

National Human Rights Commission
(PRP&P Division) - Director (A) Unit

Subject: Report on the inspection of the Model Jail, and District Jail, Lucknow, (U.P) conducted on 4-5 March 2016, by Hon'ble Member Sh. S.C. Sinha.

Hon'ble Member Sh. S.C. Sinha inspected the Model Jail and District Jail Lucknow UP, assisted by Sh. Ravi Singh, Dy. SP, to verify whether the human rights are being adequately protected by concerned authorities. The visit report of Model Jail, Lucknow, (U.P) is placed at (**Annexure 'A'**) and District Jail, Lucknow, at (**Annexure 'B'**)

2. The Important Observations/recommendations are as under:

Model Jail, Lucknow,

- Automatic Analyzer may be installed in Model Jail, Lucknow's Pathology Lab.
- To instruct the proper training of the jail Pharmacist for operating the ECG machine of the Model Jail, Lucknow.
- Sanction the release of Ad-hoc maintenance allowance for the premises of the Model Jail, Lucknow and for the repair and white wash of the premises till the premises is formally handed over to the Prison Department, UP by the PWD UP.
- Sanction the installation of the sufficient numbers of the RO plants for Model Jail, Lucknow as lab reports shows that TDS of the water being drunk is around 300.
- Sanction the installation of the sufficient numbers of water coolers in Model Jail, Lucknow to provide the prisoners cold water during summer season.
- implementation of the condition of Parole Rules 1(4h) of the notification no.143/2015-1176 JL-22-3-15-21G-1989 Lucknow dated 21.01.15 also for the Home Leave as mentioned in Govt. order No.169/2015/164/22.03.15 dt.12.06.15 and to provide parole as well as of Home Leave to all the eligible convicts of the Model Jail, Lucknow.
- Issue fresh circular to all the DM and SSPs in the State of UP to adhere to 30 days limit as envisaged in Notification No.472JL/22-3-07-2[g-89] dated 15.02.07 and one month's limit as envisaged under Rule 15 (2) of the UP Prisoners Release on Probation Act.1938 to for sending report of their respective Offices to the office of DG (Prison) UP concerning the applications of the convicts to be released, under the provisions of 432 Cr. P.C and under the provisions of the UP Prisoners Release on Probation Act.1938 etc.

- Issue fresh circular to all the DM and SSPs in the State of UP to send report of their respective offices to the Office of Principal Secretary (Prisons & Reforms) Deptt. and Office of the DG (Prison), UP within 30 days limit concerning the 'Mercy Petitions' of the Convict under Article 72/161 of the Indian Constitution for processing their petitions further.
- review the cases of Pre-Mature Release, Remission of Sentence & Commutation of the sentence, u/s 432/433 Cr.P.C, as per principles laid down by the Hon'ble Supreme Court vide judgment dt.02.12.15 in Case title as Union of India Versus V. Sriharan @ Murugan & Ors.
- The DM/ Hamirpur, UP may be directed to verify the actual date of birth of prisoner Sh. Gulab Singh of Model Jail, Lucknow after taking the permission of the concerned trial Court and to intimate Sh. Gulab Singh about the outcome of the enquiry and decision of the Ld. Trial Court.
- All the 36 Power Looms of the Model Jail, Lucknow function at full capacity and prisoners working there should be provided with the safety measures such as Face-Mask etc.
- To arrange extra transportation so that 200 convicts of Model Jail, Lucknow may work in Sugarcane fields of Sugarcane Research Institute (Bhadrak Farm) Lucknow, as per the existing 200 vacancy of Bhadrak Farm and can earn better wages than working in Jail Factory of Model Jail, Lucknow.
- May be directed to revise the existing wages of all the category of the Workers/Prisoners within two months time according to the Judgment dt.24.09.98 of the Hon'ble Supreme Court passed in the case, State of Gujarat & Others Vs. Hon'ble High Court of Gujarat, as the last time Wages were revised five years ago, vide Order No. 1415/22-4-2011-48(43)/99 T.C dt. 07.04.11 of Special Secretary, U.P Government.
- To get verified whether the prescribed 15% subtraction from the wages of Sh. Ashwani Lal is being given to the victim or otherwise and Sh. Ashwani Lal may be informed accordingly.
- Mercy Petition of Sh. Nukul Sharma, age 30 yrs filed by his wife Smt Manju may be look into on priority citing the young age of the convict and the fact that he had already undergone 9 yrs of imprisonment.
- To provide the STD Phone facility to all Convicts at least once in a week at the prescribed rates to call their respective friends/relatives.
- To send the Inquest Report, PMR and MER concerning the death of Sh. Mahesh @ Nata who died on 12.2.15 while undergoing sentence in Model Jail, Lucknow.
- Fill up all the 93 vacant post of Model Jail, Lucknow and atleast 15 responsible Jail officials/Guard may be deputed for doing 'Pairvi' of the applications/representations of the convicts in different offices of the UP, Government and

offices of the DM/ SSP for avoiding undue delay in processing their applications for release on Parole/Pre-mature release etc.

- To consider opening of two more Open Model Jail in Eastern & Western, UP on the Principles of the Open Model Jail Lucknow as Uttar Pradesh has largest number of jails and prisoners in the country.

District Jail, Lucknow

- X-ray machine shall be installed in a separate room of the District Jail, Lucknow.
- Automatic Analyzer shall be installed in the Pathology Lab of the District Jail, Lucknow.
- To arrange the proper training of the Jail Pharmacist to operate the ECG machine of the District Jail Lucknow.
- To get constructed two separate rooms for the canteen of the District Jail, Lucknow and all eatables/items must be made available in the canteen as mentioned in the DG Prison's circular dated 07.01.16.
- Each of the following prisoners as given under should be allotted Free legal aid from the UP State Legal Authority, Lucknow, urgently.
 - (i) Sh. Suaj (ii) Sh. Oram @ Manoj (iii) Sh. Sunny @ Ram Saran (iv) Sh. Shiv Sharan (v) Sh. Krishan @ Guddu (vi) Sh. Rajender Gutam (vii) Sh. Sheawan Kumar (viii) Sh. Dinesh (ix) Sh. Sodan (x) Sh. Virhd Gupta (xi) Sh. Sunil namely (xii) Dr. Prithvi Nath (xiii) Sh. Vikas Ram (xiv) Sh. Nari Nafir (xv) Sh. Munni Sori (xvi) Sh. Mahender Kashyap (xvii) Sh. Kallu Kashyap (xviii) Sh. Taita Issui (xix) Sh. Hassan (xx) Sh. Sunil @ Kaliya (xxi) Sh. Sanjay Singh
- Instruct the Superintendents of all the Jails (Model Jail, Central Jail, Distt. Jail & Sub-Jails) in UP including the Superintendent District Jail, Lucknow to get filled up a Form from the each Accused/UTP/Convict entering in their respective Jails, regarding their willingness of engaging a Free-Advocate from the UP, State Legal Authority, Lucknow and to a maintain proper record in this regard.
- to send the copies of complaint of (i) Sh. Shesh Kumar and (ii) Sh. Pawan Kumar to the Bar Association, Lucknow for taking further necessary action as both the brother have alleged that their respective advocates have not been contesting their cases even after taking the fee from them.
- DG (Prisons), UP may be directed to send the copies of the complaint of the following prisoners namely (i) Sh. Shiv Pujari, as he has taken an alibi regarding the murder case occurred on 04.04.14 in which he has been charged and of (ii) Sh. Kush Mishra as he has made allegations against the Jailor Arun Kumar Singh of Faizabad Jail, UP, to the Addl. DG (Human Rights) UP Lucknow for enquiring the complaints and sending report to the Commission within two months time.
- DG (Prisons), UP may be directed to get conducted an enquiry through the Addl. DG (Human Rights) UP Lucknow, about the conduct of jail guard deputed

to produce the UTPs in the trial Court from the Court Lock-Up as alleged by prisoner Sh. Sanjeev Kumar has alleged that the jail guards indulged in drug/extortion racket and intentionally produce them in the Court during late evening hours due to which UTPs cannot plead properly regarding their grievances and consequently they have not been getting justice and to send the report to the Commission within two months time.

