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Report on the visit of Shri Chaman Lal,
Special Rapporteur NHRC to District Jail Meerut on 18 March
2002.

I visited District Jail Meerut on 18 March 2002 to study the living conditions of prisoners and make an assessment of their human rights situation. An NGO called JANHIT FOUNDATION had, vide it's letter dated 15.10.2001 apprised the Commission of a general over-crowding in the jail which had become alarmingly high because of the lawyers' strike causing stoppage of court work including consideration of bail applications. Member (Shri Virendra Dayal) desired that I should visit the jail and carry out a detailed study of various aspects of it's functioning. Accompanied by Shri Kedar Nath, Sr. Superintendent, Jail, I took a round of the entire campus and visited the women section, juvenile section, prisoners' barracks, hospital complex, kitchen and interview point. I met the convicts separately and I spoke individually to all the under-trials who are in jail for more than 3 years. Observations/suggestions of the visit are recorded below:

CAPACITY

Meerut jail established in 1857 has an authorised capacity of 796 – 766 male and 30 female. A separate juvenile jail established next to the main Jail in 1990 has a capacity of 60 prisoners. As against the total capacity of 856, the jail was actually holding 2235 prisoners including 43 women and 150 juveniles on 18 March. It shows an overcrowding of 161%. Overcrowding is seen everywhere with consequent adverse effect on standard of sanitation and hygien except in the women section. Renovation of one barrack (No.9) is in progress and construction of a high security barrack has been sanctioned. As the average jail population is

around 2400, the congestion can be eased only if 4-5 additional double storey barracks are provided. Land is available for this purpose.

The jail is holding only 93 convicts including 41 lifers, 12 of them are under orders of transfer to Central jail Agra (as intimated by DM Meerut vide his letter No. 624/JAI/Com.-2002 dated 22.3.02, these convicts have been sent to Agra on 20 March 2002).

The under-trials numbering 2081 constitute 93% of the prison population.

Availability of 159 toilets for male prisoners in the main jail, 17 toilets for juvenile delinquents and 7 for the women prisoners gives toilet to prisoners ratio of 12.8, 8.8 and 6 respectively for adult males, women and juvenile prisoners. Though the number of toilets is reasonably good, the maintenance and general standard of sanitation does not appear to be satisfactory. Some prisoners complained about the toilets not being cleaned regularly. Supply of water for drinking as well as bathing and washing purposes appears to be satisfactory and no complaints were heard on this count.

STAFF

The staff position appears to be satisfactory in the supervisory ranks. The Sr. Supdt. Jail is assisted by two Jailors and 9 Dy. Jailors. One Dy. Jailor has been provided in excess of authorisation strength under the orders of High Court Allahabad. There is acute shortage of staff at the functional level. The jail is having following vacancies:

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|--------------------|-----|
| 1. Superintendent | - 1 |
| 2. Head Warder | - 1 |
| 3. Warders | - 3 |
| 4. Reserve Warders | - 8 |

- 5. Accounts Clerk - 1
- 6. X-ray Technician - 1
- 7. Agricultural Supervisor - 1
- 8. Ambar Charkha Instructor - 1

The medical staff consists of one Medical Supdt., one Medical Officer, two Pharmacists, One Lab. Technician and one Lab. Attendant. Considering the actual number of prisoners which is around 2.5 times the sanctioned strength vacancies in the cadre of warders should be filled up immediately.

UNDER-TRIALS

I visited the under-trials barracks and met the under-trials with more than three years detention in jail separately. I was surprised to learn that convicts are also being kept with the under-trials which is objectionable. This mandatory segregation has now been effected.

The average number of under-trials in the jail is found to be around 2000. During the period of Lawyers' strike from 14/7 to 15/12, the number had increased but only marginally. The Sr. SP informed that the strike was not allowed to affect the bail matters totally as the courts were almost daily held in the jail premises for this purpose. I scrutinised the Bail statements from 14 July to 15 December 2001 whereas the daily average of bails granted is normally 30, the average was 24 in July, 15 in August, 11 in September, 13 in October, 15 in November and 18 in December. As such, strike did affect the Uts but not very significantly.

I met the under-trials who have been in jail for periods exceeding two years. Following complaints were heard:

1. Vikram s/o Jhbre has been in jail since 17.7.99. All evidence including his statement has been recorded in case No. 247/94, S.I. No. 263/94 PS Marana but judgement is awaited.
2. Hukam Singh s/o Budhu Singh & his son Amar Singh are in jail since 11.8.98. Their trial in case No. 172/98 u/s 302, 504 IPC PS has been pending since long for evidence of the Police I.O. (I have been informed by the Sr. Supdt. Jail on 9 April that this evidence has now been recorded).
3. Rambir Singh s/o Harpal Singh an under-trial in murder case is lodged in this jail since 31.5.99. He said that he has been attending the case regularly since it was committed to session in 1999 but no witness has been examined till now.
4. Chhote s/o Pratap @ Dalu is an under trial since 22.11.99 in a case u/s 307 IPC. He said his case is not progressing because of repeated absence of the Police I.O.
5. Anand Girdhari an under trial in a murder case has been in jail since 17.10.97. His case is not progressing because the Police I.O. is not turning up for giving evidence.
6. Manoj s/o Shiv Charan, Bobby @ Virendra s/o Ram Dula Kalloo s/o Puran, Manoj s/o Prem Dharmendra s/o Banarsi have spent more than 2 years in the jail. Their trials are pending for want of evidence of one witness only.

