

Report on the inspection of the Model Jail, Chandigarh (U.T.) conducted on 19 Jan. 2016, to observe the living condition of the Jail 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 Shri S. C. Sinha inspected the Model Jail, Chandigarh (U.T.) on 19 Jan. 2016, assisted by Shri A.K. Parashar, Jt. Registrar and Shri Ravi Singh, Dy.SP., to observe the living and health condition of the jail inmates.

The NHRC team made the following observations.

1. Medical Facility

- a) The Model Jail, Chandigarh, was initially set up as a Sub - Jail in 1972 which was upgraded to District Jail in 1975. Later in the year 1990, it was elevated as a Model Jail equivalent to a Central Jail.
- b) However, the Model Jail, Chandigarh, still has only a Dispensary with no indoor treatment facility for the inmates. Consequently, all the inmates who need regular treatment are being admitted in the Government Hospital, Chandigarh.
- c) Moreover, in case of an emergency, an ailing inmate has to be shifted to Government Hospital, Chandigarh, in Jail Ambulance which can lead to delay sometime.
- d) At present only one Medical Officer namely, Dr./Ms. Neha Choudhary has been appointed, in the Model Jail Chandigarh. During interaction she stated that she was daily treating around 200 to 250 inmates in OPD for simple diseases/ailments, but had not maintained any OPD register in this regard. She should maintain the OPD register.

2. Central-Kitchen

- a) The hygiene of the Central-Kitchen of the Model Jail was good.
- b) The lunch cooked in the Central kitchen was checked and was tasted by the NHRC team. The quality of the food ('Chapati' and 'Dal') was nutritious and tasty.

- c) The inmates are being provided food as per Diet Chart/Menu which had been displayed. (P.151/c).
- d) The kitchen is using RO filter water for cooking the food.
- e) The inmates who were preparing the food had a good hygiene and are being provided the stipulated wages as per the rules.
- f) The Stock of LPG Cylinders was checked and was found corroborating with the Record/Register.

3. Canteen :-

- a) The Eatable/Food items were being prepared in the open and hygiene of the canteen was not good.
- b) There was no proper building for the canteen.
- c) The rate/price list of the Eatables with stock was not being displayed.
- d) The General Condition of the Canteen was shabby.
- e) During interactions, the inmates requested for better canteen facility.

4. Jail Barracks (Male)

- a) All the Model Jail's barracks have been provided the RO filter water and a LED TV.
- b) During interaction, the inmates of Barrack No. 9 stated that they were getting all the facilities as per norms/rules.
- c) To verify the general living condition, four inmates were chosen at random, namely [i] Shri Sarwan Singh [ii] Shri Raju [iii] Shri Vikas & [iv] Shri Naib Singh (P.212) and were interviewed separately without the presence of any Jail Official. None of them made any complaint of torture, extortion or hindrance/denial of medical facility in the Model Jail.
- d) The Supdt. of Model Jail provided the list of 30 UTPs (P.249) who were granted Bail by the respective courts but they could not be released, due to non-completion of the Bail-Surety-Bond formality and the consequent Release Order of the concerned court.

- e) The 03 UTPs were selected at random from the above list, namely [i] Shri Rahul (P.227) [ii] Shri Kunal Kalra @ Luchi (P.228) [iii] Shri Vikas (P.229). These three inmates were personally interviewed they verified the fact (P.227-229/c) that they were not being released due to incomplete Bail-Surety-Bond formalities in the court. They also stated that they do not have any kind of complaint against the Jail Administration.
- f) During interaction, the following inmates namely [i] Shri Rajkumar No. 78411/2015 [ii] Praveen @ Gotu No. 80879/2015 [iii] Bhim No. 80851/2015 pleaded that they had also granted Bail, by the respective court but could not be released due to incomplete Bail-Surety-Bond formalities in the court. But the Spudt. Of Model Jail clarified that the Jail Administration has not received the Bail Orders in respect of these inmates from the concerned court.