- There should be separate female barrack of the Female UTPs, in District Jail Lucknow, as per provisions of the UP Jail Manual, on priority.
- To sanction the release of the Ad-hoc maintenance allowance for the premises of the District Jail, Lucknow and for the repair and white wash of the premises till the premises is formally handed over to the Prison Department, UP by the PWD UP.
- Sufficient numbers of the RO plants should be installed in District Jail, Lucknow as lab reports shows that TDS of the water being drank is around 300, and at least 03 prisoners were suffering of Jaundice Fever in the District Jail Lucknow.
- Installation of the sufficient numbers of water coolers for District Jail, Lucknow to provide the prisoners cold water during summer season.
- issue fresh circular to all the DM and SSPs in the State of UP to adhere to 30 days limit as envisaged in Notification No.472JL/22-3-07-2[g-89] dated 15.02.07 and one month limit as envisaged under Rule 15 (2) of the Prisoners Release on Probation Act.1938 for sending the report of their respective Offices to the office of DG (Prison) UP concerning the convicts to be released, under the provisions of 432 Cr. P.C and under the provisions of the Prisoners Release on Probation Act.1938.
- Implement the new 'Parole' rules 1(4h) of the Notification No.143/2015-1176 JL-22-3-15-21G-1989 Lucknow dated 21.01.15, on priority for all the prisoners lodged in all the Jails of UP State.
- Ensure the availability of the work for all the convicts and the willing UTPs, by establishing new work avenues such as Furniture/Carpenters Workshop, Bakery Unit, Stitching Unit etc. according to the Judgment dt.24.09.98 of the Hon'ble Supreme Court passed in the case, State of Gujarat & Anr Vs. Hon'ble High Court of Gujarat.
- Revise the existing wages of all the category of the Workers/Prisoners within two months time according to the Judgment dt.24.09.98 of the Hon'ble Supreme Court passed in the case, State of Gujarat & Others Vs. Hon'ble High Court of Gujarat, as the last time Wages were revised five years ago vide Order No. 1415/22-4-2011-48(43)/99 T.C dt. 07.04.11 of Special Secretary, U.P Government.

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Review the case of Pre-Mature Release, Remission of Sentence & Commutation of the sentence, u/s 432 /433 Cr.P.C as per principles laid down by the Hon'ble Supreme Court vide judgment dt.02.12.15 in Case title as Union of India Versus V. Sriharan @ Murugan & Ors.

- Provide the STD Phone facility to all UTPs/Accused/Convicts at least once in a week at the prescribed rates to call their respective friends/relatives.
- To arrange Yoga Classes for all the prisoners.
- Send the MERs in all the 20 Judicial Custody Death pending cases of District jail Lucknow within two months time.
- Inform all the prisoners of District Jail whose complaints were not forwarded by the Commission to the concerned authority for further action, due to the reasons that their respective complaints pertains to their personal disputes or they have already sent their complaints to other the Govt. Authorities.

Report on the inspection of the Model Jail, Lucknow, (U.P) conducted on 04.03.16, to observe the living condition of the inmates:-

In order to ensure protection of human rights as envisaged in Section 12 (c) and 12 (J) of the Protection of Human Rights Act, 1993, the Hon'ble Member Sh. S.C. Sinha visited the Model Jail, Lucknow, UP, on 04.03.16, assisted by Sh. Ravi Singh, Dy. SP, to observe the living condition of the inmates and made the following observations :-

1) Medical facility :-

- a) The general cleanliness of the jail hospital was good.
- b) The OPD register of the hospital for 04.03.16 was checked and at random three patients namely:-i) Ishwardin - No. 541 (ii) Jaisingh - No.81 and iii) Chhaman - No.333 were chosen, and their respective record was checked.
- c) All the three patients were interviewed separately in which they all stated that they were being given satisfactory and timely treatment by the jail medical officer.
- d) The medicine/stock register was also checked and at random two medicines of the following nomenclature were checked (i) Domperidone (10 mg) on medicine expiry period mentioned as March/16 and on register Sep, 2016 was mentioned (ii) Azithromy on medicine expiry period mentioned as June, 17 and on register June, 17 was mentioned.
- d) During interaction the jail medical officer Dr. Ashish was advised by the Hon'ble member Sh. S.C. Sinha that the medicine Domperidone with expiry period March, 2016 should have been distributed earlier well within the expiry period.
- e) In the T.B. ward, Sh. Abdul Wahib was being treated since 02.02.16 and from the treatment document, it was verified that he was being given proper treatment for T.B.
- f) Dr. Ashish showed the x-ray machine installed in a separate room of the hospital.
- g) The dust was seen on the x-ray machine due to non existence of a door in the room.
- h) A pathology laboratory was also functioning in a separate room but with out Automatic Analysis (Analyzer)
- i) A new ECG machine was available but could not be operated by the Pharmacist due to lack of training.
- j) No register for ECG machine was being maintained

k) Sr. Supdt Jail Sh. Ambreesh Gaur inform (P.35/c) that Disposable blades are being provided to the Government Jail Barbar who shaves the prisoners on an average twice a week.

2) Central Kitchen

- a) The hygiene of the central kitchen of the Model Jail was good but white wash of the kitchen was shabby.
- b) Sh. Kallu @ Kuldeep Nath was working as Chef along with 16 other inmates for preparing/cooking the meals but their personal hygiene was not good.
- c) The food was being cooked from LPG cylinders and kitchen chimney was functioning.
- d) The lunch / meal had already been cooked and was distributed at 11:00 a.m.
- e) The lunch/meal was tasted by DSP Ravi Singh and the same was found to be tasty and nutritious.

3) Canteen:-

- a) No, separate canteen is functioning in the Model Jail, as it is an Open Model Jail.
- b) Four convicts inmates have been running different types of restaurants/hotels outside the jail boundary. In these restaurants/hotels the inmates as well as public persons have been purchasing/eating meals/snacks etc.
- c) Inmates Sh. Mohan Singh has been running a hotel and selling meals/lunch/dinner and after deducting the cost of running the hotel he was also earning profit.
- d) Inmate Sh. Sankata has been running a restaurant and selling snacks, 'Puri Subji', 'Kachori' and after deducting the cost of the running restaurant, he was also earning profit.
- e) Inmate Sh. Ganga has been running a restaurant and selling Indian snacks like, 'Litti-chokha' and after deducting the cost of the running restaurant, he was also earning profit.
- f) Inmate Sh. Om Prakash has been running a sweet shop & selling Indian sweet and after deducting the cost of running the sweet shop, he was also earning profit.

4) Jail Barracks

- a) Barrack No 1A was checked at random and it is observed that general cleanliness of the barrack was good but white wash of the barrack was shabby.
- b) Sr. Supdt. Jail Sh. Ambreesh Gaur explained that Model Jail was shifted to this newly constructed premises by the Public Works Department, UP in year 2009, but the Model Jail premises was not formally handed over to the Jail/Prison Deptt U.P. by the PWD, U.P. Due to these reasons, they had not been receiving the

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maintenance budget for the Model Jail, premises and had not been able to get the white wash done and electric wires, electric switches etc repaired.

