March, 2001 but had not visited the prison thereafter. The District Magistrate Jaipur had visited the jail for carrying out annual inspection on 2 March, 2001 and 15 March, 2003.

### **District Jail, Tonk**

The Institution of Board of Visitors seemed to have gone defunct and needs to be revived. The judicial authorities and other officials had not been visiting the jail regularly as per the Jail Manual. The DIG (Prisons) visited the jail once in 2001 and again on 13 December, 2002; District Judge visited the jail once on September 5, 2002; and DM visited the Jail on July 30, 2003.

## **Suggestions**

- The institution of Board of Visitors needs to be revived;
- The Judicial and other officials should visit the jail regularly as per the jail Manual.

## **Sub Jail Malpura**

The District Judge, Additional District Judge and ACJM had visited the Sub-Jail on a number of times. The Superintendent, Tonk made only one visit each in 2001 and 2002 and one on 20 January, 2004. The SDM was not sure about the number of times he had visited the Sub Jail. The record showed that the SDM had made three visits in 2001; no visit in 2002 and one visit in 2003.

The SDM being the overall in-charge of this Sub Jail should visit the Jail regularly at least once a month as per the jail rules to ensure effective supervision and perform other statutory duties. Addl. DG (Prisons) needs to examine the matter afresh and issue clear instructions to the SDM for visiting the jails regularly.

## **PRISONS IN UTTARAKHAND**

### **District Jail, Dehradun**

The Board of Visitors had been constituted in 2007. The members of the Board of Visitor had been visiting the jail every month. The Judicial authorities had visited the jail 14 times and the non-judicial authorities made 8 visits to the jail.

## **PRISONS IN UTTAR PRADESH**

### **District Jail, Barabanki**

There was no Board of Visitors. The local judicial authorities, the DIG of Prisons, Gorakhpur and the District Magistrate of Barabanki had been visiting the jail regularly. However, the real monitoring was lacking.

### **Suggestions**

- Board of Visitors should be constituted

### **District Jail, Meerut**

The UP Manual provides for a number of ex-officio, non-official visitors such as MPs, MLAs, Nagar Pramukh of Mahapalika etc. Besides these any number of non-official visitors can be appointed by the State Government on the recommendations of District "UPRADH NIRODHAK SAMITI" routed through the District Magistrate. The Director General Health Services, Uttar Pradesh; Commissioner Meerut; Session Judge and the District Magistrate were the ex-officio visitors. It was reported that 15 non-official visitors had been appointed to this jail during the period between 20 March, 2001 and 24, December, 2001. These appointments appeared to be more of a status symbol as none of them had visited the jail till the day of the visit. The District Magistrate accompanied by the Senior Superintendent Police, Meerut had been visiting the jail regularly. CJM & ACJM had also been visiting the jail regularly and attending to the prisoners' cases and complaints.

### **III. JAIL ADALATS**

The actual position of Holding Jail Adalats in different prisons of Union Territory of Chandigarh and 8 States of Northern region of India is given below:

#### **PRISON IN UNION TERRITORY**

##### **Model Jail, Chandigarh**

Jail Adalats had been held by the Chief Judicial Magistrate, Chandigarh. It was reported that 112 prisoners were released in 16 Jail Adalats held in 2002; and 94 prisoners were released in 12 Jail Adalats held in 2003. The jailbreak had affected this activity to some extent as 69 prisoners were released in 7 Adalats held in 2004.

#### **PRISONS IN DELHI**

##### **Central Women's Jail Tihar, New Delhi**

Jail Adalats had been held regularly once a month to dispose of the cases of petty offenders who were willing to confess their guilt. It was reported that 31 female prisoners were released in 40 Jail Adalats organized till the date of the visit. The last Jail Adalat was held on 15 November 2003.

#### **PRISONS IN HARYANA**

##### **Central Jail, Ambala**

Jail Adalats had been held regularly for disposing of cases of petty offenders. The Chief Judicial Magistrate considered 18 cases in the Jail Adalats held on 15 and 17 October, 2003 and released 7 UTPs.

#### **PRISONS IN MADHYA PRADESH**

##### **Central Jail, Satna**

It was reported that no Lok Adalat had been held in jail after 2 October, 1996. The Chief Judicial Magistrate informed that the institution of Lok Adalat was being revived and Jail Superintendent had been asked to compile the eligible cases.

#### **PRISONS IN PUNJAB**

##### **Central Jail, Bhatinda**

The chief judicial magistrate Bhatinda had been holding court in the jail every month to decide petty offences committed by undertrial prisoners. A Legal aid clinic had been established in the jail for providing free legal counseling to prison inmates, who were unable to engage lawyers for defending their cases. Separate centres had been established for male and female prisoners and 223 inmates had been provided free legal aid during the year.



### **District Jail, Sangrur**

The Chief Judicial Magistrate, Sangrur had been holding court in the jail every month to decide petty offences committed by undertrial prisoners.

## **PRISONS IN RAJASTHAN**

### **Central Jail, Jaipur**

Jail Adalats, had not been held in jails of Rajasthan to dispose of cases of petty offenders.

### **District Jail, Tonk**

Jail Adalats were not being held in this prison.

## **PRISONS IN UTTARAKHAND**

### **District Jail, Dehradun**

Jail adalats had been held once a month in jail campus.

## **PRISONS IN UTTAR PRADESH**

### **District Jail, Meerut**

It is heartening to note that Lok Adalats had been held regularly in District Jail, Meerut as per the directions given by the Chief Justice of India. It was reported that 190 cases of UTPs were considered in 21 Lok Adalats held in 2001 and 100 prisoners were released; and 40 cases of UTPs were considered in 3 Lok Adalats held till 18 March 2002 and 20 under-trials were released.

## **IV. INVOLVEMENT OF NGOS**

The involvement of NGOs in different prisons of Union Territory of Chandigarh and 8 States of the Northern region of India is as follows:

## **PRISON IN UNION TERRITORY**

### **Model Jail, Chandigarh**

The involvement of the NGOs in education, recreation and other welfare activities was practically nil in this jail.

## **PRISONS IN DELHI**

### **Central Women's Jail Tihar, New Delhi**

The best practice followed in the Women's Central Jail, Tihar was the active involvement of a number of NGOs in the welfare of prisoners. As many as 17 NGOs of good credibility and reputation had been assisting the prison authorities in conducting educational, vocational and spiritual programmes for the prisoners. Two NGOs - Mahila Pratiraksha Mandal and Nav Jyoti had been jointly running a cretch for prisoners' children to involve them in appropriate activities according

to their age. The children of female prisoners had been fed specially cooked food by trained Balwadi workers. Community Aided Sponsorship Programmes (CASP) and India Vision Foundation (IVP) had been rendering commendable service in arranging admission of prisoners' children to schools and monitoring their retention and performance. Prison Fellowship of India and Missionaries of Charity had been arranging spiritual programmes like Vipasana, meditation, and Art of living for the prison inmates.

## **PRISONS IN HARYANA**

### **Central Jail, Ambala**

The idea relating to involvement of NGOs had not received much attention of the Prison HQs and the actual involvement of NGOs in Central Jail, Ambala was NIL.

## **PRISONS IN HIMACHAL PRADESH**

### **Model Central Jail, Kanda (Shimla)**

Involvement of the NGOs in prisoners' welfare activities was almost NIL in this jail. A religious organisation related to Satya Sai Baba Sect. had been visiting this jail on every second Saturday to conduct 'Bhajan-Kirtan' and religious discourses.

## **PRISONS IN MADHYA PRADESH**

### **Central Jail, Satna**

The Jail Superintendent deserved praise for involving 2 NGOs namely, Dynamic Welfare Society and Vindhya Ladies Club Satna in promoting the welfare of the prisoners. The Dynamic Welfare Society had been imparting computer training to some convicts.

He had also arranged a grant of Rs. 1 lakh from the MLA Local Area Development Scheme. The prison had procured fans worth Rs. 50,000 for providing the facility of cool air in all the barracks. A grant of Rs. 50,000 had been promised for the year 2002-03.

### **Suggestion**

- The jail authorities had been involving various NGOs in different activities of the jail. The selection of beneficiaries should be done carefully to ensure that the training imparted is result oriented in terms of actual rehabilitation of beneficiaries after their release

## **PRISONS IN RAJASTHAN**

### **Central Jail, Jaipur**

The NGO involvement in prison activities appeared to be satisfactory. The

Superintendent informed that as many as 21 NGOs had been working and supplementing the official efforts in the field of education, health, recreation and welfare of prisoners. However, only Rotary Club and Lions Club had been specifically mentioned.

### **Women Jail, Jaipur**

It was reported that 5 NGOs had been helping the prison inmates in bail matters. These NGOs had also been offering financial help to the needy inmates in meeting the 'fine' part of their sentence. NSS of Vir Balika College had adopted this jail and was providing assistance in education, recreation and welfare activities.

### **District Jail, Tonk**

The three NGOs including Rotary Banas Club Tonk, Lions Club, Tonk and Banas Sands, Tonk had been helping Jail Administration in promoting the educational and recreational activities in the prison. Rotary Club had contributed 500 books for the prison library and promised to provide 500 more books in 2004.

### **Open Air Camp, Sanganer**

Shilpayan, an NGO had been running a school for camp children since November 2003 under a scheme funded by the Government of India. Three teachers had been teaching 35 children of class I and class III. The teachers made request for provision of toilet and drinking water facilities at the school; small desks for students for improving their handwriting. It was learnt that the Additional DG (Prisons) had already taken cognizance of these demands.

### **Sub Jail Malpura**

The Lions Club and Rotary Club had been associated with prison activities and were making generous contribution towards prisoners' welfare. The Lions Club had provided a television set. The members of these NGOs had been visiting the jail on Rakhi day, Diwali, 15th August and 26 January.

## **PRISONS IN UTTARAKHAND**

### **District Jail Dehradun**

The jail authorities had been involving various NGOs in different activities of the jail.



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

The Prisoners both Undertrial and Convicts 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 the rights and concessions available to them under normal circumstances.

### **I. UNDERTRIAL PRISONERS (UTPs)**

The availability of rights and concessions granted to Undertrial Prisoners in different prisons of Union Territory of Chandigarh and 8 States of the Northern region are as under:

#### **PRISON IN UNION TERRITORY**

##### **Model Jail, Chandigarh**

The 396 Under-trial prisoners housed in the jail on the day of the visit constituted 78.7 per cent of the jail population. The number of UTPs languishing in the prison for 2 to 5 years was 100 and more than 5 years was 6. The number of UTPs held in Model Jail, Chandigarh was much larger than UTPs held in jails of Punjab and Haryana because of no systematic review made at regular intervals in Chandigarh jail.

The Special Rapporteur interacted with UTPs who had completed 3 years in this jail to hear their grievances. The complaints made by UTPs included the following:

- Delay in commencement of trial;
- Delay in framing of charges;
- Slow trial of cases due to long adjournments;
- Slow progress of the cases due to the following reasons:
  - Slow recording of evidence;
  - Slow examination of witnesses;

- Addition of witnesses by prosecution at the stage of pronouncement of the decision
- Frequent changes in the lawyers provided by the court to defend cases of those who cannot afford to hire their own lawyers;
- Lack of interest on the part of lawyers appointed by court to defend cases of UTPs.
- Irregularity of Government pleaders in attending the courts;
- Delay in cases at argument stage;
- Non production before the Magistrate despite being taken to the Courts regularly;
- Denial of bail on the ground of inability to furnish surety;

## **PRISON IN DELHI**

### **Central Women Jail Tihar, New Delhi**

The 476 Undertrial Prisoners housed in this prison on the day of the visit constituted 79.5 per cent of the total prison population. The 9 under trial prisoners were staying in the prison even after being granted bail by the trial courts due to their inability to furnish surety. The UTPs expressed their satisfaction with the living conditions in jail. They, however, expressed their desire to be supplied tea on payment on the day of their production in the court as they had to spend the whole day in the court lock-up.

The UTPs, however, were found to be suffering due to slow judicial process and a lack of concern on the part of the trial courts to their plight. The system of free legal aid to the poor UTPs appeared to be helping the mediocre and disinterested lawyers rather than their poor clients.