5. Female Jail Ward

- a) Surprisingly, there is only one female ward in the Model Jail where 29 females inmates (14 Convict+15 UTP) were lodged in a single ward.
- b) During interaction, it was verified that only two female inmates namely (i) Ms Sarita and (ii) Ms Neelam have babies with them.
- c) Ms. Sarita has a baby boy aged 2 yrs (Master- Ekam) and has the facilities of toys/books.
- d) Ms. Neelam who had just entered on 17.01.16 and has a baby boy aged 8 months (Master- Ayan) and is being provided the special diet, according to the advice of the Jail Doctor.
- e) The female inmates are being provided training in stitching and the Female-Workers are being provided the stipulated wages, as per rules.
- f) An NGO, "Om Shanti" was daily holding 'Religious- Satsung' in the female ward for maintaining a harmonious atmosphere.

6. Jail Factory

- a) In the jail factory, inmates were preparing different kind of Office & School furniture.
- b) During interaction it was intimated by the Jail-Carpenter-Master, Shri Sunil Kumar (P.166) that as per the order dt.06.02.14 (P.282/c), the

wages are being paid to a Worker-Inmate @ Rs.60/- per day, Helper-Inmate @ Rs. 50/- and Trainee-Inmate @ Rs.40/-, for working for 8 hours a day.

- c) Whereas, the prevalent market wages for Skilled Carpenter is Rs.500/- and for Helper Carpenter is Rs. 400/-, in Chandigarh City.
- d) It was also intimated that a Work Register is being maintained in the factory and the entries are being made regarding the work done by each inmate.
- e) The payment regarding the work done by the inmates are being made in two parts (i) 50 % of the wages are being deposited in a common bank account of the Model Jail instead of personal bank account of the inmates and (ii) Remaining 50 % of the wages are being deposited in the Jail-Canteen-Account, of the concerned inmate.
- f) The work-done by the inmate Shri Sukdev Singh (P.173-174) and Md. Salauddin (P. 176-177) was checked at random and the entries made in the register regarding the work done by them was shown to them. Both the inmates Shri Sukdev Singh (P.172) and Md. Salauddin (P.175) stated that the entries made in their respective accounts are correct.
- g) Further Shri Gaurav Bahadur informed that earlier he was lodged in 'Patiala Central Jail' where he had worked for many years but his complete Salary was not disbursed to him. In this regard he had also received a reply dt. 27.5.15 under the RTI Act from the PIO, Central Jail Patiala (P.179) which mentions that

" 1. During the period of his stay in Patiala Central Jail from April 2013 to November 2014 he had earned total wages of Rs. 15,150/- and as per approval of budget Rs. 3,775/- will be deposited in your Post Office A/c No. 724762, Patiala and rest amount of wages Rs. 11,375/- will be deposited in your account, by receiving from the District. Treasury Patiala, after approval of Budget by the Government of Punjab.

2. that your wages will be deposit in your account No. 724762 of Post Office Patiala, which can be withdrawn by you, in person, at any working day from the Post Office, after releasing from the jail, as there is no provision to send the same to the Model Jail, Burail, Chandigarh."

- h) Sh. Bir Bahadur No.7776 (Brother of Gaurav Bahadur) also complained that he had remained lodged in Central Jail, Patiala for a period of about four years but the wages earned by him during his stay in Central Jail, Patiala, had not been disbursed to him.
- i) Another inmate Shri Jaswinder Singh submitted a Joint Application (P.171) signed by six other UTPs and requested that they were not getting regular work in Model Jail factory. It was also stated that the inmates who were not getting any money from their family members should be given some allowances to meet their day to day expenses.
- j) The order dt.15.10.14 of GNCT Delhi reveals (P.283/c) that inmates of Central Jail, Tihar are being given wages of workers –Inmate, Rs.128/- Helper-Inmate 103/- & Trainee-Inmate Rs.80/- for working for 8 hrs per day.