- c) Sr. Supdt. Jail- Ambreesh Gaur also informed that the UP Jail Department found many shortcomings in the construction and in providing other facilities of the Model Jail & District Jail, Lucknow. Consequently, after getting conducted a Joint Enquiry (P.26-32/c) FIR No. 12/15 u/s 409- 420 IPC PS Gosainganj, Lucknow (P.33-35/c) was got registered by the jail Supdt Shashi Kant Mishra against PWD, UP and the case is under investigation.
- d) In the barrack, a TV was functioning but illumination of electric LED bulbs was not sufficient for the night time.
- e) The hygiene of the attached toilet was satisfactory.
- f) The facility of the RO water was not available.
- g) Convict Sh. Chandan Bhan Pandey complained that the drinking water which is being provided to the inmates have high TDS (around 500/600) and the same is not good for the health of the inmates. Sh. Chandan Bhan also informed that on his complaint a Case No.2961/24/48/2015 has already been registered in NHRC Delhi. The Lab report dated 06.08.13 (P.72/c) shows that the TDS value was 300 of the water in Model Jail Lucknow.
- h) In Case No.2961/24/48/2015, (P.72-A) the NHRC has already called the report from the DG (Prison), UP.
 - i) The three prisoners Sh. Abdul Queen, ii) Avdesh, iii) Neeraj were chosen at random and were interviewed separately :-
 - ii) Sh. Abdul Queen stated that he had no problem with jail administration.
 - iii) Sh. Neeraj stated that there is no facility of water cooler for providing cold-water to inmates during summer-season. Further he did not have any other problem in jail.
 - iv) Sh. Avdesh gave an application (P.434-435/c) and stated that they had not been getting "Home Leave" due to non-receipt of verification report from the concerned district SSP.
 - v) Sr. Supdt Jail, Sh. Ambreesh Gaur explained that 'Home Leave is being given to the inmates of Model Open Jail for 15 days per year as per Govt. Order dtd. 03.02.1956 (P.93-96/c) and subsequent gazette notification dtd. 15.02.07 (P.372-384) which states a condition (P.377/c) for Parole (not for home leave) that the facility of suspension of sentence (Home Leave) do not apply to the prisoners where Appeal or Revision is pending in any court against the order of sentence.
 - vi) Subsequently after the telephonic discussion with Sr. Supdt Jail Sh. Ambreesh Gaur, he also sent through E. Mail dt. 25.4.16, the copies of

recently amended 'Parole' Rules (P.562-564) 1(4h) of the notification no.143/2015-1176 JL-22-3-15-21G-1989 Lucknow dated 21.01.15 which states that the prisoner can avail the facility of 'Parole' as per amended rule 4(b) (P.563/c) for the prisoners against whom no other criminal case is pending before any Court.' However, they are yet to implement these amended rules.

- vii) Subsequently after the telephonic discussion with Sr. Supdt Jail Sh. Ambreesh Gaur, and he also sent through E. Mail dt. on 25.4.16, the copies of the recently amended rules for 'Home Leave' (P.565-566) as mentioned in Govt. order No.169/2015/164/22.03.15 dt.12.06.15 which states that the prisoners of Model Jail can avail the facility of home leave who have completed the sentence of one year and had a good conduct. Sh. Ambreesh also informed that they have not yet started implementing these rules
- viii) The record shows (P.408/c) that the Criminal Appeal filed by Sh. Avdesh against the conviction order dtd. 17/12/2009 in FIR No. 295/08 u/s 302 IPC PS Bilgram district Hardoi is pending in Allahabadh high court.
- j) Sr. Supdt Jail, Sh. Ambreesh Gaur further stated that the Criminal Appeals of about 194 inmates have been pending (P.385-409/c) in Allahabadh High Court UP for the period of last 3 to 17 yrs and these Appeals were filed through their respective private advocates.
- k) Sh. Supdt. Jail Sh. Ambreesh Gaur also informed that as per provision of Sec.432 Cr.PC, the UP Govt. had notified the rules for suspension of sentence for 1 month (Parole) for the convicts lodged in jails of U.P. As per Rule 5 (2) (P.378) "The Govt. may call for the report from the District Magistrate and Superintendent of Police concerned on the desirability on the suspensions of sentence of the prisoners, who after conducting such enquiry as deemed necessary shall submit their report in Form IV within 30 days to the Government.
- l) However, the parole applications of 33 inmates (P.125-126/c) have been pending in the office of Secretary Prison Administration and Reform, Government of U.P. for the period 15 days to 7 months due to non-receipt of the reports from the concerned DM/SSP.
- m) Sr. Supdt. of Jail, Sh. Ambreesh Gaur also provided the list of 20 convict prisoners (P.186/c), whose applications for pre-mature release as per provisions of Sec.432 Cr.PC and 198 (A) UP Jail Manual are pending. The cases of 13 convicts are pending due to the non-receipt of report of concerned DM for the last one year and rest of the 7 applications have been pending in the Office of DG Prison, U.P, for the last 2 to 5 yrs.
- n) The Sr. Supdt. of Jail Sh. Ambreesh Gaur also gave the list of 24 convict prisoner (P.160-161/c) whose Mercy petitions have been pending under Article 72/161 of Indian Constitution. The case of 20 prisoners have been pending due to the non-

receipt of reports from the local DM from since 2005 - 2014, 2 cases are pending in the office of DG, Prison since year 2007-2011, 01 case is pending in Model Jail Prison since 2014 and 01 case is pending in the Secretariat of UP Government since 2005.

o) The Sr. Supdt. of Jail, Sh. Ambreesh Gaur also provided the list of 157 convict prisoners whose cases/applications have been pending for Premature Release, as per the provisions of UP, Probation Act, 1938 (P.207-214). The perusal of the same revealed that the cases/applications of 112 convict prisoners (P.214/c) have been pending due to non-receipt of report from the DM from year 2006 to 2016, 29 cases/applications have been pending in Model Jail Lucknow from year 2007 to 2015, 15 cases/application of the convict prisoners have been pending in the Office DG Prison UP from year 2009 to 2014.

(p) Sh. Gulab Singh, gave an application with documents pertaining to his date of birth P.436-440) alleging that he had faced the trial in FIR No.194/94 PS Mubarg, district Hamirpur being a minor, as his DOB was 15.7.1980 whereas alleged date of incident was 13.09.1994. He also stated that the Trial Judge did not get this fact verified from his native Village in district Hamirpur.

5. (a) Jail Factory

- i) In the jail factory the inmates were working in Bakery and were preparing "Buns"
- (ii) The "Buns" were being used for internal consumption of Model-Jail and District Jail Lucknow and also being sold at jail shop for general public
- iii) The hygiene of the bakery was satisfactory.

(b) Power Loom

- i) In the "Powerloom" inmates were manufacturing cotton sheets but without wearing face-mask.
- ii) Out of total 36 looms only 20 were functioning.

(c) Spice Industry

- i) In Spice Small Scale Industry, the inmates were grinding "spices" on power mills.
- ii) The spices were being consumed internally in Model Jail & District Jail Lucknow.

(d) Paper-Mill

- i) In the paper mill, inmates were producing hand-made paper by processing old clothes.