The Special Rapporteur interacted with 37 UTPs languishing in this prison for more than three years to know their grievances. They attributed their long stay in the prison to the following reasons:

- Delay in framing the charges;
- Delay in commencement of their trial, sometimes 2 years after filling the challan;
- Slow progress of case after filing the challan;
- Long dates given by the court for hearings the cases;
- Non-production of prosecution witnesses;
- Repeated absence of the IO on the date of evidence;
- Slow recording of statements;

- Transfer of trial judge without replacement for months;
- Indifference of Government lawyers such as non appearance in the courts;
- Delay in pronouncement of sentence.

### **Suggestions**

- The Jail Superintendent needs to bring the above mentioned issues to the notice of the Delhi State Legal Services Authority through the advocates deputed to the women Jail.

## **PRISON IN HARYANA**

### **Central Jail, Ambala**

The 1299 UTPs housed in Central Jail Ambala constituted 59.8 per cent of the total jail population on the day of the visit. It was reported that 51 UTPs had been staying in this jail for more than 3 years. They attributed their long stay in this prison to the following reasons:

- Delay in commencement of their trial;
- Delay in framing of charges;
- Delay in filing of challans;
- Slow progress of cases;
- Delay in examination of witnesses;
- Non-appearance of police witnesses to give their evidence;
- Pending arguments; and
- Delay in pronouncement of judgments.

The Central Jail Ambala did not face any difficulty in arranging police escort for producing UTPs in courts, as the availability of police escort for court production was 95.5 percent in 2002 and 99 per cent in 2003.

### **Suggestions**

- The District Judge should carry out a detailed review of the situation of UTPs and intimate status report of all the UTPs who have completed 3 years in Ambala Central jail as of 30 September 2003 to the National Human Rights Commission.
- The District Judge may carry out a detailed scrutiny of all the cases of women UTPs who had completed more than one year and consider transferring some of the old cases to Fast Track courts.

## **PRISONS IN HIMACHAL PRADESH**

### **Model Central Jail, Kanda (Shimla)**

It was reported that 7 UTPs had been languishing in the prison for 6 to 12

months and 4 for 1 to 2 years. It was heartening to note that all UTPs had been attending court regularly and their trials were progressing satisfactorily. The availability of police escort for production of Undertrial Prisoners to the court was found to be 100 percent. The regular visits of the District Judge ensured satisfactory progress of the court cases.

### **Sub Jail, Shimla**

It was reported that 9 Undertrial Prisoners had been staying in the jail for 6 months to 1 year; and 7 for 1 to 2 years. All of them had been produced before the Court regularly and their trials were progressing satisfactorily.

### **Sub Jail, Bilaspur**

The UTPs held in the jail were 33 on the day of the visit and 2 of them had been in jail for more than one year due to delay in framing of charges.

## **PRISONS IN MADHYA PRADESH**

### **Central Jail, Satna**

The 226 Under-trial prisoners including 225 men and 1 woman held in the jail on the day of the visit constituted only 26 per cent of the total jail population. It was reported that 45 UTPs were languishing in the jail for 1 to 2 years and 11 for 2 to 5 years.

The Undertrial Prisoners had been produced regularly in Court. The availability of police escort for producing the UTPs in the court was 81.9 per cent during the period between March 2001 and February 2002. A 3 Tonne jail van with capacity of 35 persons was actually transporting about 50 prisoners to the court. A quick scrutiny of the particulars of under-trial prisoners revealed that no case qualifying for relief under the Supreme Court judgement in the Common Cause case was pending. The Jail Superintendent was personally scrutinizing the cases of UTPs every month before forwarding the required statement to the District Judge.

The Special Rapporteur interacted with the UTPs to know their grievances. The complaints made by UTPs included the following:

- The slow progress of their cases;
- Non-appearance of the prime witnesses;
- Delay in pronouncement of the judgement due to the post of Additional District Judge lying vacant;
- Difficulties in arranging sureties;
- Congestion in the court lock up;
- Absence of basic facilities of toilets and water supply in the lock up.



## **Suggestions**

- The transport system of carrying UTPs to court needs to be improved.
- The DM and CJM Satna should raise the point of congestion in the court lock-up, non-availability of toilets and water supply in the meeting of the Monitoring Committee and get the court lock up inspected by judicial office.

## **PRISONS IN PUNJAB**

### **Central Jail, Bhatinda**

The 739 undertrial prisoners including 676 male and 63 females held in the jail on the day of the visit constituted 64 per cent of the jail population. The number of UTPs held in this prison for 2 to 3 years was 36, and more than 3 years was 14. It was reported that 313 UTPs including 20 females were booked under the NDPS Act.

The prison authorities stated that they did not face any problem in producing prisoners before courts due to timely availability of police escorts. Prisoners did not face any difficulty in arranging sureties after being released on bail. The jail administration did not have any pending reference of Punjab and Haryana High Court Chandigarh.

A video-conferencing system installed in the jail had been put to good use. It was reported that 49 prisoners had been presented through the videoconferencing before the designated court on the day of the visit and 67 on the previous day of the visit. The modern technology, if put to good use, can increase efficiency of operation, and improve the outcome many fold.

## **Suggestions**

- Fast-track courts should be set up for speedy disposal of the cases.
- Individual cases of women, SC/STs, and older prisoners should be reviewed carefully to ensure that no innocent persons are lodged in jail.
- Since most of the UTPs held in the jail were involved in dowry or drug related cases, each case of UTPs especially old and ailing UTPs should be reviewed to assess the extent of their involvement.

### **District Jail, Sangrur**

The 646 undertrial prisoners housed in the jail on the day of the visit constituted 55.8 per cent of the jail population. It was reported that 36 UTPs were staying in the jail for 2 to 3 years and 14 for more than 3 years.

It was stated that prisoners faced no problems in arranging sureties after being released on bail and no reference of Punjab and Haryana High Court, Chandigarh was pending with the jail administration.

There was no delay in the production of prisoners in courts due to timely availability of police escort. A video-conferencing system had been installed in the jail. However, this system had not been put to optimum use as the daily average number of UTPs produced before the court through video conferencing was only 2 to 3.

### **Suggestion**

- Fast-track courts need to be set up for speedy disposal of the cases.
- The individual cases of UTPs especially women and SC/ST and old prisoners need to be reviewed to ensure that no innocent persons are mistakenly lodged in jail.
- In view of the large number of UTPs held in this jail, the video conferencing facility needs to be fully utilized. The video- conferencing if put to good use can improve the outcomes many fold. The jail authorities stated that after the facility being made fully operational 60 to 70 prisoners would be produced before the courts every day.

## **PRISONS IN RAJASTHAN**

### **Central Jail, Jaipur**

The 741 Undertrial Prisoners housed in this jail on the day of the visit constituted 44.7 per cent of the total jail population. The number of UTPs languishing in this jail 1 to 2 years was 77; and more than 2 years was 38.

The Special Rapporteur interacted with 38 UTPs staying in this prison for more than 2 years to hear their grievances. Their complaints made by UTPs included the following:

- Slow progress of their cases;
- Delay in recording the evidence of witnesses;
- Delay in producing witnesses before the court;
- Non-appearance of police officials to give their evidence before the court;
- Delay in pronouncement of judgement.

An Under-trial prisoner involved in a case under Customs and Excise Act admitted in the jail hospital requested for providing a copy of the Cr. PC and Constitution of India on payment.

The Juvenile Ward of the jail was housing 35 Juvenile UTPs on the day of the visit. Special Rapporteur interacted with 3 juvenile UTPs staying in the jail for more than two years. Their complaints included the following:

- Slow progress of their cases;
- Non production in the court;

- Too much delay in recording the evidence.

### **Suggestions**

- Superintendent may do the needful in providing a copy of the Cr.PC and Constitution of India to the UTP.

### **Women Jail, Jaipur**

It was reported that 5 out of 37 Undertrial Prisoners held in this jail were languishing in the jail for more than one year. During the course of Special Rapporteur's interactions with the female UTPs, one UTP being prosecuted under the Foreigners Act complained that she was apprehending that she might be declared a Pakistani national. She stated that her brother was the only witness who could prove her Indian status. She alleged that her brother had been intimidated by the police and was not turning up to get her released on bail.

### **Suggestion**

- The Superintendent should get the status of UTP verified to ensure fairness of the judicial process and also bring her case to the notice of the District Legal Service Authority.

### **District Jail, Tonk**

It was reported that 16 out of 85 UTPs housed in the jail had been staying in the jail for more than one year. The UTPs confirmed that they had been attending the court regularly and their cases were progressing satisfactorily. The 2 female prisoners held in this jail were found to be satisfied with the progress of their cases.

### **Sub Jail, Malpura**

The 16 Undertrial prisoners housed in the jail were found to be satisfied with living conditions in the jail. The 8 UTPs being prosecuted for murder related offences were satisfied with the progress of their trials. It was heartening to note that a murder case of a prisoner admitted to Jail on 22 July, 2002 had reached the argument stage and was expected to be decided within one month. The SDM and SDOP stated that a murder case normally get decided within a period of 3 years.

## **PRISON IN UTTARAKHAND**

### **District Jail, Dehradun**

The 309 UTPs including 299 male and 10 females housed in the jail on the day of the visit constituted 37 per cent of the jail population. It was reported that 50 undertrial prisoners were staying in the jail for 2 to 3 years and 48 were in the jail for 3 to 5 years. The jail administration faced no problem in arranging escort for producing UTPs before the court. The major deficiency observed in this jail was

of keeping the UTPs along with convicts. The UTPs attributed the delay in disposal of their cases to the following reasons:

- Non appearance of witnesses to give their evidence;
- Long gap between the two hearings;
- lack of legal aid provided to poor and needy prisoners.

## **PRISONS IN UTTAR PRADESH**

### **District Jail, Barabanki**

The 907 Undertrial Prisoners including 25 female prisoners housed in the jail on the day of the visit constituted 76 per cent of prison population. It was reported that 90 UTPs were held in the prison for 2 to 3 year; 25 for 3 to 5 years; and 15 for more than 5 years.

A large number of UTPs had been languishing in the jail despite being granted bail because of their inability to arrange sureties and their poverty. The jail authorities had been submitting reports about UTPs detained in the prison for more than 2 years regularly to the judiciary and prison headquarters but these reports were dealt in a routine manner and no corrective action was taken.

It was observed that UTPs and convicts had been kept together. The Superintendent stated that the reason for not segregating the convicts and UTPs was 'administrative convenience'. The other prison officers were not unaware of the fact that keeping convicts and UTPs together was irregular due to lack of their knowledge about the prison rules and regulations.

### **Suggestions**

- The convicts and undertrial prisoners should be segregated and housed separately.
- The jail officials should be provided proper training on prison laws/ rules.
- A large number of UTP in this jail were facing charges under section 498 of the IPC. There is a general tendency of the complainants to involve each and every member of the husband's family. Since no body in the family is left outside the prison to defend their cases, prison authorities should provide necessary legal aid.
- The cases of those UTPs who were unable to get bail due to their poverty need to be examined by the State Government and the State Legal Services Authority (UPSLSA) to find ways and means of preventing poverty from becoming a barrier to the realization of human rights.

## **District Jail, Meerut**

The average number of under-trial prisoners held in the jail was found to be around 2000. The Lawyers' strike from 14 July to 15 December, 2001 had increased the number of prison inmates marginally because of courts being held almost daily in the jail premises. The scrutiny of bail statements from 14 July to 15 December 2001 revealed that the average number of bails granted was 24 in July; 15 in August; 11 in September; 13 in October; 15 in November; and 18 in December, 2001. It was reported that 17 UTPs had been languishing in the jail despite being granted bail due to their inability to arrange sureties. The major deficiency observed in this jail was that of keeping Undertrial prisoners along with convicts.

It was learnt that a cycle rickshaw driver and 16 others involved in a scandal of blood donation had been languishing in jail since June 2001 due to their poverty whereas the 2 doctors and 5 helping staff arrested in same case could manage to get bail.

The Special Rapporteur interacted with the Undertrial prisoners to know their grievances. The complaints made by majority of undertrial prisoners included the following:

- Undue delay in their trial;
- Repeated absence of Police IOs to give their evidence;
- Delay in examining the witnesses;
- Delay in pronouncement of the judgment.