7. Legal Cell

- a) In the Model Jail, Chandigarh, a Legal Cell has been established by the State Legal Service Authority, Chandigarh and all the willing/needly inmates are being provided a free-advocate for contesting their cases or filing Appeal/Writ, in the High/Supreme Court.
- b) At random four Convict-Inmates namely [i] Shri Mangal [ii] Chandra Pal [iii] Inderjit & [iv] Shri Hari Shankar were interviewed who verified that their respective Appeals had been filed in the Supreme Court, through Legal-Cell of the Model Jail, Chandigarh.
- c) Simultaneously, the Convict-Inmates namely [i] Shri Salaudeen [ii] Shri Shayam Singh [iii] Ajit Singh who had been convicted u/s 302 IPC and had completed about 15/16 years of the Imprisonment, requested for Remission of their sentences.
- d) Another Convict Shri Hans Raj requested that he was a resident of Delhi and may be transferred to Central Jail, Tihar, to undergo the remaining sentence, as per rules.

8. Benefit of Section 436 A Cr. PC.

- a) The record provided by the Supdt. of the Model Jail (P.123-146) does not indicate that any UTP is entitled to be released u/s 436 A Cr.P.C.

However, the record provided by the Supdt. of the Model Jail (P.119) shows that Shri Rajesh Kumar entered the Model Jail on 15.1.16 u/s 379, 511 IPC in Case FIR No.1/16 of PS-Sec-49. The case of UTP Rajesh Kumar can

be considered on priority for mediation/compounding the offence, as it is a case of attempted theft.

9. Interview/Meeting Facility for relatives of the Inmates

a) All the UTPs and Convicts are being provided the facility of two Interviews/Meetings and one Interview/Meeting respectively per Week, with their relatives/friends, according to well established Alphabetical System

- i. A to J- Monday & Thursday
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b) In addition, all the Inmates(UTP & Convicts) are being provided the telephone facility for making two Local/STD Telephone Calls per week, according to well established Alphabetical, system .

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10. Video Conference Facility

The Model Jail, Chandigarh has a well functioning Video Conference Facility and the concerned Judicial Magistrates/Judges, are sanctioning the extension of Judicial Custody Remands on video Interview with the inmates.

11. Deployment of Staff in Model Jail

- a) The Supdt. of Model Jail gave the statement of Strength of Regular Jail Staff (P.199) which indicates that there is shortage of 22 Regular Jail Staff.
- b) As per the provisions of Section 19-21 of Punjab Jail Manual (P.201), the IG (Prison) can appoint the contractual workers on contract basis.
- c) As per procedure, the Deputy Commissioner Chandigarh vide Order dt. 9.9.14 (P.203-207) has approved the engagement of the Contractual Staff against some vacant posts in Model Jail Chandigarh.

Recommendations

- (a) The Home Secretary of the Union Territory Chandigarh may be directed to elevate the dispensary of the Model Jail Chandigarh to a Jail Hospital, as per provisions of the Punjab Jail Manual and to appoint medical and other staff, in sufficient number for timely and proper treatment of the inmates.
- (b) The Home Secretary of the Union Territory, Chandigarh and the IG (Prison), Chandigarh, may be directed to get separated the Convict Females from the UTP females, on priority.
- (c) The Home Secretary of the Union Territory, Chandigarh and the IG (Prison), Chandigarh, may be directed to ensure opening of the personal bank account of all the Worker/Helper inmates on priority to rule out any discontentment/corruption in the Model Jail and to ensure the Monthly disbursement of the wages of the inmates in their personal bank accounts.
- (d) The Home Secretary of the Union Territory, Chandigarh and the IG (Prison), Chandigarh, may be directed to revise the Wages of all the Worker/Helper 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 and considering the norms of wages fixed for the inmates of the Central Jail Tihar, Delhi.
- Checked copy at F/A, p.268* (e) The Home Secretary of the Union Territory, Chandigarh and the IG(Prison), Chandigarh, may be directed to ensure the availability of the work for the willing UTPs, by Establishing new work avenues such as 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.
- (f) The Home Secretary of the Union Territory. Chandigarh may be directed to get constructed a proper building for the Jail Canteen and to instruct the Supdt. of Model Jail to monitor the functioning of the Canteen in Hygienic Environment. The suggestion of the inmates for selecting the Eatables should also be considered and eatables be sold, as per the displayed rate/price list.
- (g) The Home Secretary of the Union Territory, Chandigarh, may be directed to get filled up all the vacant posts of the jail staff, for the smooth functioning of

the Model Jail. The candidature of the working Contractual Jail Staff should be considered, as per the principles laid down by the Hon'ble Supreme Court.