- ii) Sh. Hari Shankar, In-charge informed that the file covers were being produced and printed for consumption in various jails of U.P.
- iii) The working prisoners namely (1) Sh. Dinesh Kumar (2) Sh. Surender Singh (3) Sh. Tarun Singh requested for remission of their sentences as they have already served 14 yrs sentence. (P.186/c). However, their names did not exist in the list (P.186/c) provided by the Jail Superintendent.
- iv) Sh. Duddan Yadav requested for release on Parole.
- v) The list provided by the Supdt. Jail (P.126/c) indicates that the parole application of Sh. Duddan had already been sent to the DG (Prison) UP vide letter dated 09.02.16 by the Supdt. Model Jail.
- vi) Sh. Ashwani Lal requested that he was not being informed by the Jail Admin. whether the subtraction of 15 % money from his wages is being given to the victim or otherwise.

e) Bhadrak Sugar Mill Farm

Sr. Supdt Jail Sh. Ambreesh Gaur informed (P.17/c) that only 120 convicts have been working in Sugarcane fields of Sugarcane Research Institute (Bhadrak Farm) Lucknow and earning Rs.215/- per day however in 'Bhadrak Farm' there is requirement of 200 workers. But they have not been able to send more convicts due non-availability of proper transportation for them. The convicts are being chosen to work at Bhadrak Farm by the 'Prisoners Panchayat' as per Govt. rules dtd 30.04.97 (P.73-74/c). However, the prisoners working in the Model Jail have been earning wages of only Rs.40/-, Rs.30/- and Rs.35/- per day as per Govt. order dtd.07.04.11 (P.82-83/c).

- f) During interaction the prisoners pleaded that all should be allowed to work in Bhadrak Farm so that they may also earn better wages of Rs.215/- per day and can send the same money to their families for their livelihood.

6. Legal Aid

- a) In the Model Jail, Lucknow, a legal Cell has been established by State Legal Service Authority, Lucknow and all willing/needy inmates were being provided a Free- advocate for filing their Appeal/ Writ in the High/Supreme Court.
- b) At random Sh. Nukul Sharma, Sh. Narim Ansari and Sh. Dudan Yadav were selected and all of them stated that they have filed their respective appeals in Allahabad High Court through their respective personal advocates.
- c) The Supdt. Jail, informed (P.409/c) that 194 convict prisoners have filed their appeals in Allahabad High Court through their respective private advocates.
- d) None of the prisoners has availed the facility of Free-Legal Aid from the Jail's Legal Cell.

7. Interview/Meeting facility for relatives of inmates :-

- a) The relatives/friends of all the convict prisoners were being allowed meeting with the concerned prisoner on submitting the application.
- b) In the open ground some convict prisoners were meeting with their respective relatives.
- c) At random Smt. Asha Verma w/o prisoner - Sh. Surya Prasad and Smt. Manju w/o prisoners - Sh. Nukul Sharma were selected and were interviewed regarding, the problem faced by them for the meeting.
- d) Both Smt. Asha Verma & Smt. Manju stated neither any one demanded money from them nor they had any problem in meeting their respective husband.
- e) Sh. Nukul Sharma pleaded that he was not given Parole when his mother expired on 19.01.06.
- f) The list provided by the Jail Supdt. shows (P.402/c) that the Appeal filed by Sh. Nukul Sharma is pending in Allahabad High Court.
- g) Sh. Nukul Sharma aged 30 yrs stated that he had already undergone sentence of 9 yrs and his Mercy Petition filed by his wife Smt. Manju is pending with Govt. /Governor of U.P.
- h) No STD telephone facility is available for the convicts.

8) Deployment of staff in Model Jail

- a) The Supdt. of Model Jail gave a statement of strength of Regular Jail staff (P.9-10) which indicates that there is shortage 93 Regular Jail staff .

9) Recreational Activity

- a) A big cultural hall has been established for cultural programme and it was informed that recreational activities for prisoners were being held from time to time.
- b) An Orchestra Band was playing melodious music at the time of visit of NHRC team.
- c) There was no proper sitting arrangement.
- d) On 05.03.16, a 'Kavi Sammelan' was also organized by the jail administration and attended by all the prisoners.

10) Educational Activity

- a) Sh. Uma Shankar (Teacher) has been teaching 49 prisoners under "Prorh Shiksha Abhiyan" from class 5 to 12.
- b) Two prisoners were to appear for UP Board Exam. 2016.

- c) The Yoga Classes for all prisoners have been proposed but yet to be started.

11. Deaths in Model Jail in last 03 years

- a) As per the information given by the Sr. Supdt. of Model Jail (P.6 & 449) only one convict namely Sh. Mahesh @ Nata expired on 21.2.15 while undergoing treatment in K.G.M.U. Hospital, Lucknow.
- b) The Inquest Report, PMR & MER have not been received from the Enquiring Magistrate.

12) Recommendations:

- a) The Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat Lucknow may be directed to get an Auto Analyzer installed in the Pathology Lab. of the Model Jail, Lucknow.
- b) The Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat, Lucknow may be directed to arrange for the proper training of the jail Pharmacist for operating the ECG machine of the Model Jail, Lucknow.
- c) The Chief Secretary and the Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat, Lucknow may be directed to sanction the release of ad-hoc maintenance allowance for the premises of the Model Jail, Lucknow and for the repair and white wash of the premises till the premises are formally handed over to the Prison Department, UP by the PWD UP.
- d) The Chief Secretary and the Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat, Lucknow may be directed to sanction the release of ad-hoc maintenance allowance for the repair of electrical works and installation of sufficient number of LED bulbs in barracks for proper illumination, till the premises of Model Jail are formally handed over to the Prison Department, UP by the PWD UP.
- e) The Chief Secretary and the Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat, Lucknow may be directed to sanction the installation of the sufficient numbers of the RO plants for Model Jail, Lucknow as lab reports show that TDS of the drinking water is around 300.
- f) The Chief Secretary and the Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat, Lucknow may be directed to sanction the installation of the sufficient number of water coolers in Model Jail, Lucknow to provide the prisoners cold water during summer season.
- g) The Chief Secretary and the Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat, Lucknow may be directed to get implemented the condition of Parole Rules 1(4h) as per the notification no.143/2015-1176 JL-22-3-15-21G-1989 Lucknow dated 21.01.15 also for the Home Leave as mentioned in Govt. order No.169/2015/164/22.03.15 dt.12.06.15 and to

- provide parole as well as of Home Leave to all the eligible convicts of the Model Jail, Lucknow.
- h) The Chief Secretary, the Director General of Police and the Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat, Lucknow may be directed to issue fresh circular to all the DM and SSPs in the State of UP to adhere to 30 days limit as envisaged in Notification No.472JL/22-3-07-2[g-89] dated 15.02.07 and one month's limit as envisaged under Rule 15 (2) of the UP Prisoners Release on Probation Act.1938 to for sending report of their respective Offices to the office of DG (Prison) UP concerning the applications of the convicts to be released under the provisions of 432 Cr. P.C and under the provisions of the UP Prisoners Release on Probation Act.1938.
 - i) The Chief Secretary, the Director General of Police and the Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat, Lucknow may be directed to issue fresh circular to all the DM and SSPs in the State of UP to send report of their respective offices to the Office of Principal Secretary (Prisons & Reforms) Deptt. and Office of the DG (Prison), UP within 30 days limit concerning the 'Mercy Petitions' of the Convict under Article 72/161 of the Indian Constitution for processing their petitions further.
 - j) The Chief Secretary and the Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat, Lucknow to get reviewed the cases of Pre-Mature Release, Remission of Sentence & Commutation of the sentence, u/s 432/433 Cr.P.C, as per principles laid down by the Hon'ble Supreme Court vide judgment dt.02.12.15 in Case title as Union of India Versus V. Sriharan @ Murugan & Ors.
 - k) The DM/ Hamirpur, UP may be directed to verify the actual date of birth of prisoner Sh. Gulab Singh of Model Jail, Lucknow after taking the permission of the concerned trial Court and to intimate Sh. Gulab Singh about the outcome of the enquiry and decision of the Ld. Trial Court.
 - l) The Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat, Lucknow & the Director General of Police may be directed to ensure that all the 36 Power Looms of the Model Jail, Lucknow function at full capacity and prisoners working their should be provided all the safety equipment such as Face-Mark etc.
 - m) The Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat, Lucknow & the Director General of Police may be directed to arrange extra transportation so that 200 convicts of Model Jail, Lucknow may work in Sugarcane fields of Sugarcane Research Institute (Bhadrak Farm) Lucknow, as per the existing 200 vacancy of Bhadrak Farm and can earn better wages than working in Jail Factory of Model Jail, Lucknow.
 - n) The Chief Secretary, the Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat Lucknow and DG (Prison) U.P. Lucknow, may be directed to revise the existing wages of all the category of the Workers/Prisoners within two months time according to the Judgment dt.24.09.98 of the Hon'ble Supreme Court passed in the case, State of Gujarat & Others Vs. Hon'ble High Court of Gujarat, as the last time Wages

were revised was five years ago, vide Order No. 1415/22-4-2011-48(43)/99 T.C dt. 07.04.11 of Special Secretary, U.P Government.