## **Suggestions**

- This mandatory segregation of convicts from undertrial prisoners needs to be effected.
- The District Monitoring Committee should examine the cases of UTPs who could not avail the benefit of bail granted to them due to their inability to arrange sureties and request the trial court to consider their release on personal bond as per directions of the Supreme Court.
- Since the doctors and helping staff involved in the blood donation scandal had been released on bail, the cases of the blood donors involved in same scandal may be considered for release on bail on their personal bonds.

## **II. Convicts**

The rights and concessions available to convicts in different prisons of Union Territory of Chandigarh and 8 States of Northern region of India are given below:

## **PRISON IN UNION TERRITORY**

### **Model Jail, Chandigarh**

The 107 convicts housed in this prison on the date of the visit included 52 lifers. They were found to be satisfied with the living conditions in this jail. However, some of them expressed their resentment over the suspension of educational and cultural activities as a result of the burrail jail break. They wanted IGNOU facility to be restored at the earliest.

The system of granting parole in this prison was governed by the Punjab Good Conduct Prisoners (Temporary) Release Act 1962 and the Parole provisions of the above mentioned Act were fairly liberal. However, too much reliance on the report of the District administration resulted in denial of parole to a number of convicts. It was reported that 5 prison inmates had not availed any parole during their stay of 6 to 10 years in the jail and another convict sentenced to life imprisonment had not availed even a single parole since December 1989.

The premature release of prisoners had been ordered as per the provisions of the Punjab Jail Manual. As per the available guidelines, the cases of premature release of lifers were to be considered under the powers of the State Government u/s 432 Cr.PC and the powers of the President under Article 72 of the Constitution. However, orders were generally issued u/s 432 Cr.PC and the guidelines issued by the National Human Rights Commission relating to premature releases of convicts had not been given effect till the date of the visit.

It was reported that premature release orders had been issued only in one case in 2002, one in 2003 and four in 2004; and two cases of lifers were due for consideration of premature release. A convict sentenced to life imprisonment with a fine of Rs. 500 or further rigorous imprisonment of one year in default of payment of fine became eligible for consideration of premature releases in February 1991. The prison had asked a report from DM Chandigarh as his case could be forwarded to the Union Territory of Chandigarh Administration only on receipt of a favorable report from the DM. The report was awaited till the date of the visit. The case of premature release of another prisoner had been delayed because of his inability to furnish surety as nobody came forward to furnish surety for his release.

### **Suggestion**

- The difficulties faced by prisoners in cases of their premature release need to be brought to the notice of the District Legal Service Authority.

## **PRISON IN DELHI**

### **Central Women's Jail Tihar, New Delhi (25, November, 2003)**

The Delhi Jail Manual provides for release of convicts on parole for a maximum period of two months and orders are issued by the Home Department.

Superintendent has been delegated powers to grant custody parole for six hours in cases of emergency like death in the family etc. The parole applications were normally decided within a period of four weeks, but two cases of parole had been pending since 2 October, 2001 and 19 February, 2003. It was reported that 2 of the 16 applications for parole had been rejected since 1 January, 2001 and another case of second parole was also rejected.

## **PRISON IN HARYANA**

### **Central Jail, Ambala**

The Chairperson and Special Rapporteur interacted with a number of convicts and heard their grievances. The convicts seemed to be satisfied with living conditions and the supply of food and other facilities.

The parole had been granted quite liberally under the provisions of the Haryana Good Conduct Prisoners (Temporary) Release Act 1988 for an emergency like death or serious illness in the prisoners' family; marriage in the family and for agricultural purposes. The Government had delegated powers to Inspector General (Prison) to grant parole after obtaining recommendations from the D.C. concerned. It was reported that 665 convicts had been granted parole in 2001, 648 in 2002 and 565 till 30 September.

Most of the prisoners belonging to Haryana had been availing parole. A request for parole had been generally disposed of within 90 days. However, it was found that 16 cases of parole had been pending for more than 4 months and 6 of these 16 cases were from Ambala itself.

A lifer had completed 11 years of imprisonment without availing a single parole. His application had been sent to DC Fatehgarh Churian Punjab twice but had been received back both the times with the remarks that no such person had been living at the address given in his application. He suspected some mischief on the part of the local police as his parents could not go anywhere else.

The prisoners belonging to other States such as UP, Bihar and Chhattisgarh complained about denial of parole. The request of lifers from UP, Bihar, Chhattisgarh for parole had been pending since 1999 and 2000 for want of reply from D.Ms concerned.

A number of convicts had made requests for their premature release on grounds of old age and poor health. It was observed that Haryana Government had been regularly releasing lifers prematurely under the provisions of Art. 161 of the Constitution. The guidelines issued by the Government in August 2000 prescribed the condition of actual incarceration of 14 years and total imprisonment of 20 years including remissions for convicts whose death sentence had been commuted to life imprisonment; and for convicts who had been

imprisoned for life for committing heinous crime such as murder with rape, murder with dacoity, murder while undergoing life sentence, murder in connection with dowry, murder on professional/hired basis etc. The cases of other lifers become eligible for consideration for premature release after completion of 10 years actual imprisonment and 14 years imprisonment including remissions in relaxation of the provisions of section 433/A and orders issued under Art. 161 of the Constitution. It was, however, observed that of the 13 lifers released in 2001 only 2 had completed the minimum actual sentence of 14 years as prescribed by section 433A Cr.PC and 2 had not completed even 10 years. Similarly of the 13 lifers released prematurely in 2002, 2 had completed actual imprisonment of 14 years and 1 had not completed even 10 years of actual imprisonment; and in 2003 till September 30, the 6 lifers including 1 sentenced for dowry death had been released prematurely even before completing 14 years of actual imprisonment.

A prisoner was awarded capital punishment by the Session Judge, Sonapat on May 5, 1997 and the judicial process got exhausted on March 30, 1999 with the rejection of his appeal by the Supreme Court. He made a request for NHRC's intervention in the matter of his mercy petition pending with the President of India since April 1999.

An Ex-Army convict belonging to Madhya Pradesh was awarded life imprisonment on June 6, 2003 by a Court Martial held at 25 Ad. Regiment Ambala for an offence committed in Ganga Nagar (Rajasthan). He was sent to Central jail Ambala instead of being sent to the jail near his native place in Distt. Rewa (MP). A letter was subsequently received by Superintendent of Police from the Ad. 25 Regiment stating that as per the Army Order 4/5/79 a copy of which was also enclosed the convict was entitled to be lodged in a civil jail near his home and action for his transfer to MP should be taken. The Superintendent had forwarded his case to the MP as a routine case of transfer without mentioning the letter received from the Army.

Another Ex-Army convict awarded life sentence by Court Martial on August 22, 2003 made a request for his transfer to his Home District Gurgaon on the ground of the inability of his aged father to come to Ambala to see him. Additional DG (Prison) stated that the Central Jail Gurgaon being already congested had no capacity to accommodate any more convicts on transfer. He, however, assured that with the completion of new building very shortly, it would be possible to entertain his request in the near future.

A woman convict undergoing life imprisonment along with her husband and two sons made a request for her release on parole on the ground of her daughter's wedding. The Chairperson was informed that the matter had been referred to DC Panipat.



It was reported that 12 convicts including 9 lifers had been accorded B (Better) Class status under the provisions of Haryana Jail Manual which continued to retain the archaic practice of classification of prisoners on the basis of their economic and social status and habits of life despite being struck down by the Apex Court in Prem Shankar Shukla vs. Delhi Administration (AIR 1980 SC 1335). The 'B' class prisoners were entitled to a higher scale of ration, clothing and bedding.

### **Suggestions**

- The progress of parole applications needs to be monitored.
- DG (Prisons) may write demi-officially to D.C. Fatehgarh Churian for a thorough examination of convict's request.
- The DG(Prisons) Haryana should write demi-officially to his counter-parts in other states and request for their intervention in expediting the cases of parole.
- The case of a prisoner awarded capital punishment may be referred to the Legal Cell in view of the ruling of the Supreme Court relating to delay in the execution of death sentence.
- The case of the Ex-Army convict needs to be referred to Madhya Pradesh again by giving entire background of the case and the letter received from the Army.
- Additional DG (Prison) may consider the requests made by convicts for transfer from Ambala to Jind and Sonapat on merit.
- Additional DG (Prisons) should look into the matter relating to parole of a female convict undergoing life imprisonment along with her husband to enable her to attend the marriage of her daughter.

## **PRISONS IN HIMACHAL PRADESH**

### **Model Central Jail, Kanda (Shimla)**

The Special Rapporteur interacted with the convicts to know their living conditions and hear their grievances. The convicts housed in Model Central Jail were found to be satisfied with living conditions and behavior of the Jail staff. Some of them complained about the system of parole and premature release.

The Convicts had been granted temporary release on parole and also furlough in accordance with the provisions of the Himachal Pradesh Good Conduct Prisoners (Temporary Release) Act, 1968. The Government had delegated the powers to IG (Prison) to grant temporary release on parole after obtaining recommendations from the DM of the District concerned. Parole could be granted for two weeks in case of death or serious illness of a family member of the prisoner including husband, wife, son, daughter, father, mother, brother or sister etc.; 4 weeks for

marriage of the prisoner's son or daughter; 6 weeks for agricultural purposes including growing, sowing or harvesting on his land; or for any other sufficient cause.

The Government of Himachal Pradesh had also delegated powers to the Jail Superintendent to send prisoners under police escort in an emergent case like death or very serious illness of a family member. The Superintendent was entitled to send the prisoner for two days after verifying the facts from the local police or any other reliable source.

In addition to granting parole, IG (Prisons) was also empowered to grant furlough for a period of 3 weeks during the first year and for two weeks thereafter in each successive year. Furlough could only be granted to those prisoners who had been sentenced to imprisonment of not less than 5 years and that too only after completion of 3 years of good conduct and earning at least 3 annual good conduct remissions.

It was learnt that 60 percent of convicts had availed parole on one or more occasions. However some convicts complained that they had not been granted even a single parole after completing 2 to 4 years of imprisonment.

A convict sentenced to 10 years of imprisonment under NDPS had not been granted a single parole even after completion of 7 years of imprisonment. He belonged to District Haridwar and his request for parole, had been rejected on the grounds that he being young might jump the parole.

The Himachal Pradesh Good Conduct Prisoners (Temporary Release) Act, 1968 does not say specifically, whether parole on agricultural ground is to be granted for a total period of six weeks on one or two occasions. A number of convicts complained that the earlier interpretation to this Act of releasing convicts twice a year for a period of six weeks each time for agricultural purposes had been changed by the Additional DG (Prisons) to their dis-advantage. The eligible prisoners at the time of the visit had been granted parole for a maximum period of 42 days depending upon their desire to avail it on one or two occasions. Some prisoners had taken up the matter to Himachal Pradesh High Court.

A lifer complained that he had completed 15 years and 7 months of actual imprisonment and a total incarceration of 20 years including remission at the time of the visit but orders for his premature release had not been issued. The Superintendent, however, informed that this case had been sent to the Government for consideration on 9 June, 2003.

Another lifer undergoing sentence since 1989 had completed actual imprisonment of 14 years and gained remission of about 3 years had requested for his premature release. The Superintendent Jail informed that his case had been referred to Addl. DG (Prisons).

A prisoner sentenced to 10 years of imprisonment had completed 3 years and 3 months including the Undertrial period. He made a request for his transfer to Dharamshala due to his family's inability to visit him for interview at Shimla.

A convict had already completed 9 years of his 10 years sentence. He made a request for his transfer to Open Air Jail Bilaspur. Although rape convicts were not eligible, IG (Prisons) Himachal Pradesh had the powers to order such transfers in the relaxation of Rule. The prisoner stated that some convicts of his category had been admitted to the open jail in the past and his statement was found to be correct during visit to open Air Jail where one lifer convicted for murder with rape had been housed.

A 67 year old lifer suffering from Chronic Obstructing Pulmonary Disease (COPD) had been staying in this jail since August 1991. A convict stated that he was a professional carpenter and his services could be utilized for starting vocational training in carpentry in this jail.