- (h) The Chief Secretary, Punjab, the DG (Prison) Punjab and the IG (Prison), Chandigarh, may be directed to ensure the payment of the remaining Wages of the prisoners Shri Gaurav Bahadur and Shri Bir Bahadur regarding work done by them during their stay in Central Jail, Patiala, Punjab, with applicable bank interest.
- (i) The IG (Prison), Chandigarh, may be directed to ensure the consideration of the Remission Applications of all the eligible convicts of the Model Jail Chandigarh, by the Premature Release Board, according to the Judgment dt. 02.12.15 passed by Hon'ble Supreme Court of India in Writ Petition (Crl.) No. 48/2014, Union of India Vs Shri V. Sriharan @ Muragaon Ors.
- (j) The IG (Prison) Chandigarh, may be directed to send a request letter to the Govt. of GNCT Delhi for the transfer of the Convict Prisoner Shri Hans Raj, to undergo the remaining sentence, as per provisions of the Sec. 3 of the Transfer of Prisoners Act.
- (k) The Supdt. of Model Jail Chandigarh may be directed to send a request letters to the relatives/friends of all the 30 UTPs by Speed-Post, about the requirement of the Bail-Surety-Bond, for the release of these UTPs.
- (l) The Supdt of Model Jail, should personally ensure that all the inmates entering Model Jail must fill up a form for free Advocate from the State Legal Service Authority, Chandigarh, by giving their willingness to contest their respective case or filing of their Appeal/Revision /Writ Petition, in the Courts.
- (n) The Supdt. of the Model Jail may be directed to get filed an application through Legal Service Authority, Chandigarh, on behalf of the accused Shri Rajesh Kumar in the concerned court to forward his case to the Special Court for Mediation/Compounding of his offence of (attempted theft) vide FIR No.1/16 u/s 379,511 IPC PS Sec-49, Chandigarh, as per procedure of the Cr.P.C.


(Ravi Singh)
29.2.16
DSP


(A.K. Parashar)
Jt. Registrar

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- (i) The IG (Prison), Chandigarh, may be directed to ensure the consideration of the Remission Applications of all the eligible convicts of the Model Jail Chandigarh, by the Premature Release Board, according to the Judgment dt. 02.12.15 passed by Hon'ble Supreme Court of India in Writ Petition (Crl.) No. 48/2014, Union of India Vs Shri V. Sriharan @ Muragaon Ors.
- (j) The IG (Prison) Chandigarh, may be directed to send ^athe request letter to the Govt. of GNCT Delhi for the transfer of the Convict Prisoner Shri Hans Raj, to undergo the remaining sentence, as per provisions of the Sec. 3 of the Transfer of Prisoners Act.
- (k) The Supdt. of Model Jail Chandigarh may be directed to send the request letters to the relatives/friends of all the 30 UTPs by Speed-Post, about the requirement of the Bail-Surety-Bond, for the release of these UTPs.
- (l) The Supdt of Model Jail, should personally ensure that all the inmates entering Model Jail must fill up a form for free Advocate from the State Legal Service Authority, Chandigarh, by giving their willingness to contest their respective case or filing of their Appeal/Revision /Writ Petition, in the Courts.
- (n) The Supdt. of the Model Jail may be directed to get filed an application through Legal Service Authority, Chandigarh, on behalf of the accused Shri Rajesh Kumar in the concerned court to forward his case to the Special Court for Mediation/Compounding of his offence of (attempted theft) vide FIR No.1/16 u/s 379,511 IPC PS Sec-49, Chandigarh, as per procedure of the Cr.P.C.

(Ravi Singh)
DSP

(A.K.Parashar)
Jt. Registrar