- o) The Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat, Lucknow & the Director General of Police may be directed to get verified whether the prescribed 15% subtraction from the wages of Sh. Ashwani Lal is being given to the victim or otherwise and Sh. Ashwani Lal may be informed accordingly.
- p) The Chief Secretary, Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat, Lucknow & the DG (Prison), UP, Lucknow may be directed to process the Mercy Petition of Sh. Nukul Sharma, age 30 yrs filed by his wife Smt Manju on priority citing the young age of the convict and the fact that he had already undergone 9 yrs of imprisonment.
- q) The DG (Prison), UP, Lucknow & Sr. Supdt. Jail of Model Jail, Lucknow may be directed to commence Yoga classes for all the prisoners of Model Jail, Lucknow.
- r) The Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat Lucknow and DG (Prison) U.P. Lucknow, may be directed to provide the STD Phone facility to all Convicts at least once in a week at the prescribed rates to call their respective friends/relatives.
- s) The DM/Lucknow may be directed to send the Inquest Report, PMR and MER concerning the death of Sh. Mahesh @ Nata who died on 12.2.15 while undergoing sentence in Model Jail, Lucknow.
- t) The Chief Secretary, Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat, Lucknow & DG (Prison) may be directed to filled up all the 93 vacant post of Model Jail, Lucknow and atleast 15 responsible Jail officials/Guard may be deputed for doing 'Pairvi' of the applications/ representations of the convicts in different offices of the UP, Government and offices of the DM/ SSP for avoiding undue delay for processing their applications for release on Parole/Pre-mature release etc.
- u) The Chief Secretary Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat, Lucknow & DG (Prison) may be directed to consider opening of two more Open Model Jail in Eastern & Western, UP on the Principles of the Open Model Jail Lucknow as Uttar Pradesh has largest number of jails and prisoners in the country.


(Ravi Singh)
Dy. SP (Grp-II)

Report on the inspection of the District Jail, Lucknow, UP, conducted on 05.03.2016, to observe the living condition of the inmates.

In order to ensure protection of Human Rights as envisaged in section 12 (c) and 12 (j) of the Protection of Human Rights Act, 1993, Hon'ble Member Sh. S C Sinha visited the District Jail, Lucknow, UP, on 05.03.2016 assisted by Sh. Ravi Singh, Dy. SP, to study the living and health condition of the inmates and observed the following :-

1. Medical Facility:-

- (a) The general cleanliness and hygiene of the jail hospital was good.
- (b) The OPD register of the jail hospital for 05.03.2016 was checked and at random 5 prisoners namely (i) Dharamvir No. 3919, (ii) Dhumi No. 3828, (iii) Uttam Kumar No. 3867 (iv) Munwa Singh No. 3298 & (v) Sh. Vikas No. 3905 were Chosen and their respective medical record was checked. All of them were interviewed separately and they all stated that they were being given timely and satisfactory treatment by the jail medical officer.
- (c) In ward-I, the four Indoor patients who were being treated for the diseases as mentioned against their names, namely (i) Sh. Arman Ali – Hypertension (ii) Rampal- Jaundice, (iii) Jagdish - Jaundice (iv) Santram- wound in right left. (v) Radha Shayam- Jaundice were chosen at random. Their respective medical record was also checked and they were interviewed of which except Sh. Santram, they all stated that they were being given satisfactory treatment by the jail medical officer.
- (d) Scrutiny of record of Sh. Santram stated that he needed 'Pus Culture' test from Specialized Lab. Accordingly, on the request of the NHRC team, the requisite test of Sh. Santram was got done on 05.03.2016 (P.41-49/c) from Specialized Lab of Lucknow and the Jail Medical Officer, Dr. Ranjit assured that Sh. Santram would be given appropriate treatment on the receipt of the Lab. report.
- (e) In ward-II, five Indoor patients who were being treated for the diseases as mentioned against their names, namely (i) Ahjal-fever, (ii) Irfan-cardio (iii) Sukhvu-Cardio (iv) Arjun- Right hand fracture, (v) Sajjad- Uneasiness were chosen at random and their respective medical record was checked and they were interviewed of which they all stated that they were being given satisfactory treatment by the jail medical officer.
- (f) TB Ward:- Two TB patients namely (i) Tinku had been suffering since 30.12.15 & (ii) Hari Prasad had been suffering since 20.06.2015 were chosen at random and their respective medical record was checked and both of them were also interviewed of which they both stated that they were being given satisfactory treatment by the jail medical officer.

- (g) Dr. Ranjit of the jail explained that all TB patients were being given special diet including fish & egg.
- (h) The medicine/stock register was checked and at random two medicines of following nomenclature were checked (i) Sorbitrate cream- on tube expiry period 1/17 and on register 3/17 expiry period was mentioned (ii) Paracetamol- on medicine and on stock register expiry month 7/18 was mentioned.
- (i) During interaction Dr. Ranjit & Jail Supdt. Shashi Kant informed that in jail hospital 3 male doctors were posted out of which 2 are eye surgeon and Dr. Ranjit has been residing in jail premises.
- (j) An ECG machine has been installed in the jail hospital but none of the Pharmacist has been to conduct ECG test.
- (k) The Jail Supdt. gave the list of 18 prisoners (P.68-70/c) who were being treated for abnormal behavior but none of them was declared as patient of Mental-Illness by the CMO, Lucknow.
- (l) The Jail Supdt. intimated that (P.426) disposable blades are being provided to the Govt. Jail Barbar who shaves the prisoners to prevent the spread of blood transmitted diseases.
- (m) A 'Homeopathy dispensary' is also functioning in the jail and the Homeopathic Doctor examines prisoners on Wednesday & Saturday.

2. Kitchen of Circle No. 2:-

- (a) The general hygiene of the kitchen was good and facility of LPG and kitchen chimney was available.
- (b) During interaction, the Kitchen Chef, Sh. Guru Prasad informed that they had already distributed breakfast at 7.30 am as "Chana/Gur" & tea and Lunch/Meal as "Dal, Gobhi-Alu, Rice & Chapatti" had been prepared for distribution at 11.30 am.
- (c) The lunch meal was tasted and the same was found to be tasty and nutritious.
- (d) The Jail medical officer also informed that they had been doing regular check up for hygiene of the Kitchen and all the meals/breakfast were being distributed as per Menu chart (P.33-35). Lunch/Meal for prisoners appearing in the court were being distributed at 9.30 am, before their departure to the court.
- (e) The facility of RO water was not available for which jail Supdt. Shashi Kant informed that they have sent the proposal to the DG (Prison) UP (P.36-38/c) and the DG (Prison) has intimated that the issue of RO water was discussed with the

Hon'ble Minister for Jail (P.39/c) and the matter of sanction of RO water plants for Distt. Jail, Lucknow is under process.