### **Suggestions**

- Additional DG (Prisons) may look into the case of premature release of both the convicts who had completed the requisite period for consideration of premature release.
- The convict having competence in carpentry may be transferred to Central Jail Nahan where Jail Industry had a carpentry section.
- Additional DG (prisons) may like to look into the case of a convict for transfer to Open Air Prison and decide on merit.
- The case of an old lifer suffering from chronic ailment appears to be fit for consideration of premature release on medical grounds.
- Addl. DG (Prisons) may consider the case of the convict for his transfer to Dharamsala jail on merit.

### **Open Air Jail, Bilaspur**

It was heartening to note that the powers of premature release of prisoners had been exercised sparingly and with due-thought and caution in Himachal Pradesh. It was reported that only one lifer was released in 2001 and 2 in 2003 u/s 432 Cr.PC. No life convict was released under Article 161 of the Constitution in 2001-02. A lifer was released on 15 August under Article 161 of the Constitution in 2003.

The policy regarding the premature release of prisoners in H.P. was notified in August 1983. Prisoners sentenced to life imprisonment on or after 18 December 1978 were considered for premature release u/s 432 Cr.PC only after undergoing the mandatory 14 years actual imprisonment. The life convicts whose death sentence was commuted on mercy petition were required to serve at least 20 years substantive imprisonment excluding remission before they could be

considered for premature release. However, the prisoners whose conduct in jail was found good throughout, could be considered for premature release after completion of 14 years of actual and 20 years including remission. There existed chances of discretion being misused. The Addl. DG (Prisons) was informed about the NHRC revised guidelines issued on the subject. The prisoners in the open jail were granted remission @ one day for each day of their stay in open jail.

#### **Sub Jail, Shimla**

All convicts housed in this jail had been availing parole facilities. Better class prisoner had availed two paroles of 28 days each in 2002.

#### **Sub Jail, Bilaspur**

The jail was holding only one convict. He was not eligible for transfer to Open Jail. He had been provided work in the kitchen but was paid half the amount of daily wages.

#### **Suggestion**

- The convict engaged in the kitchen work should be paid wage as per his entitlement for the services rendered by him.

### **PRISONS IN MADHYA PRADESH**

#### **Central Jail, Satna**

The jail was housing 616 convicts including 17 women prisoners and 7 civil prisoners on the day of visit. The 485 convicts including 13 women were sentenced to life imprisonment. It was reported High Courts were taking too much time in deciding the appeals filed by convicts, for instance the decision on filing of an appeal against life imprisonment in the Madhya Pradesh High Court had been taking an average time of 8 years. It was learnt that 31 appeals filed against life imprisonment had been pending for more than 3 years and 12 were awaiting decision on their appeals for almost 5 years.

Madhya Pradesh Prisoners Release on Probation Act 1954 provides for release of prisoners on probation. Under the rules governing release on probation, applications were invited from eligible convicts/prisoners who had served 1/3rd of their sentence or a total period of 5 years with remission whichever is less. However, certain categories of prisoners specified in Rule 3 of the MP Prisoners Release on Probation Rules 1964 were debarred. The Applications from eligible prisoners routed through the DG (Prisons) and recommended by the DM of the District concerned were considered by the State Probation Board. The examination of data relating to release on probation in Central Jail Satna revealed that more than 25 per cent of cases had been rejected by the District Magistrates on the ground of unfitness of the proposed

guardian. Moreover, the time taken for sending recommendations to DG (Prisons) was 4 to 6 months. The State Probation Board had been meeting regularly every month but the rejection rate was found to be very high. For example of the 76 applications received for release on probation 1999, only 19 were cleared by the Board and 5 were rejected by the DM and 52 by the Board. In the year 2000, 9 of the total 59 applications were still pending with the DM concerned, 11 were cleared and 39 were rejected. Similarly in 2001, of the total 55 applications, 39 were pending with the DM and 1 with the Jail Headquarters; 1 case had been cleared by the Board; 13 were rejected by the DM and 1 was rejected by the Court. All the 14 cases initiated after 1 January, 2002 were pending with the DM concerned. The applications for release of prisoners on probation had either been pending with the DM Chattarpur for long, or their request for release on probation was not entertained because of non-availability of the copy of judgement. The Superintendent stated that the Board had been insisting on enclosing a copy of the judgement which in some cases was not available as the same had to be enclosed with the appeal.

It was reported that five female convicts had not received any visitor for the last two to five years. A female convict had been ordered to be released on probation on 13 November 1998 but she could not be released because her proposed guardian (her husband's brother) refused to take her custody. Her case was taken up again and the proposed guardian agreed to take her charge on the condition that she would stay with him as his mistress. She refused to get released on such condition and preferred to complete her term. She had already completed more than 13 years in jail.

### **Suggestion**

- Some NGO should be persuaded to get the female prisoner released on probation and give her shelter.

### **Central Prison, Indore**

It was reported that as per Government rules a prisoner becomes eligible for release on parole after completion of six months of imprisonment. It was, however, observed that some prisoners had been released on parole after completion of one year of imprisonment while others had not availed the facility of parole even after completing several years in the prison. The prison authorities stated that prisoners had been released on parole on the basis of the police and DM's reports and the parole had been refused to a number of prisoners due to negative police reports.

As per Government orders the prisoners above 62 years of age become eligible for premature release after completion of 4 years of imprisonment. Eleven prisoners stated that they could not avail the facility of premature release because their age was wrongly mentioned in the records.

## **Suggestion**

- The problem of 11 prisoners who had been denied premature release despite fulfilling all the conditions of premature release due to wrong entry of their age in the prison records needs to be solved by determining their age through medical tests.

## **PRISONS IN PUNJAB**

### **Central Jail, Bhatinda**

It was stated that Parole and premature release cases had been initiated well in time. The prisoners complained that the police verification ordered by the DM had been delaying their release on parole. For example, a group of 30 prisoners applied for parole. Since they belonged to Muskar, their case was referred to the DM concerned, who sought police verification of individual cases. As a result, their parole got invariably delayed.

### **District Jail, Sangrur**

Paroles and premature release cases had been initiated well in time in this jail.

## **PRISONS IN RAJASTHAN**

### **Central Jail, Jaipur**

The Central Jail, Jaipur was housing 915 convicts on the day of the visit. They appeared to be satisfied with the living conditions in the jail. The 834 convicts undergoing Rigorous Imprisonment constituted 91 percent of the convict population in the jail. The prisoners sentenced to rigorous imprisonment had to be provided work to serve the purpose of RI as well as that of their reformation and rehabilitation. However, prisoners falling in the category of rigorous imprisonment could not be provided work regularly due to limited budget provided for purchase of raw materials, resulting in jail factory operating at a much lower level of its potential, and ceiling imposed on engagement of convicts in the jail services. This had in fact obliterated the distinction between Rigorous Imprisonment and Simple Imprisonment and could be viewed as non-compliance, though not willfully of the court orders sentencing the prisoners to Rigorous Imprisonment.

The grant of parole to convicts was governed by Rajasthan Prisoners Release on Parole Rules, 1958 which said that prisoners sentenced to imprisonment for not less than one year may be allowed to apply for parole subject to "exceptionally good behavior". The prisoner may be released on first parole for 20 days after completion of one-fourth of his/her sentence with remission; 30 days on second parole provided his/her behavior was good during his first parole; and 40 days on third parole. Lifers were entitled to be considered for grant of

parole after completion of 5 years of their imprisonment including remission. The prisoners convicted by a court martial, persons convicted in other States and those who had escaped from jail or police custody or had attempted to escape were ordinarily not considered for release on parole.

Parole had been granted by the DM of the District concerned after consulting the Probation Officer and 'if felt necessary' after obtaining a report from the Superintendent of Police. Emergency Parole for certain occasions such as wedding, death or serious illness in family or serious damage to life and property from any natural calamity could be granted by the Jail Superintendent up to 7 days and I.G. Prisons up to 15 days.

The parole rules in vogue in Rajasthan seemed to be very liberal, but their actual implementation was not that good. In Central Jail Jaipur, of the total 851 applications received for parole during the period between January 1, 2002 and December 31, 2003, 394 applications were accepted, 362 were rejected and 95 were pending till the date of the visit. A specific mention may be made to three prison inmate who had not availed a single parole even after completion of 4 to 8 years of imprisonment as their request for parole had been rejected every time.

While the rules provided for reference to Police only when considered necessary by the DM, in actual practice each and every case of parole had been decided on the basis of the police recommendations. A number of prisoners alleged that despite their satisfactory conduct during parole, they could not obtain favorable report without bribing the police at PS level or at the level of SP office. The prison inmates, however, seemed to be happy with the system of grant of emergency parole where powers had been delegated to the Jail Department.

A number of convicts complained about delay in decision taken on appeals filed by them against the decisions of the lower courts. It was reported that 13 appeals filed from this Jail had been pending in the High Court for more than 5 years.

A mentally ill convict suffering from schizophrenic disorder got involved in the murder of two patients in the Mental Hospital, Jaipur before completing his imprisonment of 10 years under NDPS. His trial u/s 302/301 IPC remained suspended because of his mental condition. Addl. Chief Judicial Magistrate ordered that this Under-trial prisoner suffering from schizophrenia needed regular treatment for 6 to 12 months. The Magistrate directed the Supdt., Central Jail Jaipur to keep this man in an isolation ward, arrange his treatment and send fortnightly reports on his health. The man appeared to be totally incoherent in his response to certain questions put to him. The Superintendent mentioned that the mentally ill prison inmate had been becoming uncontrollable at times and his presence was posing danger to prison staff and other inmates. The Jail Medical Officer felt that he needed proper treatment in a Mental Hospital.

Since he murdered patients in the Mental Hospital Jaipur, he was not being admitted there and was receiving treatment in jail under the supervision of the visiting Psychiatrist.

Premature release of prisoners is governed by the Rajasthan Prison (Shortening of Sentences) Rules, 1958. The criterion laid down in section 433A Cr PC for release of lifers was strictly adhered to. It was reported that clear guidelines had been issued for ordering premature releases under the provisions of Article 161 of the Constitution of India. It was learnt that 285 prisoners including 258 lifers had been released prematurely on the Republic Day 2004. A lifer of good conduct had been released under Governor's powers during the preceding two years after completion of 13 years and 4 months.

The qualifying sentence for premature release had been reduced to 10 years in case of old prisoners - male 65 and female above 60. The Rajasthan Prisons (Shortening of Sentences) Rules 1958 provides for premature release of mentally ill prisoners who have completed 7 years' imprisonment and are not likely to recover.

The cases of all those lifers who had completed actual imprisonment of 14 years on 31 December or 30 June of every year had been placed under section 432 Cr.P.C before the Advisory Board, constituted by the Government for consideration of their premature release irrespective of gravity of the offence and brutality involved in its commission. Against the practice followed by most of the States of releasing lifers covered under the provisions of section 433A only after completion of incarceration of 20 years including remission and minimum 14 years of actual imprisonment, such lifers in Rajasthan were becoming eligible for release any time after completion of 14 years of actual imprisonment regardless of the remission earned by them.

The cases of 6 old prisoners undergoing life imprisonment claimed to be above 65 and had completed 10 years of imprisonment were pending for want of age verification. Since their warrants did not mention their age, the Government ordered that their cases should be referred to a Medical Board. The medical opinion of the Medical Board received in respect of 3 of them was that their ages were between 60 - 70 years on the day of examination (30 January 2004) and more towards 70 years. However, exact age cannot be fixed. The prison Department had interpreted this opinion to mean that they were not eligible because they were not above 65 years of age.

The 4 mentally ill prisoners in this jail were quite old but they were below 65 years. They had completed more than 10 years of imprisonment. Although they were not acute cases of mental illness, but were old and sick and likely to remain so despite the treatment.



### **Suggestion**

- It is unfair to expect the Supdt. Jail to control the mentally ill patient more effectively and in a better way than the qualified staff equipped with all the modern means available at the Mental Hospital Jaipur. The matter needs to be examined personally by the Additional DG (Prisons). The Mental hospital authorities should be persuaded to take the mentally ill prisoner back regardless of what had happened earlier.
- The Commission may like to ask The Government of Rajasthan to follow guidelines issued by the National Human Rights Commission and amend the rules governing the premature release of persons sentenced to life imprisonment .to bring uniformity in the matter relating to premature release of prisoners
- The report clearly indicated that while the exact age of three prisoner cannot be fixed, they were nearer to 70 rather than 60. They should, therefore, be considered above 65. The denial of the benefit of release on ground of old age announced by the Government to these persons was not justified.
- The cases of 4 mentally sick persons who have completed more than 10 years of imprisonment and were likely to remain so despite treatment deserve special attention and may be considered for premature release.

