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**REPORT ON THE REVIEW OF THE PRISON
INFRASTRUCTURE OF UP UNDER THE DIRECTIONS OF THE
NHRC.**

The NHRC organised a one day Workshop for sensitisation of Jail Superintendents at Lucknow on May 12, 2001 - Jail Supdts. of Central region of UP along with the senior officers of the Directorate General of Prisons Administration and Reforms and State Government attended the Workshop. Shri Padam Singh, Secretary to UP Government, Department of Prison Administration & Reforms also attended the inaugural session and participated in the last session in which the service conditions of the prison staff were discussed threadbare. The Special Secretary of the Department remained present through out.

One full session of a total of four sessions of the Workshop was devoted to interaction with the participants. They were encouraged to project the various problems, constraints and difficulties that they are facing in the discharge of their duties. The session proved very useful in highlighting some of the serious inadequacies of the infrastructure and logistics of the Prison administration of UP which need to be brought to the notice of the State Government and addressed urgently.

The Commission, after considering the report on the workshop directed that Shri SVM Tripathi, Special Representative of the Commission for custodial justice in UP and Shri Chaman Lal, Special Rapproteur NHRC should carry out a brief review of the jail infrastructure of UP with special attention to the staffing pattern, manpower position, state of buildings and housing facilities available to the prison staff.

Pursuant to the directions of the Commission, Sarvashri S.V.M. Tripathi and Chaman Lal carried out the desired review at the office of the DG(Prisons) UP, Lucknow on 19 & 20 June 2001. The outcome of the review is described below head-wise:

Current status of Jails

After the carving out of Uttranchal, the State of UP has 70 districts. It is presently having 61 prisons with following description:

i. Central Jail	- 5
ii. District Jail	- 49
iii Sub-jail	- 3

Special Jails

Model Jail	- 1
Kishore Sadan, Bariely	- 1
Nari Bandi Niketan, Lucknow	- 1
Open Jail Camp Gurma	- 1
Total:	- 61

Open Jail Gurma is presently non-functional and is proposed to be reopened as a District Jail. Only 50 of a total of 70 districts are presently having District Jails. 20 Districts are, thus, yet to be provided regular District jails. In 2 of these namely Kanpur Rural and Sidharth Nagar, construction of jails is in progress. Construction of jail in Distt. Maharajganj was also started but has remained suspended for the past 3 years for want of sanction from the Government. District jail Sonebhadra is proposed to be constructed at the present site of camp Gurma after

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Government's sanction is received. Land is yet to be acquired for construction of District jails in the following districts:

1. Kannauj
2. Kaushambi
3. Chitrakoot
4. Kushinagar
5. Chandoli
6. Balrampur
7. Shravasti
8. Sant Kabir Nagar
9. Ambedkar Nagar
10. Sant Ravidas Nagar
11. Auraiya
12. Bagpat
13. Hathras
14. Gautam Budh Nagar
15. Jyotiba Phule Nagar
16. Mahoba

It is proposed to upgrade the existing sub-jails of Districts Sant Ravi Das Nagar(Sl. No.10) and Mahoba (Sl.No.16) as District Jails.

The total jail capacity for all the existing Jails in UP is 33058. The average jail population during the past five years is found to be 48093. The actual jail population as of 31.3.2001 was 48989 with following break-up:

Sr.No.	Type	Number	Authorised Capacity	Held	Remarks
1.	Central Jail	5	7031	4706	67%occupancy
2.	Special Jails	4	1422	198	14%occupancy
3.	Sub-Jails	3	404	505	25%overcrowding
4.	Distt. Jails	49	24611	43578	37%overcrowding

The alarmingly high over-crowding in the District Jails can be checked only by providing the remaining 20 Districts with regular District Jails. After the proposed construction of District Jails in these Districts the total capacity will go up to 44058. Considering the annual average increase of 6.2% (during 1991 to 2000) in jail population, the proposed addition will reduce the congestion without really solving the problem of over-crowding. The UP Government has to make a thorough assessment of the required jail capacity in coming years and plan construction of new jails and expansion of the existing ones. Only then the human rights of the prisoners relating to the basic minimum needs of accommodation, sanitation and hygiene can be realised.