- (f) The jail Supdt. also informed that the RO plants would be installed as soon as sanction from the Govt. of UP is received .

3. Canteen:-

- (a) Eatables/food items were being sold in the separate canteen room.
- (b) The general cleanliness of the canteen was satisfactory but it needs white wash.
- (c) The complete rate/price list of all the articles as per circular dtd. 07.01.2016 of DG (Prison), UP (P.84-90) was not being displayed.
- (d) During interaction, the inmates requested for better canteen facilities, as they could not enjoy the available facilities of the canteen for the reasons that firstly there is only one room and secondly they do not get all the Items/Eatables.

4. Jail Barrack (Male).

- (a) Barrack No. 6/33 was checked at random and it was observed that Cleanliness was just average.
- (b) Only two LED bulbs were installed which were insufficient for the proper illumination during night time.
- (c) Only two fans were functioning and white wash of the barrack was due.
- (d) The facility of RO water was not available.
- (e) Jail Supdt. also informed that the RO plants would be installed as soon as sanction from the Govt. of UP is received.
- (f) During interaction with the prisoners of ward 6 the following prisoners namely (i) Sh. Suaj (ii) Sh. Oram @ Manoj (iii) Sh. Sunny @ Sh. Ram Saran (iv) Sh. Shiv Sharan (v) Sh. Krishan @ Guddu (vi) Sh. Rajender Gutam (vii) Sh. Sheawan Kumar (viii) Sh. Dinesh (ix) Sh. Sodan (x) Sh. Virhdh Gupta (xi) Sh. Sunil complained that they were not provided facility of free advocate from the UP State Legal Services Authority of the Distt. Jail.
- (g) (i) Prisoner-Dinesh complained that he was not being treated for 'Piles'.
 (ii) The Jail Supdt. gave the written report (P.41/c) that Sh. Dinesh has been under treatment since 23.01.2016 from Balrampur Hospital, Lucknow for 'Piles' but he was not advised an operation for the same.

- (h) (i) Prisoner-Shanu complained that he had a 'mass' in the neck and was not being treated properly.
- (ii) The jail Supdt. gave the written report (P.41 &57-58/c) that Sh. Shanu was examined/treated in Balrampur hospital, Lucknow & KGMU Lucknow. The FNAC report dtd. 30.01.2016 indicates 'Negative' for Acid Bairli.
- (iii) Prisoner Sh. Narender Singh complained that he was not treated properly for his 'Right-Hand-Fracture'.
- (iv) The jail Supdt. gave the written report (P.41 &60-67/c) that Sh. Narender was treated for fracture in Right Hand from 03.11.2015 to 16.01.2016 in jail hospital and was discharge after being treated completely by the doctor.

i. Barrack No. 49,52,53,55 (Circle No. 2 ward No.10).

- (i) Barrack No. 49 was checked and it was observed that cleanliness of the barrack and its toilets was satisfactory.
- (ii) Only two LED bulbs were installed which were insufficient for the proper illumination during night time.
- (iii) Electrical wire fitting was not satisfactory and many electrical wires were hanging loose in air.

j. During interaction with the prisoners, the following prisoners namely (i) Dr. Prithvi Nath (ii) Sh. Vikas Ram (iii) Sh. Nari Nafir (iv) Sh. Munni Sori (v) Sh. Mahender Kashyap (vi) Sh. Kallu Kashyap (vii) Sh. Taita Issui (viii) Sh. Hassan (ix) Sh. Sunil @ Kaliya (x) Sh. Sanjay Singh (xi) Sh. Sharwan complained that they were not being provided facility of free Advocate from the UP State Legal Authority of the Distt. jail.

k. The Accused persons namely (i) Sh. Kamal Pandey (ii) Sh. Manish Guard (iii) Sh. Kishan Pal and (iv) Sh. Nimbaram submitted a representation (P.112-113/c) stating in that they all are accused in RC No. 62 & 23/2012 u/s 468, 420, R/W 13(i)D, 1392) PC Act (B9 Lucknow but were not being given equal right for considering their bail as per provisions of Art. 14 & 39A Indian Constitution and section 437, 438,439 of Cr. PC by the CBI. Observations – As all the accused have not mentioned any specific allegation and their bail application was being heard by the Ld. Judge and if their bail application is dismissed by the court they can file their Petition in Appellant Court for bail. Hence, no action is needed from NHRC.

l. Sh. Pawan Kumar Yadav (P.114/c) Sh. Shesh Kumar (P.116/c) submitted applications stating that they both are brothers and were falsely implicated by their other brothers with intent to illegally grab their share of property. Observation -. As it was their family dispute they can file a suit/case against their brothers in the Court.

m. Sh. Shesh Kumar (P.118-120) & Sh. Pawan kumar submitted their respective applications that their respective advocates of Lucknow have taken Rs. 45,000/- and 50,000/- respectively as fee, but have not been contesting their cases.

n. Sh. Shrawan Kumar submitted an application (P.106/c) stating in that he was facing trial in the false case got registered by his neighbour Smt. Sarita w/o Sh. Ram Chander in a rape case . Observation- As UTP Shrawan Kumar has been facing trial in the Court hence he can submit his bail application and defense in the trial Court and if his Bail Application is dismissed by the court he can file his Petition in the Appellant Court. Hence, no action is needed from the NHRC.

o. Sh. Suresh Dayal submitted an application (P.416-420) that he was falsely implicated by the police and he was not informed by the police of Lucknow about the offence committed by him and he has already sent a complaint dt. 7.9.13 to the SHRC, Lucknow. Observation- As UTP- Suresh has already sent complaint to the SHRC, Lucknow. Hence, no action is needed from the NHRC.

p. Sh. Salaudeen submitted an application (P.421) that he was falsely implicated by his mother on the instigation of his brothers. Observation- It appears that it is a family dispute and in this regard a complaint has already been sent to SHRC, Lucknow. Hence, no action is needed from the NHRC.

q. Sh. Shiv Pujan submitted an application (P.422) that he was falsely implicated by the SHO of PS- Gosainganj, Lucknow, in a false case of murder of Sh. Munna Giri and at the time of alleged murder on 4.4.14, he was attending the marriage function of the daughter of Sh. Tulsi Ram in Village- Sekhanpur.

r. Sh. Sanjay Singh submitted an application (P.423) that he was called by the SHO of PS-Krishna Nagar and was tortured to confess about the murder of an old couple and was threatened that his whole family would be arrested. Subsequently, he was falsely implicated in Case FIR No. 36/16 u/s 302, 394,411 IPC PS- Krishna Nagar .

s. Sh. Sanjiv Kumar Sagar submitted an application (P.425-426) that the UTPs of the Distt. Jail, Lucknow are being produced in the Court in the late evening hours as the Constables deputed for the production of the UTPs in the Court indulged in the drug racket during day time in the Court Lockup. He further alleged that due to their production in the Court during late evening hours they were not able to plead properly before the Court for their respective grievances.

t. Sh. Kush Mishra submitted an application (P.427) that he was tortured by the Jailor Arun Kumar Singh of Faizabad Jailin year 2011 for not giving him the bribe of Rs.5,00,000/-. Subsequently, he was falsely implicated in a case at his behest.

5. Female Barracks

- (a) There are 13 female Convicts and 61 female UTPs (total 74) living together in female barracks Nos. C & D whereas female barracks Nos. A & B were lying vacant.