### **Women Jail, Jaipur**

It was reported that 155 out of 160 female convicts housed in this prison were required to undergo rigorous imprisonment as part of their sentence. They, however, could not be provided hard labour.

The parole had been granted to eligible applicants but the insistence on a satisfactory police report kept the rejection rate quite high. It was reported that 4 out of 14 parole requests were rejected in the year 2001; 4 of the 13 requests were rejected in 2002; and 14 out of 28 parole requests were rejected in the year 2003.

### **Suggestion**

- The provision of parole should be used more liberally in case of women prisoners.

### **District Jail, Tonk**

Special Rapporteur interacted with convicts housed in this jail to know their grievances. The convicts were found to be generally satisfied about their living conditions, particularly the supply of water and food. However, some of them made a general complaint about pollution caused by the presence of an abattoir close to the Prison.

A few prisoners complained about rejection of their requests for grant of parole. It was learnt that 8 convicts had not availed a single parole even after completion of 5 years of imprisonment. It was reported that 5 out of 9 applicants were granted parole in 2001, 2 out of 4 were granted parole in 2002. The rejection rate was higher in 2003 as 6 applicants were granted parole, 9 were rejected and 6 were pending with the DM concerned for 6 to 8 months.

The Prison Rules did not allow grant of remission to NDPS convicts. Three prison inmates requested for their transfer to the jails nearer to their home because of their families inability to travel to the jail where they had been housed.

### **Suggestion**

- Additional DG (Prisons) may consider cases of these convicts for transfer on merit.

### **Open Air Camp, Sanganer**

Special rapporteur interacted convicts housed in the open air camp to hear their grievances. Most of the complaints made by the inmates of the Open Air Camp related to denial of parole due to too much reliance on police reports despite their transfer to open air camp on the basis of their better background and unblemished record in captivity; and non-serious approach followed by Advisory Committee of the District by not holding its regular meetings or accepting only few cases of parole.

It was reported that 11 male lifers had not availed a single parole even after completion of more than 8 years of their imprisonment; and none of the 13 female lifers housed in the Open Air Camp had availed a single parole till of the visit. The request for parole of two female inmates of the open air camp had been rejected even after completion of 8 to 9 years of their imprisonment.

A number of inmates including the members of Prisoners' Panchayat suggested that higher weightage should be given to the recommendations of the Jail Superintendent concerned in the matter of granting parole because Superintendent was a better judge of their character and conduct than the police station of their home district. They suggested that the powers to grant parole should be vested with the Jail Department.

A lifer complained that his case despite being covered under the criteria laid down for the pre-mature release ordered on the occasion of the Republic Day 2004, he was deprived of the benefit. The Superintendent, Central Jail informed that his warrant did not mention that he would get the benefit of Sec. 428 Cr.PC which says that the period of detention during investigation is to be set off against the sentence of imprisonment.

### **Suggestion**

- Addl. DG (Prisons) needs to look into the matter and necessary clarification should be sought from the Court to ensure that this man may not be deprived of the benefit given to others falling in the same category.

## **PRISON IN UTTARAKHAND**

### **District Jail, Dehradun**

The 526 convicts housed in the jail included 33 female inmates. The convicts constituted 63 per cent of the jail population on the day of the visit. The State Government had constituted a State Sentence Review Board comprising Chief Secretary (Home); Secretary (Justice); Secretary nominated by the Chief Secretary; and IG (Prison) to review the cases of premature release of convicts. There was no pending case of premature release at the time of the visit.

The parole applications of the convicts had been sent to the court of District Magistrate and the Administration. It was reported that out of 18 parole application sent for approval between March, 2010 and February 2011, only one convict had been granted parole.

### **Suggestion**

- DG prisons may look into the matter relating to high rate of rejection of parole applications.

## **PRISONS IN UTTAR PRADESH**

### **District Jail, Barabanki**

The UP Jail Manual contained no provisions for parole. The citizens' charter published by the State Government provides for grant of parole in cases of deaths and marriages by District Magistrate, Divisional Commissioner, and the State Government. The D.M. was empowered to grant parole up to one month, which could be extended by 16 days by the Divisional Commissioner. The parole beyond this period was granted only by the State Government.

The Superintendent of District Jail, Barabanki and his officers appeared to be not aware of the provisions for parole. It was reported that parole had not been granted to any prisoner housed in this jail during the period of 12 months or more prior to the day of this visit.

The Paragraph 233 of the UP Jail Manual provides for constitution of a district level Revising Board for reviewing the sentences. The Revising Board at Barabanki Jail appeared to have gone defunct. The jail authorities were not even aware of its existence and no case had been disposed by the above mentioned board.

Paragraphs 195, 196, and 197 of the UP Jail Manual provides for premature release of convicts on grounds of old age and illness; Paragraph 198 provides for

release after completion of 14 years imprisonment; and State Government was empowered under Probation Act 1938 to grant probation to convicts for the remainder of any sentence. It was reported that Superintendent of Jail had recommended the case of an 87 years old prisoner under Paragraph 195, 196, 197 and two more cases under Paragraph 198 of the UP Jail Manual and Probation Act, 1938 to the District Magistrate, Barabanki for onward transmission to the State Government. These cases were found to be pending with the D.M. at the time of the visit.

## CONCLUSIONS AND RECOMMENDATIONS

In consonance with the functions elucidated under the Protection of Human Rights Act 1993, Chairperson of the Commission, Special Rapporteurs and other officials of the Commission visited 20 prisons of Union Territory of Chandigarh and 8 States of Northern region of India where prisoners had been housed for purpose of treatment, reformation or protection during the period between 4 March, 2002 and 29 November, 2012. They visited the jail premises including barracks; convicts and undertrial prisoners wards, Juvenile ward, cells, women section, kitchen complex, jail hospital, isolation wards, jail industry and site of vocation training, to evaluate the functioning of these prisons; review the living conditions including sanitation, general hygiene, cleanliness of the barracks, toilets, bathing places, kitchens, etc. and assess the protection of human rights of the prison inmates. They interacted with the prisoners especially long staying undertrials to know their grievances; and held discussions with Prison officials including DG Prisons, DIG Prisons, Superintendent of Prison, Jailor, Medical officer, and other officials to assess the strengths and weaknesses of prison administration and management.

The state-wise assessment of strengths and weaknesses of the prisons of Northern region visited by the Chairperson of National Human Rights Commission and other officials of NHRC; and some recommendation made by them are given below:

### MODEL JAIL CHANDIGARH

#### Strengths

- Chandigarh jail had been administered efficiently but with a firm hand by an over-cautious staff that had not yet recovered from the trauma of the sensational jailbreak of 2004 involving the killers of the former Chief Minister of Punjab.
- The well designed jail building had sufficient accommodation to meet most of the requirements of a Central jail.
- Jail had no problem of overcrowding as the actual average population of the jail was just 55 percent of jails authorized capacity to house prisoners.

- The living conditions in the jail were much better than many other jails in this region in view of the following factors:
- Scales of food met the nutritional needs of prison inmates; additional diet of milk was provided to children staying with their mothers in the prison; prisoners' Panchayatwas involved in drawing rations from the store and selection of menu and cooking of food.
- Potable and cold water was provided to prisoners in summers with installation of aqua-guards in all barracks and two water coolers.
- Electric supply was available round the clock.
- Scales of clothing and bedding were adequate and replacements were issued in time.
- Standard of sanitation was good with satisfactory toilet to prisoner ratio.
- Facilities for indoor games and outdoor sport were adequate in the jail.
- Jail Administration was encouraging prisoners to pursue their higher studies by getting a branch of Indira Gandhi National Open University (IGNOU) opened in the jail; subscribing to more than 30 English and Punjabi Newspapers every day; and having well-stocked library.
- Convicts were being provided vocational training and gainful employment; wages were paid regularly according to the directions given by the Supreme Court in State of Gujarat and others vs. Hon'ble High Court of Gujarat criminal Appeal No. 308 of 1986; and prisoners had a fairly good idea about wage rates and their accumulated earnings.
- Medical facilities in the prison were adequate with 8 Specialists including 1 Gynecologist visiting the jail on weekly/fortnightly basis; and jail authorities were furnishing periodical reports on health status and progress of mentally ill prisoners to the court.
- Intimation of the custodial deaths was sent to the National Human Rights Commission within the prescribed time; and detailed reports including post mortem reports were sent subsequently.
- Jail administration had evolved a liberal system of administration over the years and succeeded in achieving a fine balance between custodial and treatment aspects of prison management with Jail having the institution of Board of Visitors and District and Session Judge and Additional Session Judge, Chandigarh visiting jail regularly; Chief Judicial Magistrate, Chandigarh holding Jail Adalats regularly to decide cases of petty offenders willing to accept their guilt.

## **Weaknesses**

- A negative practice followed in jail was that of classifying the prisoners according to their socio-economic background and habit of superior mode of living as laid down in the Punjab Jail Manual.
- Standard of personal hygiene was lacking due to toothpaste/powder being provided only to B class convicts and other inmates were denied this elementary facility; sanitary napkins were not included in the scale of authorized items to meet the personal needs of women prisoners.
- TV facility in jail was restricted only to 5 religious Cable Channels.
- The educational activities; yoga and meditation classes suspended in the wake of the jail break were not restored till the date of the visit.
- Prisoners despite being considered proficient in different trades by their instructors were classified as semi-skilled workers and paid wages of the semi-skilled workers.
- Staffing pattern in the jail was poor due to the following factors:
- Sanctioned staff of the jail set up as a Central Jail was far below the norms of a Central jail as given in the Punjab Jail Manual;
- Jail staff was not provided any in-service training;
- Directly recruited Assistant Superintendents were posted without providing any formal training in law and regulations;
- Female section of jail prison was supervised by male staff in the absence of a sanctioned post of a Matron;
- Involvement of the NGOs in education, recreation and other welfare activities was almost nil in this prison.
- There was no systematic review of UTPs at regular intervals.
- The guidelines issued by the National Human Rights Commission relating to premature releases of convicts had not been given effect till the date of the visit.

## **CENTRAL WOMEN JAIL TIHAR, NEW DELHI**

### **Strengths**

- The jail building met the security and correctional needs of prison inmates.
- Special diet of milk was provided to children staying with their mothers, pregnant women, lactating mothers, sick women, old woman and 'lungar worker'.

- Standard of sanitation and personal hygiene was satisfactory in the jail in view of following factors:
- Toilet to prisoner ratio and the bathroom to prisoner ratio was much better than the standard ratio recommended by the All India Prison Reform Committee.
- The sanitary napkins were provided to all inmates as per requirement.
- Convicts were provided datun/dental powder and soap for bathing as well as washing purposes and these items were also provided to poor and the needy UTPs on request from the Prison Welfare Fund.
- Jail authorities were engaging female convicts and UTPs in different vocational activities and jail duties with the assistance of NGOs; wages were paid regularly to prison inmates for the services rendered by them; and pass books were kept by prisoners themselves.
- Medical facilities provided to prison inmates were satisfactory with adequate number doctors posted in the hospital and specialists visiting the hospital regularly; and no shortage of medicines.
- Custodial deaths were intimated to NHRC within 24 hours and detailed reports were sent subsequently.
- The Jail presented a good picture of efficient administration and humane treatment by following certain best practices as mentioned below:
- Arranging a compulsory Human Rights orientation course of one week for the jail staff through the ICRC to sensitize the prison staff on Human rights issues of prisoners;
- Women's jail being managed by women staff at both the functional and supervisory levels;
- Involving a large number of NGOs in different welfare activities of prisoners.
- The Board of Visitors had been revived.
- The Jail Adalats were held regularly once a month to dispose of the cases of petty offenders willing to confess their guilt.

### **Weaknesses**

- Prisoners engaged in hospital and library duties; cleaning; and general maintenance work were not paid any wages.
- There was shortage of staff quarters in this prison.
- Commissioner of Police was not visiting jail at all.



- Additional Sessions Judge functioning as the visiting judge was not visiting the jail as per provisions laid down in the Jail Manual.