Building

The State of jail buildings in UP presents a very pathetic picture. 41 out of a total of 60 jails (excluding camp Gurma) are more than 100 years old. 9 have completed a period ranging from 50-100 years. Of the remaining 10, only 3 jail buildings are new buildings constructed during the last 3 years.

Of a total of 677 barracks of 60 jails in the State, 69 are totally unfit for use. As such only 608 barracks are actually available. Considering the average jail population (48093) of the past 5 years, construction of 307 additional barracks is considered essential. Only 58 barracks were constructed during the last five years with the financial assistance from the Central Government under the Tenth Finance Commission Award and police/prison modernisation plan.

Living Condition for the Prison Staff

The UP Jail Manual provides for family accommodation within jail premises to the prison staff associated with the administration of jail. This would also include the medical and paramedical staff which is sanctioned on a meagre scale and is required to be available round the clock to deal with emergency situations. The review of the available living accommodation for the staff in jails in UP revealed the following position about the level of satisfaction in different categories of staff:

<u>Sr. No.</u>	<u>Type of house</u>	<u>Required</u>	<u>Available</u>	<u>percentage of satisfaction</u>
1.	IV (Sr. Supdt., Medical Officer, Supdt., Asstt. M.O, Dy. Supdt. and Radiologist)	159	80	37.70
2.	III (Jailors and Dy. Jailors)	452	174	38.50
3.	II (Warders, Pharmacists Nurses, X-ray Technicians and Ambulance Drivers)	6077	3564	58.60
Total:		6688	3798	56.80

In the interaction with the participants of the Workshop, almost every one expressed his dissatisfaction with the state of housing and described it as a major cause of poor morale of the subordinate staff. No reforms of Prison Admn. can be implemented effectively without satisfying this most basic need of the Prison staff. The State Government of UP may be requested to launch a 5 year or 10 year plan to improve the state of housing to the desired level.

Staffing Pattern

The Grade-wise authorisation and actual holding of staff is shown below:-

<u>Sr.No.</u>	<u>Grade</u>	<u>Sanctioned</u>	<u>Posted</u>	<u>Vacancies</u>
1.	A	42	36	6
2.	B	212	178	34
3.	C	7212	6664	548
4.	D	669	655	14
Total:		<u>8135</u>	<u>7533</u>	<u>602</u>

Detailed examination of staff position in different grades brought out the following points:

1. The Department of Prison Administration and Reforms is headed by an I.G. of Prisons. The post has now been upgraded as Director General of Prisons. The UP Jail Manual provides for the appointment of the I.G. of Prisons by promotion from amongst regularly appointed Additional I.G. of Prisons and permanent Dy. I.G. of Prisons or by transfer (on deputation) of the officer of UP cadre of IAS confirmed in the senior Time Scale of that service. However, the post has all along been held by an officer from the IAS. The cadre officer of Jail Department have reached only up to the level of Addl. DG (Prisons). The examination of the pay scales reveals that two pay scales have been prescribed for this level. The post of Addl. DG (Admn.) carries a pay scale of Rs. 18400-22400 which is also the pay scale of the DG (Prisons). This post is being

manned by an officer from the Provincial Civil Services. The remaining 2 posts of additional DG (Prisons) are in the pay scale of Rs. 14300-18300 which is less than the pay scale of the DIG of Police (Rs. 16400-20000). The Cadre Officers have not only been denied the opportunity of occupying the top most post of DG(Prisons), the sole post of Addl. DG in the pay scale equivalent to JS/IG(Police) has also been taken out of their reach. This is obviously having an adverse effect on the harmonious relationship at the top level in the Department.

2. The average tenure of the DG of Prisons during the last five years is found to be about an year. Such frequent changes at the top are having an adverse effect on the overall functioning of the Department. The Commission had some three years back written to all the States about the desirability of fixing a tenure of three years for the post of IG(Prisons). Most of the States have responded positively to this suggestion. This needs to be reiterated to the UP Government in the interest of the administrative efficiency of Prison Department.
3. One post of Addl. DG(Prisons) and two of DIG (Prisons) are lying vacant. Since the promotion opportunities for the Cadre Officer are already restricted and the pay scales of various posts are lower than those of the corresponding posts in other Departments such as Police, any delay in promotion of eligible and suitable incumbent should be avoided.