- (b) General cleanliness of the female barracks and its toilets were satisfactory but illumination of LED bulbs was insufficient during night time.
- (c) The RO water filter was working.
- (d) The hygiene of the kitchen of female ward was good and food was being distributed as per menu (P.33-35).
- (e) Smt. Nasrin Bano (ii) Smt. Archana (iii) Smt. Minni @ Meenu have been cooking the food and were getting prescribed wages.
- (f) The following female prisoners have been living with their babies/kids.
 - (i) Smt. Kamini with 5 day old baby boy and was getting special diet.
 - (ii) Smt. Imrana with daughter Ms. Mahad @ Munni 3 ½ yrs.
 - (iii) Smt. Anjum with son Faijaan 1 ½ yrs.
 - (iv) Smt. Kavita with son Mohit 2 ½ yrs.
 - (v) They all stated that they do not have any problem in female barrack.
- (g) In a separate room a Creche for the kids was being run.
 - (i) The General condition and cleanliness of the Creche was good.
 - (ii) Study material with chair & tables were available.
 - (iii) Different types of toys were also available.
- (h) The following female prisoners were convicted for imprisonment as mentioned against their names with fine; (i) Ms. Punam -1 Yr. (ii) Mr. Nazia- 1 ½ Yr. (ii) Ms. Meena @ Krishna- 2 ½ Yr. but they were unable to pay the fine and as per their respective judgments they have to undergo extra imprisonment if they do not deposit their respective fine.
 - (i) The Jail Supdt. - Shashi Kant informed that with the help of some NGOs they collect donations and deposits the cash amount of the fine on behalf of for the convicts prisoner who are not able to pay the fine, so that they may not have to under go extra imprisonment due to non deposition of fine, as per their respective judgments. He also informed that at that time they had Rs.56,500/- (P.130-132), in the Bank Account.

6. Jail factory:-

- (a) There is no jail factory for providing work for the convicts and willing UTPs.
- (b) Only few cows were available which had been donated by some NGOs but these were not fit for milking.
- (c) The facility for providing Mobile Repair Training and Computer Training is available but limited for about 25/30 prisoners only..

7. Legal Aid:-

- (a) in the Distt. Jail, Lucknow a legal cell has been established by the UP State Legal Service Authority, Lucknow and all willing/needy in-mates can have a Free-Advocate for contesting their cases or filing their respective Appeal/Revision Petition in Session/High/Supreme court.

- (b) However, during interaction in Jail Barrack, at least 11 prisoners of Barrack No. 33 of Ward No. 6, at least 10 prisoners of Barracks Nos. 49,52,53,53 & 55 of Ward No. 10 had complained that they were not being provided an Advocate from the U.P State Legal Servical Authority.
- (c) The Supdt. Jail, Shashi Kant further intimated (P.3 & 438) that Appeals of 129 convicts were pending in Allahabad High court for the last 3 to 14 yrs. The 109 prisoners have filed their Appeals through their personnel advocates and in the rest of the 20 Appeals of 20 prisoners, the Honorable High Court have appointed Amicus Curiae advocates.
- (d) The applications of 04 convicts for pre-mature release were processed by the jail administration (P.439) and their cases are pending as mentioned against their names (i) Aimat Ullah- pending at DG (Prison) HQ (ii) Gobind Prasad - pending for report from Trial court. (iii) Sanjay Balmiki-pending at DG (Prison) HQ & (iv) Sarvesh Shrivastava pending – in the office of DM/Lucknow.
- (e) The Supdt. Jail Shashi Kant assured that as soon as their respective reports were received, their applications would be sent to the Secretariat, UP Govt. for further action u/s 432 Cr. PC.
- (f) The Supdt. Jail Shashi Kant also sent the list of two prisoners namely Sh. Rajesh Joshi and Sh. Ram Chandra (P.440) vide letter dt. 25.4.16, whose applications were pending for release on Parole since June 2015 and April 2016 respectively.

8. Benefits of 436A Cr. PC.

- (a) The jail Supdt. Shashi Kant intimated that on day to day basis they have been sending the list of eligible UTPs to be released u/s 436 (A) Cr. PC to the office of DIG (Prison) and the Chief Judicial Magistrate, (CJM)Lucknow.
- (b) A per the list given by the Distt. Jail (P.101) the CJM Lucknow released 23 UTP(P.103-124) u/s 436 A Cr. PC out of 24 UTPs..
- (c) Presently cases of 7 UTP (P:102) are pending in the court of Sessions & Distt. Judge, Lucknow, for considerations u/s 436(A) Cr. PC.

9 Interview/meeting facilities for relatives of in-mates.

- (a) The Jail Supdt. Shashi Kant informed (P.122-127/c) that all the UTPs and all Convicts were being provided facility of two interview/meeting with their relatives/friends per week and per month respectively, as per the provisions of U.P Jail Manual (P123-127), through applications.
- (b) The public persons namely (i) Sh. Nasim s/o Kaim Ali (ii) Sh. Puran s/o Sh. Dhulas & Sh. Prakash s/o Sh. Sita Ram who were waiting for meeting with their relatives were interviewed separately. They all stated that none of the Jail official misbehaved or demanded money for allowing their meetings with their respective prisoner.
- (c) The Jail Supdt. Shashi Kant informed that there is no facility of STD telephone, for the prisoners of Distt. jail.

10. Recreational activities:-

- (a) A big cultural hall has been established for cultural programme and recreational activities for the prisoners.
- (b) Special cultural programme are being organized on the occasion of Republic Day, Independence Day & Gandhi Jayanti and festivals, etc.
- (c) A library containing about 1800 books including legal books was functioning and all prisoners can avail the facility of the library.

11. Educational Activities:-

- (a) Sh. Sushil Pandey (Teacher) has been teaching prisoners under 'Sakchhatkar Programme of Govt.' and total 455 prisoners were trained in the last 6 months.
- (b) This year following numbers of the prisoners were going to appear in exams High School- 06, Intermediate- 01 & IGNOU- 06.

12. Deaths in jail for the last 3 years

- (a) The Supdt. Jail intimated (P-137-139/c) that in year 2014—09 & in year 2015--14 deaths occurred in the jail. Out of these 23 deaths, (i) 03 deaths were suicides, (ii) 04 deaths were due to cardio respiratory failure, (iii) 02 deaths were due to chronic lung disease, (iv) 02 deaths were due to chronic liver disease, (v) 05 deaths were due to septicemia, (vi) 04 deaths were due to other causes and (vii) in 03 deaths Cause of Death could not be ascertained and Viscera were preserved, by the Autopsy doctors.
- (b) In 2016 till the time of jail inspection on 05.03.2016, two deaths occurred but Post Mortem Reports were not received in the jail from the respective enquiring Magistrates.
- (c) Out of these 25 cases, only in 05 cases the MERs were received and in rest of 20 cases, the MERs were pending with the respective Enquiring Magistrate.

12. Recommendations

- a) The Principal Secretary (Prisons & Reforms) Deptt., Government of UP, Secretariat, Lucknow, may be directed to get installed a X-ray machine in a separate room of the District Jail, Lucknow.
- b) The Principal Secretary (Prisons & Reforms) Deptt., Government of UP, Secretariat, Lucknow, may be directed to get installed an Auto Analyzer in the Pathology Lab of the District Jail, Lucknow.
- c) The Principal Secretary (Prisons & Reforms) Deptt., Government of UP, Secretariat, Lucknow, may be directed to arrange the proper training of the Jail Pharmacist to operate the ECG machine of the District Jail Lucknow.
- d) The Principal Secretary (Prisons & Reforms) Deptt., Government of UP, Secretariat & the DG (Prisons), UP may be directed to get constructed two separate rooms for the canteen of the District Jail, Lucknow and all

eatables/items must be made available in the canteen as mentioned in the DG Prison's circular dated 07.01.16.