## **CENTRAL JAIL, AMBALA**

### **Strengths**

- Jail had well established and efficiently running factory units for imparting vocational training and engaging prison inmates in ten trades. Prisoners engaged in factory units were paid wages in accordance with the directions given by the Supreme Court.
- The overall staffing pattern of the jail was satisfactory.
- Jail faced no problems in producing prisoners before the courts due to 100 per cent availability of police escort.
- The jail Adalats were held regularly in the jail to dispose of cases of petty offenders willing to confess their guilt.

### **Weaknesses**

- Central Jail, Ambala was overcrowded by 77 per cent and women enclosure by 226 per cent.
- Standard of sanitation and personal hygiene was poor in view of the following factors:
- No bathing soap was provided to prisoners except Sikhs for washing their hair;
- Weekly scale of washing soap and soda ash was inadequate; Toilet to prisoner ratio of 1:12.5 was far below the recommended ratio of 1:6 by All India Jail Reforms Committee and also nowhere near the reasonable level of 1:10;
- Bathroom to prisoner ratio of 1:30 was also far below the recommended ratio of 1:15 by the All India Jail Reforms Committee;
- Sanitary napkins were not included as essential item in the authorized scale and were provided to female prisoners only on recommendations of a lady doctor.
- The overall decline in production of factory section showed underutilization of the full potential; Prisoners despite being proficient and capable of working independently were paid wages of the semi-skilled workers; prisoners were not aware of wage rates; and there were no facilities for imparting vocational training to female inmate.
- Medical facilities were inadequate due to vacant posts of 2 Medicals Officers and a gynecologist from the District Hospital visiting the jail on weekly basis.

- Magisterial inquiries were not held in case of custodial deaths in the jail.
- There was shortage of staff quarters.
- Institution of Board of Visitors had become defunct;
- DC Ambala was not visiting the jail regularly;
- Involvement of NGOs in the welfare activities of prisoners was almost nil in this jail.

## **PRISONS IN HIMACHAL PRADESH**

### **Strengths**

- The Jail population in Himachal Pradesh in excess of only 3 percent of the authorised capacity was easily manageable, and no overcrowding was observed in the jails except Sub-Jail Shimla.
- Standard of sanitation was good with satisfactory toilet to prisoner ratio in prisons of Rajasthan.
- Medical facilities were adequate; medical examination of prisoners was carried out at the time of admission; specialists, dental doctors, and AIDS awareness team was visiting jail hospital of Central Jail, Kanda (Simla) from time to time; and there was no difficulty in escorting prisoners to outside hospitals.
- Timely intimation of custodial deaths, postmortem reports and magisterial inquiry reports were sent to the National Human Rights Commission.
- Sanctioned strength of guarding staff at the Central Jail Kanda was adequate to meet the guarding requirements of the prison and ensure proper security of the complex.
- Judicial authorities were paying due attention to concerns and problems of undertrial prisoners.
- Production of undertrial prisoners before the courts was almost 100 per cent and their cases were progressing satisfactorily.
- Liberal grant of parole enabled most of the convicts to keep contact with their families.
- Powers of premature release were exercised with due thoughts and cautions.

### **Weaknesses**

- A negative aspect of jail administration was the continuation of the anachronistic system of classification of prisoners on the basis of their social and economic status and habits of life.

- Underutilization of the full capacity of existing infrastructure and facilities as the capacity of Open Air Jail, Bilaspur was underutilized to the extent of 60 per cent.
- The problems of women prisoners did not receive special attention in accordance with the recommendations of Justice V.R. Krishna Iyer report.
- Medical facilities were inadequate in Sub Jails. Progress reports of mentally ill prisoners were not sent regularly to the courts concerned.
- Intimation of the custodial deaths in Sub jails was not sent to National Human Rights Commission within the prescribed time of 24 hours.
- Inadequate vocational training and work facilities, an essential component of reform and rehabilitation programme for convicts.
- Staffing pattern in most of the jails was unsatisfactory with actual availability of Guarding staff being far below the actual requirement of jails especially sub jails; and shortage of staff quarters to meet accommodation requirements of jail staff.
- Inability of Chief Welfare Officer posted in the office of the Addl. DG (Prisons) to make any significant contribution towards welfare of the prisoner due to lack of field officers.
- The institution of Board of Directors had gone defunct.
- District Magistrate was not visiting jails regularly.
- Involvement of the NGOs necessary for proper integration of the prisoners with society after their release was almost nil.
- The undertrial prisoners housed in sub jails constituted more than 90 per cent of the total population of these jails.

## **PRISONS IN MADHYA PRADESH**

### **Strengths**

- Diet chart was displayed in front of the kitchen.
- Prisoners were supplied adequate quantity of soap and oil.
- Educated prisoners were providing basic education to illiterate prisoners and educated prisoners were encouraged to pursue higher studies; Well-stocked libraries with books and jails were subscribing to a number of Newspapers and Magazines; Children staying with their mothers in prison were sent to Anganwadi outside prison.
- Jails had well established industrial units for imparting vocational training in a number of trades to prison inmates.

- Most of the products manufactured in the industrial units of the prison were either consumed internally or supplied to other jails of the state.
- Prisoners were paid wages regularly for services rendered by them.
- State had initiated a scheme of payment of compensation out of prisoners' earnings to families of victims.
- Initial medical check-up was carried out of all prisoners on admission to the jails as per guidelines issues by the National Human Rights Commission.
- Intimation of custodial deaths in Central Jail, Satna was sent within 24 hours and postmortem reports and video film of post mortem were sent subsequently to the National Human Rights Commission.
- Jails had efficient administration and jails were managed with full concern for human rights and welfare of prisoners.
- Non-Official members of the Board were well versed with the problems faced by female prisoners.
- Jail authorities were involving NGOs in welfare activities of the prisoners.
- CCTV with cameras were installed in the jails to monitor activities in the prison.

### **Weaknesses**

- Buildings of Central and District Jail, Indore being very old, some parts of these jails were in dilapidated condition.
- The uneven distribution of population in different jails resulted in overcrowding of 175 per cent in Central Jail Satna and 113 per cent in Central Jail Indore and marginal overcrowding of 29 per cent in District Jail, Indore.
- The quality of food served to prison inmates could not be ensured due to untrained cooks engaged in cooking of food in the kitchen.
- Prison inmates were not aware of wage rates and the accumulated amount of their wages as they were never shown their pass books.
- Decision relating to upgradation of prisoners from untrained to trained category being left to the sole discretion of instructors might allow some element of arbitrariness.
- Availability of 18 per cent of police escort was highly inadequate for taking prisoners to outside hospitals.
- Staffing pattern was unsatisfactory with no sanctioned post of a doctor for District Jail Indore; no sanctioned female staff for Central Jail Satna and female enclosure of this jail being managed by 3 temporary female

warders; Central Jail Indore having 2 sanctioned posts of Assistant Jailors and 2 female warders without having any female prisoners; and shortage of staff quarters.

- CCTVs installed in jails could not be monitored for 24 hours due to shortage of staff.
- Jails Adalats were not held in the jails.

## **PRISONS IN PUNJAB**

### **Strengths**

- Central Jail Bhatinda had negligible overcrowding of 7.6 per cent.
- Food was provided to prison inmates on the basis of calories prescribed in the jail manual.
- An RO system was installed in the jails to provide clean and safe drinking water to the inmates.
- Standard of general cleanliness was good with jail premises including barracks, bathrooms and toilets being cleaned regularly.
- Facilities of recreation were satisfactory with TV sets installed in all barracks; availability of adequate facilities of indoor games and outdoor sports; different cultural programs, including music, dance drama, yoga as well as PT being organized regularly in the jail; and religious programs organized also being during various festivals of different communities.
- Mentally ill prisoners, drug addicts, and those suffering from infectious diseases were kept separately; and screening for TB and HIV/AIDS was done on a regular basis in the Central Jail Bhatinda.
- The NHRC Guidelines on custodial deaths were followed strictly.
- A Legal aid clinic was established in the jails for providing free legal counseling to those prison inmates who were unable to engage lawyers for defending their cases.
- Board of District Authorities was visiting the jails on quarterly basis.
- The District and Sessions Judges were visiting the jail and interfacing with the prisoners every month.
- Jail Adalats were held every month to decide cases of petty offenders willing to confess their guilt.
- Voluntary Organizations were involved in organizing Art of living and Meditation classes regularly for prisoners.
- Jail authorities faced no problems in producing the prisoners before courts due to adequate and timely availability of police escorts.

- Prisoners were facing no problems in arranging sureties after grant of bail to them.
- A video-conferencing system had been installed in the jails.

### **Weaknesses**

- District Jail, Sangrur was overcrowded by 110 per cent.
- Standard of personal hygiene was not satisfactory as tooth paste/powder was an authorized item only for B class convicts and other prison inmates were denied this essential item; sanitary napkins were not included in the scale of essential items to meet personal needs of female prisoners.
- Jails despite having the necessary infrastructure was not providing avenues of self-improvement like quality education, focused vocational training and adequate health care to its inmates.
- Learning facilities were at the minimal levels in jails. While other jails had been implementing Sarva Shiksha Abiyan and other literacy programs, jails in Punjab were lacking on this front; prisoners were not encouraged to pursue their higher studies; and jail libraries had books only on religion and literature.
- Vocational training was not organized at the desired level.
- It was doubtful whether directions of Supreme Court regarding provision of facilities for special care, education and recreation of young children staying with their mothers in prison in R.D. Upadhyaya vs. the State of Andhra Pradesh and others were implemented.
- Screening of prisoners for TB and HIV/AIDS was done only at the time of admission and no regular screening was done thereafter in District Jail, Sangrur.
- Jail hospitals had no X-Ray equipment or diagnostic testing facilities.

## **PRISONS IN RAJASTHAN**

### **Strengths**

- Overcrowding the defining feature of prison situation in most of the States was not experienced in Rajasthan. However, uneven distribution of population in different jails resulted in marginal overcrowding of 11.2 per cent in Women Jail, Jaipur, moderate overcrowding of 27.4 to 34.4 per cent in Central Jail Jaipur and District Jail Tonk and authorized capacity of Open Air Camp Sanganer and Sub Jail Malpura remained underutilized.
- Rajasthan offered an inspiring example of the utility and usefulness of the open jail system with Open-air jails in Rajasthan serving as Half-way Homes in the process of transformation of prisoners' lives and their return to community.

- Standard of personal hygiene was satisfactory with jail authorities following the best practice of providing toothpowder, bathing soap, washing soap and hair oil to prison inmates.
- The jail staff was taking keen interest in spreading literacy among prisoners and encouraging them to improve their educational qualifications by getting IGNOU Centre established in the jail.
- A remarkable feature of Central Jail, Jaipur was an ITI established inside the jail campus to impart knowledge in three trades including wireman, fitter and carpentry.
- Medical facilities available in Central Jail Jaipur and Women Jail Jaipur were adequate; and there were no problems in transporting prisoners for medical purposes to outside hospitals due to availability of a standing guard in the jail.
- A positive feature of Rajasthan jail management was abolition of archaic system of classification of prisoners on the basis of their socio-economic status and habits of life.
- NGOs were involved in education, recreation and welfare activities of the prisoners by prison administration.
- Situation of Undertrial prisoners in jails under study was much better with UTPs constituting 18.8 to 44.7 per cent of the total population housed in jails.
- The pre-mature release of lifers was governed by strictly adhering to the provisions of 433A Cr.PC. and guidelines issued for exercising Constitutional powers under Article 161 of the Constitution.

### **Weaknesses**

- Recreational facilities were inadequate as basic facility of TV sets was not available in most of the jails as per their requirements.
- The well-developed jail factories established over the years to impart vocational training with gainful employment to convicts and help them in their social and economic rehabilitation were neglected. Jail factories were running at a much lower level of its installed capacity and dari, niwar and furniture making units of District Jail Tonk were closed due to lack of sufficient funds for purchasing raw materials.
- Prisoners sentenced to Rigorous Imprisonment could not be provided requisite work regularly in jail factory due to lack of raw material and ceiling of 10 per cent imposed on engaging convicts in jail services.