4. As many as 3 posts out of a total sanctioned of 8 posts of Medical Officers are lying vacant. These need to be filled at the earliest.
5. 24 vacancies of Jail Supdts. out of a total sanction of 56 should also be a matter of concern.
6. In view of the general over-crowding in Jails all over UP, vacancies of 39 Dy. Jailors, 36 Pradhan Bandi Rakshaks, 34 Warder (reserve), 282 Warders and 9 Warders (female) should also be filled at the earliest. Considering the overcrowding in almost all the District Jails, the vacancies of warders should be filled immediately. There is also some scope for rationalization of available staff by internal adjustments which can be taken up by the DG(Prisons) without waiting for fresh recruitment.
7. Availability of only 9 X-ray Technicians against the sanction of 28 is also a glaring deficiency. Shortage of technicians must be keeping the X-ray machines unutilised at many places.
8. No regular Cooks are authorised in any jail in UP with the result that cooking is being done by the jail inmates at every place. Some Supdts. feel this is the main reason of poor quality of cooking in jails. The sanctioned strength of Barbers (only 26) is also far below the actual requirement. Only 2 Washerman are authorised in the entire Jail Department of UP comprising 61 jails. Shortage of Safai karamcharis is also being felt at most of the places.

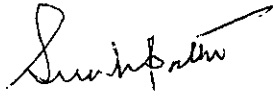
In the interaction session of the Workshop, some Jail Superintendents expressed their inability to control the hardcore criminals enjoying political protection. One of them made a shocking statement that the entire staff in some jails is totally terrorised by the presence of such Mafia which was enjoying some clout over the courts also. There have been actual assaults on the jail staff including the Sr. Supdt./Supdt. at some places in recent years. The participants expressed concern over the lack of security in view of steadily deteriorating situation in the jails. We were informed that a proposal to issue 9 mm pistols to all officers of and above the rank of Deputy Jailors has been under consideration of the Government since December 1999. The Government had sanctioned purchase of 230 pistols in the first stage in 1999-2000 but the funds to the tune of Rs. 50 lakhs could not be utilised because of inability to obtain Excise exemption. The revised sanction could not be obtained in 2000-01. The Government has been approached again for sanctioning Rs. 68.99 lakhs in 2001-2002 for this purpose. Considering the threat perception based on incidents of actual assault on jail staff, the Government of UP may be requested to make a proper assessment of security requirements in all the sensitive jails (all the five central jails and District jails – Lucknow, Ghaziabad, Gazipur, Muzafarnagar, Meerut and Kanpur) and upgrade the existing arrangements by posting additional security staff and issuing personal weapons as already decided. Besides providing 9 mm pistols to the officers of the sensitive Districts, the Government may consider issuing arms licenses to the officers of other jails so that they can hold personal weapons for their protection.

Vocational Training

The correctional aspect of punishment of imprisonment is as important as the custodial aspect. In consonance with the modern thinking on criminology and penology the reform and rehabilitation of the convicted prisoners has assumed great importance. It has become necessary for the Jail Administration to provide adequate and efficient arrangements for the imparting of vocational training in carefully selected trades to the prisoners in order to enable them to lead the self-sustaining life of law-abiding citizens after release. The review therefore included a cursory assessment of the Jail industries in UP. While it is heartening to note that vocational training is being imparted to prisoners in a number of trades such as weaving, knitting, dari-making, carpet-weaving, tailoring, leather-work, carpentry, soap and phenyl-making, foundry, printing and binding etc., these facilities are found to be existing only at 10 of the 61 jails – 5 Central jails, Model Jail – Lucknow, Nari Bandi Niketan Lucknow and District Jails Unnao, Faizabad and Sitapur. The manufacturing processes are, however, found to be thoroughly outdated raising doubts about the usefulness of the endeavour to provide any worthwhile means of sustainable livelihood to the targeted beneficiaries. The remaining 51 jails including 46 District Jails are thus not equipped to fulfil their obligation of preparing the prisoners for an honest living after they leave the jail. Though agricultural farming is being done at most of the places, the actual availability of land (1057.05 acres in 57 jails) is too small to ensure a meaningful occupation to all the convicts.

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The State Government may therefore be advised to extend facility of the vocational training to all the District Jails in the State.



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