- e) The Principal Secretary (Prisons & Reforms) Deptt., Government of UP, Secretariat & the DG (Prisons), UP may be directed to get each of the following prisoners namely (i) Sh. Suaj (ii) Sh. Oram @ Manoj (iii) Sh. Sunny @ Ram Saran (iv) Sh. Shiv Sharan (v) Sh. Krishan @ Guddu (vi) Sh. Rajender Gutam (vii) Sh. Sheawan Kumar (viii) Sh. Dinesh (ix) Sh. Sodan (x) Sh. Virdh Gupta (xi) Sh. Sunil namely (xii) Dr. Prithvi Nath (xiii) Sh. Vikas Ram (xiv) Sh. Nari Nafir (xv) Sh. Munni Sori (xvi) Sh. Mahender Kashyap (xvii) Sh. Kallu Kashyap (xviii) Sh. Taita Issui (xix) Sh. Hassan (xx) Sh. Sunil @ Kaliya (xxi) Sh. Sanjay Singh (xxii), a Free Advocate from the UP State Legal Service Authority, Lucknow, urgently.
- f) The Principal Secretary (Prisons & Reforms) Deptt., Government of UP, Secretariat & DG (Prisons), UP may be directed to instruct the Superintendents of all the Jails (Model Jail, Central Jail, Distt. Jail & Sub-Jails) in UP including the Superintendent District Jail, Lucknow to get filled up a Form from the each Accused/UTP/Convict entering in their respective Jails, regarding their willingness of engaging a Free-Advocate from the UP, State Legal Service Authority, Lucknow and to a maintain proper record in this regard.
- g) The Principal Secretary (Prisons & Reforms) Deptt., Government of UP, Secretariat & the DG (Prisons), UP may be directed to send the copies of complaint of (i) Sh. Shesh Kumar and (ii) Sh. Pawan Kumar to the Bar Association, Lucknow for taking further necessary action as both the brothers have alleged that their respective advocates have not been contesting their cases even after taking the fee from them.
- h) The Principal Secretary (Prisons & Reforms) Deptt., Government of UP, Secretariat & the DG (Prisons), UP may be directed to send the copies of the complaint of the following prisoners namely (i) Sh. Shiv Pujari, as he has taken an alibi regarding the murder case occurred on 04.04.14 in which he has been charged and (ii) Sh. Kush Mishra as he has made allegations against the Jailor Arun Kumar Singh of Faizabad Jail, UP, to the Addl. DG (Human Rights) UP Lucknow for enquiring the complaints and sending report to the Commission within two months time.
- i) The Principal Secretary (Prisons & Reforms) Deptt., Government of UP, Secretariat & the DG (Prisons), UP may be directed to get conducted an enquiry through the Addl. DG (Human Rights) UP Lucknow, about the conduct of jail guard depute to produce the UTPs in the trial Court from the Court Lock-Up as alleged by prisoner Sh. Sanjeev Kumar who has alleged that the jail guards indulged in drug/extortion racket and intentionally produce them in the Court during late evening hours due to which UTPs cannot plead properly regarding their grievances and consequently they have not been getting justice, and to send the report to the Commission within two months time.
- j) The Principal Secretary (Prisons & Reforms) Deptt., Government of UP, Secretariat Lucknow and the DG (Prison) UP, Lucknow, may be directed to get the Female convicts lodged in a separate female barrack form the Female

- UTPs, in District Jail Lucknow, as per provisions of the UP Jail Manual, on priority.
- k) The Chief Secretary and the Principal Secretary (Prisons & Reforms) Deptt., Government of UP, Secretariat Lucknow may be directed to sanction the release of the ad-hoc maintenance allowance for the premises of the District Jail, Lucknow and for the repair and white wash of the premises till the premises is formally handed over to the Prison Department, UP by the PWD UP.
 - l) The Chief Secretary and the Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat Lucknow may be directed to sanction the release of the ad-hoc maintenance allowance for the repair of electrical works and installation of sufficient number of LED bulbs in barracks for proper illumination, till the premises of District Jail is formally handed over to the Prison Department, UP by the PWD UP.
 - m) The Chief Secretary and the Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat Lucknow may be directed to sanction the installation of the sufficient numbers of the RO plants in District Jail, Lucknow as lab reports show that TDS of the water being drank is around 300, and at least 03 prisoners were suffering of Jaundice Fever in the District Jail Lucknow.
 - n) The Chief Secretary and the Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat Lucknow may be directed to sanction the installation of the sufficient number of water coolers for District Jail, Lucknow to provide the prisoners cold water during summer season.
 - o) The Chief Secretary, the Director General of Police and the Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat Lucknow may be directed to issue fresh circular to all the DM and SSPs in the State of UP to adhere to 30 days limit as envisaged in Notification No.472JL/22-3-07-2[g-89] dated 15.02.07 and one month limit as envisaged under Rule 15 (2) of the Prisoners Release on Probation Act.1938 for sending the report of their respective Offices to the office of DG (Prison) UP concerning the convicts to be released, under the provisions of 432 Cr. P.C and under the provisions of the Prisoners Release on Probation Act.1938.
 - p) The Chief Secretary and the Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat, Lucknow may be directed to get implemented the new 'Parole' rules 1(4h) of the Notification No.143/2015-1176 JL-22-3-15-21G-1989 Lucknow dated 21.01.15, on priority for all the prisoners lodged in all the Jails of UP State.
 - q) The Chief Secretary, the Director General of Police and the Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat Lucknow may be directed to ensure the availability of the work for all the convicts and the willing UTPs, by Establishing new work avenues such as Furniture/Carpenter Workshop, Bakery Unit, Stitching Unit etc. according to the Judgment dt.24.09.98 of the Hon'ble Supreme Court passed in the case, State of Gujarat & Anr Vs. Hon'ble High Court of Gujarat.
 - r) The Chief Secretary, the Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat Lucknow and DG (Prison) U.P. Lucknow, may

be directed to revise the existing wages of all the category of the Workers/Prisoners within two months time according to the Judgment dt.24.09.98 of the Hon'ble Supreme Court passed in the case, State of Gujarat & Others Vs. Hon'ble High Court of Gujarat, as the last time Wages were revised five years ago vide Order No. 1415/22-4-2011-48(43)/99 T.C dt. 07.04.11 of Special Secretary, U.P Government.

- s) The Chief Secretary and the Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat Lucknow may be directed to review the case of Pre-Mature Release, Remission of Sentence & Commutation of the sentence, u/s 432 /433 Cr.P.C as per principles laid down by the Hon'ble Supreme Court vide judgment dt.02.12.15 in Case titled as Union of India Versus V. Sriharan @ Murugan & Ors.
- t) The Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat Lucknow and DG (Prison) U.P. Lucknow, may be directed to provide the STD Phone facility to all UTPs/Accused/Convicts at least once in a week at the prescribed rates to call their respective friends/relatives.
- u) The Principal Secretary (Prisons & Reforms) Deptt. Government of UP, Secretariat Lucknow and DG (Prison) U.P. Lucknow, to arrange Yoga Classes for all the prisoners.
- v) The DM/Lucknow, UP may be directed to send the MERs in all the pending 20 Judicial Custody Death cases of District jail Lucknow, within two months time.
- w) The Supdt. District Jail, Lucknow, UP may be directed to inform all the prisoners of District Jail whose complaints were not forwarded by the Commission to the concerned authority for further action, due to the reasons that their respective complaints pertains to their personal disputes or they have already sent their complaints to the other Govt. Authorities or the complaints are sub-judice.
- x) The Commission appreciates the efforts made by the District jail administration Lucknow, in collecting the donations for the payment of the fine for the convicts who are unable to pay the fine money.


(Rav Singh)
Dy. SP (Grp-II)