- Prisoners with adequate experience and considered capable of working independently by their Supervisors were categorized as unskilled workers; wages were not paid regularly; female inmates working in the tailoring and stitching units and looking after crèche in Women jail, Jaipur were not paid wages; majority of the prisoners were not aware of wage rates and accumulated amount of their earnings.
- A large number of prisoners were not paid their full wages at the time of their release from the jail because of non-availability of funds and many of them not coming back to collect their dues resulted in accumulation of undisbursed funds and unjustified loss to workers.
- Supreme Court's directions of disbursing 25 per cent of prisoners' wages among the families of the victims had not been operationalized effectively.
- Medical facilities were inadequate in view of the following factors:
  - No regular doctors were posted in District Jail, Tonk, and Sub Jail, Malpura;
  - Arrangement of deputing part-time doctors to visit these jails regularly at a monthly honorarium of Rs.100 was not functioning properly due to meager amount of honorarium;
  - The ultrasound and X-Ray machines installed with grant provided by Government of India remained unutilized due to vacancies of Jr. Specialist (Radio diagnosis) and Assistant Radiographer; and
  - No female nurse was posted in jail hospital of Women Jail, Jaipur.
- The slow progress of Magisterial Inquiries conducted in deaths occurred in Central Jail, Jaipur was causing inordinate delay in sending the detailed reports including the magisterial inquiry to NHRC.
- A huge number of vacancies at supervisory levels and shortage of female staff.
- Jail Adalats were not held in jails of Rajasthan to dispose of cases of petty offenders.
- Institution of Board of Visitors had gone defunct.
- The judicial and other officials were not visiting the jails regularly.
- Rejection rate of parole applications was very high due to almost total dependence on police recommendation.

## **DISTRICT JAIL DEHRADUN**

### **Strengths**

- Jail was constructed as per the norms of Model Prison Manual.



- Jail had a modern kitchen with chimney and adequate number of exhaust fans; food was cooked, stored and served in stainless steel utensils; cooked food was carried from kitchen to barracks in small trolleys/carts; and nutritive value of food was checked by Medical officer.
- Standards of sanitation and personal hygiene were satisfactory with acceptable toilet to prisoner ratio of 1:10; sanitary type latrines with proper arrangements of flushing; adequate quantity of soap, washing powder, detergent etc. being supplied to prisoners for taking bath and washing clothes.
- Recreation facilities were satisfactory with TV set installed in each and every barrack, adequate facilities of indoor games and outdoor sports; yoga classes and cultural activities including dance, drama and music being organized in the jail.
- Jail Administration involved NIOS and INGBOV to establish their study centres in the jail with financial assistance provided by ONGC; and educated female inmates were teaching children of female prisoners.
- Jail had adequate arrangements for imparting vocational training to female inmates in a number of crafts and gainful employment of prisoners in a number of manufacturing units of prison industry producing items on demand.
- Prisoners were examined on admission as per guidelines issued by NHRC; IG Prison was visiting mentally ill prisoners twice a month under Section 39 (1) of the Mental Health Act 87; and a psychiatrist was visiting jail hospital once a month to examine mentally ill prisoners.
- Checks and safeguards adopted by prison administration to prevent suicides included engagement of prisoners in reformatory and entertainment programmes like yoga, painting, cultural and sports activities.
- Institution of Board of Visitors was operational and its members were visiting the jail every month.
- Judicial and non judicial authorities were visiting the jail regularly
- Jail Adalats were held every month to try cases of petty offenders willing to confess their crime.
- NGOs were actively involved in different welfare activities of the prison.
- Availability of police escort was adequate for producing UTPs before the courts.
- The State Government had constituted the State Sentence Review Board to review cases of premature release of convicts; and no case of premature release was pending in the jail.

## **Weaknesses**

- Jail had no system of cleaning overhead storage tanks by using the state-of-the-art technology with mechanized dewatering sludge removal, high pressure cleaning, vacuum cleaning, antibacterial spray and ultra violet radiation.
- Water samples were not sent for testing to the approved pathological laboratories to ensure that water was free from chemical and bacteriological impurities, excess of sulphur, magnesium, sodium and fluoride.
- Clothing was provided only to convicts and not to UTPs.
- Latrines were not clean due to flushing system out of order.
- Jail hospital had no separate female ward, no lady doctor or female nurse.
- Ex-service men or Home guards working as warders were not well trained to perform jail duties.
- Undertrial prisoners and convicts were not kept separately.
- Legal aid provided to poor and needy prison inmates was inadequate.
- The rate of rejection of parole applications was very high.

## **PRISONS IN UTTAR PRADESH**

### **Strengths**

- District Jail Barabanki had surplus land for further construction.
- Meerut jail had a separate ward to house old and debilitated prisoners.
- Recreation arrangements were satisfactory with a television set installed in each barrack; cultural programmes being organized on national days and important festivals; and annual games were held in the jail.
- Hospital of Meerut jail presented a good picture of efficiency and care of prison inmates; TB patients had been segregated and kept in separate cells attached to prison hospital; jail hospital had pathology Lab., X-Ray and ECG units; Hospital of Barabanki jail was neat and clean and had its independent kitchen and ambulance.
- Jail authorities were running Meerut jail efficiently and were paying full consideration to basic human rights of prisoners.
- Staff quarters were available in sufficient numbers.
- Jail Adalats were held regularly in Meerut Jail to try cases of petty offenders.

### **Weaknesses**

- District Jail Barabanki being second class district jail was authorized to

hold only convicts sentenced to more than 2 years but not exceeding 3 years imprisonment but was holding all types of prisoners including lifers and UTPs.

- District Jail Barabanki was overcrowded by 80 per cent and District Jail Meerut by 161 per cent.
- The living conditions of the Prisoners were Sub-human in District Jail Barabanki in view of the following factors:
  - Primitive kitchen, food cooked and stored in aluminium utensils; cooked food transported from kitchen to barracks in aluminium containers either manually or in handcarts; and no arrangement of getting nutritional value of the food checked.
  - Daily per capita availability of about 15 litres of water was highly inadequate; and quality of water was doubtful due to no arrangement for testing water and treatment of pumped water;
  - Prisoners were made to sleep very close to each other on the floor; Bedding was limited only to one blanket and no mattresses were provided; clothing was provided only to convicts and not to undertrial prisoners.
  - Standard of sanitation and personal hygiene was unsatisfactory due to inadequate number of latrines and latrines not having running water; cisterns or other means of flushing; Prisoners were not provided soap and washing powder.
  - Maintenance and general standard of sanitation in District Jail Meerut was far from satisfactory.
  - Jails did not have educational facilities like class rooms and library; and sanctioned post of one teacher was lying vacant.
  - In the absence of facilities for vocational training and work programmes, Prison inmates were engaged in kitchen, gardening and maintenance of grounds, and in the agricultural activities; a large number of prisoners were classified as trainees because of meager amount of money allocated for payment of wages; prisoners were not aware of wage rates; and no individual pass books of prisoners were maintained in the jail.
  - Medical facilities were inadequate in District jail Barabanki due to following reasons:
    - Jail had no proper hospital; no female ward; no female doctor or nurse in the hospital;
    - TB patients housed in isolation cells were not provided any bedding and other items of personal use;

- There was no arrangements for HIV/AIDS screening;
- There were no facilities for de-addiction and counseling;
- Mentally prisoners were kept in jails rather than being kept under observation in mental health care centers.
- District Jail Meerut faced problems in arranging police escort for transporting patients to outside hospitals;
- Medical Superintendent despite being allotted Government accommodation in the jail premises was staying outside the jail.
- Guidelines issued by NHRC in respect of custodial deaths were not being followed strictly in Barabanki jail as magisterial inquiries were held in every case but post-mortem was held only in some cases.
- Jail manual was outdated as much of it had become a dead letter. It did not take account of the pronouncements of the Supreme Court on prisoners' rights or the recommendations of the NHRC.
- Barabanki Jail officers were not familiar with the laws and rules governing their functions and were entirely ignorant about their responsibilities and human rights perspective, and activities of UPSLSA due to lack of their knowledge and training to keep them updated.
- District-level Revising Boards constituted under the provision of Paragraph 233 of the U.P. Jail Manual to review sentences had gone defunct.
- Though the DIG (Poisons) as well as local judicial and executive officers were visiting Barabanki jail regularly, the real monitoring was lacking.
- Judicial and non-judicial officials were not visiting Meerut jail regularly.
- UTPs constituted 76 per cent of jail population in District Jail Barabanki and 93 per cent in District Jail Meerut. UTPs despite being granted bail continued to remain in jails due to their inability to arrange sureties.
- Convicts, UTPs, and Civil prisoners were kept together in violation of the provisions of the Jail Manual.

## **Recommendations**

### **Infrastructure**

- The government needs to chalk out a proper plan for making use of the available land for further construction of double/multi storied buildings to ease the problem of congestion in the prisons and ensure better living conditions for prison inmates.
- The jails should have a separate high security ward; and a separate administrative block.

- The elementary and essential facility of a children park and creche should be arranged in all jails where women prisoners have been housed along with their children up to the age of 6 years.
- A suitable female prison inmate may be identified for proper running of the Creche and she should be paid wages of a skilled worker.
- Convicts, undertrial prisoners and civil prisoners should be housed separately.

## **Living Conditions**

### **i) Food**

- As the food served to prisoners relates to the most fundamental right of the prisoners 'the right to a well cooked and wholesome food', a proper diet chart should be formulated for prison inmates in terms of their calorie requirements with the help of a nutrition expert.
- The scale of special diet for children, pregnant and nursing women should be worked out in a scientific manner in consultation with nutrition experts.
- There should at least be one or two regular cooks in the prison kitchen to train the prisoners in cooking and supervise the entire process of cooking to ensure proper quality of food served to prison inmates.
- Considering the strenuous nature of kitchen work and hardships involved, particularly in summer months, kitchen work should be considered as a skilled job and prisoners engaged in kitchen work should be paid wages of skilled workers.
- The jail authorities may purchase food grains including wheat and rice from PDS at concessional rates.

### **ii) Water**

- The prison authorities should ensure the adequate quantity and quality of water supplied to prison inmates by resorting to following measure:
- Seek expert assistance of the Government departments concerned for immediate improvement in quantity and quality of water supplied to prison inmates;
- Make necessary arrangements for cleaning overhead storage tanks by using the state-of-the-art technology with mechanized dewatering sludge removal, high pressure cleaning, vacuum cleaning, antibacterial spray and ultra violet radiation;
- Arrange for drawing samples of water regularly and sending for testing to an approved pathological laboratory to ensure that the water is free from

chemical and bacteriological impurities; excess iron, sulphur, magnesium, sodium and fluoride; colour hardness and alkalinity.

- Aqua guard filters may be installed in all the barracks to ensure supply of potable drinking water to prison inmates.
- Prison authorities may install requisite number of water coolers to provide cold water to prison inmates in summer months

### **iii) Clothing and bedding**

- Prison authorities may consider providing clothes to poor and needy UTPs who had been languishing in jails for long.
- The prison authorities may provide raised cement platforms or beds to prison inmates, particularly to female and old prisoners; and proper bedding comprising mattress, blankets and bed sheets etc.

### **iv) Sanitation and Personal hygiene**

- The Best practice of supplying bathing soap, washing soap and detergent powder, and tooth paste/powder followed in Rajasthan may be adopted by other states. These items being basic needs of prisoners for their personal hygiene may be included in the authorized scale.
- The glaring omission of sanitary napkins in the existing scale needs to be removed by including sanitary napkins in the authorized scale to ensure personal hygiene of women prisoners
- An adequate number of posts of Safai karamchari needs to be sanctioned and existing posts should be filled to ensure cleanliness of jail premises including barracks, cells, bathrooms and toilets etc. on regular basis.
- Jail authorities may consider constructing more toilets and bathrooms to bring toilet to prisoner and bathroom to prisoner ratio at par with the ratios recommended by the All India Prison Reform Committee to ensure proper sanitation.
- The general cleanliness of jails with special focus on the latrines should be improved by providing latrines with cisterns; repairing flushing system at the earliest; and ensuring running water in toilets all the 24 hours.

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

- Prison authorities should make adequate arrangement for recreation of prison inmates by installing a small screen B&W TV in each barrack/ward/cell; and providing facilities for indoor games and outdoor games.

### **vi) Communication**

- The arrangement for interview may be improved by showing a little more sensitively towards the prisoners' rights.

- The Superintendent needs to display a list of articles including food items which can be delivered to the prisoners by their friends/family members during the interview.

## Education

- Prison authorities need to make proper arrangements for providing elementary education to illiterate prison inmates;
- Educated prisoners should be encouraged and motivated to pursue their higher studies.
- Proper education arrangements should be made for children staying with their mothers in the prisons;
- The prison library should be stocked properly by approaching certain NGOs to donate books.
- The DIG (Prisons) should streamline and make the process of upgradation of workers from trainees to semi-skilled and from semi-skilled to skilled category transparent by prescribing an objective procedure of testing workers' professional competence and efficiency by a Board of officers including a member from outside the jail.
- UTPs should only be engaged in prison work if they are willing to work; and if engaged in prison work, they should be paid wages at the prescribed rates.
- The convicts sentenced to rigorous imprisonment are required to render their services in the prison work, but they cannot be treated as forced labor under the provision of Art. 23 of the constitution; they should be paid equitable wages.
- Superintendent should take prompt action to bring transparency and openness in the financial matters of factory section by displaying a monthly tabular chart giving details of work done and wages paid to every worker at the work site itself; and the DM needs to get all the payments made to prison inmates for services rendered by them thoroughly checked.
- The system of wage payment to the prisoners needs to be streamlined. The DG (Prison) should follow the best practice of opening bank accounts for prisoners and individual prisoners holding their pass books as followed in some of the prisons.
- The wages fixed in August 2000 in accordance with the Supreme Court judgment in the State of Gujarat vs. Hon'ble High Court of Gujarat (1998.7 SCC 392) were due for revision because of increase in the rates of minimum wages since then.

- The Addl. DG (Prisons) should ensure implementation of the important aspect of the judgment of the Supreme Court relating to the recommendations of the Apex Court to the State Governments to make law for "setting apart a portion of wages earned by the prisoners to be paid as compensation to deserving victims of the offence the Commission of which entailed the sentence of imprisonment to the prisoner, either directly or through a common fund to be created for this purpose or in any other feasible mode". Some of the States such as M.P, Rajasthan Bihar and Tamil Nadu had already taken initiative in this regard.
- Since the prison authorities had been depositing 50 per cent of the amount of wages earned by prisoners in the Central fund called PD account for the welfare of the prisoners. The NHRC may consider calling for a detailed report on utilization of funds deposited in the PD Account from DG Prisons, MP.
- The prisoners should be paid their wages for services rendered by them before or at the time of their release from the jails. The Addl. DG (Prisons) may consider of adopting the following ways to clear entire dues of prisoners:
  - Creation of a corpus of a reasonable amount to clear the wages of prisoners at the time of their release and reimburse the amount disbursed subsequently.
  - To give prisoners a written undertaking mentioning the amount due to them and send it subsequently through a Money Order directly to them or get it disbursed through the District Jail nearest to their place of residence.
  - This good practice of involving private organizations in imparting training to prisoners in different trades in Central Women Jail Tihar, Delhi needs replication at other places.
  - The various Government departments including Industry, Rural Development, Handloom and Handicrafts etc. should be approached for organizing vocational training for the prisoners.
  - Considering the strenuous nature of the kitchen job, prisoners working in the kitchen jobs should be categorized as cooks and helpers and paid daily wages of skilled and semi-skilled workers
  - The prisoners working in various fields like tailoring, weaving, carpentry, steel industry, hair cutting, and kitchen jobs should be told about the money earned by them during the last few years.

## **Medical Health Care**

- Prisoners should be examined by a doctor at the time of their admission in



the prison and the doctor examining prisoners should make entries of all injuries in the Health Screening report of the prison inmate.

- In view of the crowded prison and chances of contamination after prisoners admission in the jail, regular screening for TB and other contagious diseases and HIV/AIDS need to be undertaken.
- The jail hospital should have adequate number of doctors and diagnostic facilities including pathological laboratory, Ultrasound, X-Ray, ECG, and for screening of patients for HIV and AIDS. The jail authorities may consider partnerships with reputed agencies for setting up such facilities in jails.
- The prison authorities should make arrangements for keeping female patients and children staying with their mothers in a separate ward. A lady doctor and a female nurse should be posted in the prison to take care of the female patients. In case it is not possible to post a lady doctor on permanent basis, arrangements should be made for a female doctor and a nurse from the civil hospital to visit the women ward thrice a week for one hour; and a female doctor should be made available on call.
- Additional DG (Prisons) may ask the Government for suitable enhancement of honorarium paid to visiting doctors.
- Prison authorities should be provided adequate funds to ensure regular supply of medicines to the inmates or else additional supply of medicines should be ensured; and the frequently required medicines should be included in the list of centrally supplied medicines by the State Government.
- The TB patients housed in jails should be provided proper cots, bedding and other items of personal use and their treatment should be monitored properly.
- As per the guidelines issued by the Director General of Health Services, Government of India, all fresh cases of detection of TB are required to be administered DOTS (Directly Observed Treatment Short Course) treatment under the Revised National T.B. Control Programme. The MO incharge needs to ensure that these guidelines are followed at least in the case of convicts and UTPs who are not likely to be released on bail and can, therefore, complete the prescribed treatment.
- The Medical Officer needs to explain TB patients at the time of their release about desirability of continuing their treatment and also to ensure that they are provided with proper documents containing full medical history of the case to facilitate their treatment after their release.
- The jail administration should arrange for periodic screening of prisoners for mental illness; D.C. should ensure that a Psychiatrist visits the jail at least once a month for proper treatment of the mentally ill prisoners; the

mentally ill prisoners should be moved to Mental Health Care hospital for their proper treatment; and Superintendent needs to obtain a report on health condition of mentally ill prisoners from the Mental Health Care Hospitals on regular basis.

- In view of the large number of prisoners booked/sentenced under NDPC Act, the jail hospital needs to have necessary facilities for de-addiction and counseling.

## **Custodial Deaths**

- The Additional DG (Prisons) should direct all Jail Superintendents to send intimation about death of a prisoner directly to the NHRC by FAX with copies to DG (Prisons) and D.C. Thereafter the DG (Prison) needs to send a detailed report containing (i) Inquest report (ii) Post Mortem examination report (iii) Viscera examination report where required (iv) Video cassette of Post Mortem Examination, where required and (v) Magisterial inquiry report to the Commission. The D.C. should monitor the progress of each and every case and ensure timely completion of the magisterial inquiry.
- Postmortem should be conducted in each and every case of custodial death and postmortem records should be maintained in the prisons.
- The NHRC may also consider advising State Governments to sanction ex-gratia in all cases of custodial deaths from the existing funds on the similar pattern of the Government of Andhra Pradesh.
- The discrepancies in the number of deaths mentioned in the death statement of the jail and the CD Cell of NHRC needs to be reconciled.

## **Prison Administration**

- The Government need to take stock of staff strength and provide additional hands to prison.
- Jails should have a sanctioned post of a Probation officer in view of large number of lifers held different jails.
- Jails housing female prisoners should have a sanctioned post of a matron.
- Directions of the Supreme Court regarding provision of facilities for special care, education and recreation for young children staying with their mothers in the jail in R.D Upadhyay v/s the State of Andhra Pradesh and others need to be implemented fully by the jail administration.
- The modern technology should be harnessed for the management of prisons and the prisoners in the areas of energy efficiency, security, education and health of prisoners, better sanitation and living conditions, monitoring of

under trial prisoners, better management of cases, and modern kitchens, etc.

- The State Government should assign top priority to provide sustained training, necessary motivation to induce changes to achieve desired level of efficiency and a strong monitoring system.
- The prison authorities should create awareness among prisoners about their human rights; right to bail; particularly the provisions of Section 436A of the Code of Criminal Procedures; right to appeal; right to legal aid; and plea bargaining etc. by resorting to following measures:
- Displaying a message on the above mentioned rights in all the barracks of the jail in simple spoken Hindi language;
- The standard message may be prepared in the office of the Inspector General of Prison centrally;
- The UPSLSA should extend necessary help to the department for implementing the awareness programme.
- A phased programme for providing Government accommodation within or in close vicinity of the campus needs to be chalked out for the entire staff of the prison.
- The rates of washing allowance, uniform allowance and training allowance fixed 20 years back being extremely low should be revised.

### **Board of Visitors and Judicial authorities visit to Jails**

- The provisions of the Jail Manual should be strictly followed and institution of Board of Visitors should be constituted / revived at the earliest to involve public-spirited members of civil society in the affairs of jails.
- Considering the number of female prisoners held in jails, one woman activist of good record and reputation should be considered for appointment as a non-official member.
- The DMs should visit the Jails at least once a month to review the living conditions particularly the standard of hygiene, sanitation and health care facilities.
- The Judicial and other officials should visit the jails regularly as per the jail Manual.

### **Jail Adalats**

- The concept of trial of petty offences and disposal of cases on admission of guilt by offenders is sound and helps in reducing congestion in jails. The best practice of holding Jail Adalats regularly in Model Jail Chandigarh, Central

Women Jail Tihar, Delhi, Central Jail Ambala, Jails in Punjab and Uttar Pradesh as per the directions of Supreme Court should be extended to all prisons of the country.

### **Involvement of NGOs in welfare activities**

- The best practice of active involvement of NGOs in welfare activities of prisoners followed in the Women's Central Jail, Tihar should be adopted by other jails. The NGOs of good credibility and reputation should be involved for assisting the prison authorities in conducting educational, vocational and spiritual programmes for the prisoners; running creche for prisoners' children to involve them in appropriate activities according to their age; providing specially cooked food by trained Balwadi workers to children of female prisoners; arranging admission of prisoners' children to schools and monitoring their retention and performance; arranging spiritual programmes, meditation, and Art of living; and providing counseling to the prison inmates.

### **Convicts and Undertrial Prisoners**

- The archaic system of classification of prisoners on the basis of their socio-economic status and habits of life prevailing in certain jails of Northern region should be abolished.
- Prisoners should be classified on the basis of security, discipline and institutional programmes and not on the basis of their social status.
- 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.
- The rights and duties of prisoners should be displayed clearly at each part of the prison and explained to them in simple language.
- States should provide free legal aid to all the needy prisoners and advocates appointed by states should take necessary interest in the cases of their clients.

### **Undertrial Prisoners (UTPs)**

- Fast-track courts should be set up for speedy disposal of the cases of undertrial prisoners.
- Immediate action should be taken for production of undertrial prisoners in courts by resorting by following measures:
- Improving the availability of police escort for taking UTPs to courts;
- The video - conferencing if put to good use can improve the outcome many fold. The video conferencing facility needs to be installed in jails or utilized fully if already installed.

- The District Judges should carry out a detailed review of the situation of UTPs and intimate status report of all those UTPs who have completed 3 years in jails to the National Human Rights Commission.
- The District Judge may carry out a detailed scrutiny of all the cases of women UTPs who had completed more than one year and consider transferring some of the old cases to Fast Track courts.
- The cases of old and ailing UTPs housed in the jails due to their involvement in dowry or drug related cases should be reviewed to assess the extent of their involvement.
- This mandatory segregation of convicts from undertrial prisoners needs to be effected.
- The District Monitoring Committee should examine the cases of UTPs who could not avail the benefit of bail granted to them due to their inability to arrange sureties and request the trial court to consider their release on personal bond as per directions of the Supreme Court.

## **Convicts**

- The progress of parole applications needs to be monitored; DG prisons may look into the matter relating to high rate of rejection of parole applications.
- The provision of parole should be used more liberally in case of women prisoners.
- Additional DG (Prisons) may look into the cases of premature release of convicts who have completed the requisite period for consideration of premature release.
- The Commission may like to ask State Governments to follow guidelines issued by the National Human Rights Commission and amend the rules governing the premature release of persons sentenced to life imprisonment to bring uniformity in the matter relating to premature release of prisoners
- The difficulties faced by convicts in their premature release need to be brought to the notice of the District Legal Service Authority.
- Additional DG (Prisons) may consider cases of convicts for transfer to jails near to their homes on merit.
- The convicts engaged in the kitchen work should be paid wage as per their entitlement for the services rendered by them.





## **NATIONAL HUMAN RIGHTS COMMISSION**

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