The DM Meerut will please get these cases considered in the District Monitoring Committee meeting.

Juvenile under-trial Affaq s/o Yameen is in this jail since 29.6.2001 under section 109 Cr. P.C. Another juvenile Bunty @ Neeraj s/o Lakhpat is under-trial in murder case since 4.9.99.

There are 13 under-trials who have been granted bail but are still in jail because of their inability to produce surety. Following cases deserve specific mention:

1. Ashok s/o Shiv Mangal has been an under trial since 19.8.99 in a case u/s 363, 366 IPC. He was granted bail in February 2001 but could not arrange surety.
2. Sunil s/o Moolchand, Javed s/o Usman, Kamruddin s/o Alaf Khan were granted bail more than 6 months back but could not arrange surety.

The above cases can be examined by the District Monitoring Committee for requesting the trial court to consider their release on personal bond as per the directions of the Supreme Court.

One Ram Singh s/o Jaswant Singh a cycle rickshaw driver and 16 others are in jail since June 2001 for involvement in a scandal of blood donation. I learnt that 2 Doctors, 5 helping staff & 17 donors were arrested in this case. While the Doctors and their staff could manage to get bail, all the donors coming from extremely poor background are still languishing in jail. These are fit cases for considering release even on personal bond.

HOSPITAL

The jail hospital presents a good picture of efficiency and care of patients. The daily OPD average is around 400 & Bed capacity is 50. The average occupancy in the year 2001 was 40.

I visited the TB ward where 19 patients are under-going treatment. I was informed that a total of 290 prisoners have been admitted and treated for TB since 1997. The Hospital has, attached to it, a separate cell where old and debilitated prisoners are kept. I was told THAT old (above 70) and debilitated (hard of hearing, weak in vision, physically weak) prisoners are initially kept in hospital and after they get reconciled to the fact of their imprisonment & jail atmosphere, they are transferred to the hospital ward. The initiative of the Jail Administration in keeping the old prisoners together and under special care is commendable.

The Hospital has its own Pathology Lab., X-ray, Diathermy and E.C.G. units which are functional.

The Medical Officer informed me that about 10 under-trials require special consultation for surgical intervention (Hemla, Cataract etc) Because of difficulty in arranging police escort, these cases could not be referred to the District Hospital. I mentioned this in my meeting with the DM Shri Avnish Kumar Avasthi and SP Shri Chaudhry. The DM has intimated to me vide his letter dated 22 March that all these cases have been referred to the Distt. hospital. Four of them have been admitted to Medical College Meerut for specialist treatment. A team of two Surgeons Dr. Raj Kumar and Dr. .C. Avasthi visited the jail on 19 March (the day following my visit) and examined the prisoners. Four cases were detected for specialist treatment which has been started.

Although the Medical Supdt. Dr. Gupta has been allotted accommodation in the campus, he is not staying there. The Medical Officer Dr. Tyagi is also staying outside the campus. Though both the ~~Pharmacists~~ stay in the campus, the presence of Doctor in the jail

premises especially when the Government accommodation has been made available, should be enforced.

JAIL INDUSTRIES

Nothing much has been done to promote to jail industries and train the prisoners in useful vocational skills. Convicts and willing under-trials are, however, engaged in agricultural work and on jail duties like cooking, gardening etc. 10-12 prisoners are working 5 to 6 hrs. a day in agricultural farms. The number goes up to 3-40 at the time of sowing & harvesting. I was informed that they are receiving wages @ Rs. 18 (skilled) Rs. 13 (semi-skilled) and Rs. 10 (unskilled). I saw 17 of them while they were returning from work. I found not even one of them aware of the rates at which they should be receiving wages. Even an old under-trial Baljit s/o Mukhtiyar who has been doing this work for 5 years was not sure about the wages. The Works Register produced by Farm Clerk Suresh showed 28 workers engaged in December 1999, 34 in January 2000, 11 in February 2000 and 11 in March 2000. No wages have been paid after March 2000. Individual Pass books are not being maintained. The Sr. SP has now informed me vide his letter dated 22 March 2002 that a total budget of Rs. 1 lakh for the prisoner wages has been received for the year 2001-02 and all the workers have been paid wages up to February 2002. The DM is requested to get all the payments from 1.4.2000 onwards thoroughly checked. There is a clear need for transparency and openness in these matters which was not seen at all.

The Sr. Supdt. Jail informed that orders have been received for developing facilities of vocational training for prisoners under the modernisation plan & XIth Finance Commission. Prisoners have been identified for training in typing, data-entry, gardening, blacksmith etc.

LOK ADALATS

It is heartening to note that Lok Adalats are being held regularly in jail, as directed by the Chief Justice of India. 21 Lok Adalats were held in 2001. Cases of 190 under-trials were considered and 100 of them were released. This year 3 Lok Adalats have been held till 18 March 2002. 40 cases were considered and 20 under-trials were released.

INTERVIEW

I saw the arrangements for prisoners' interviews and found them to be very satisfactory. Meetings of prisoners with their family members/friends are held on a fairly big cemented and covered platform, open from all sides. Interviews take place in a relaxed atmosphere with no unnecessary interference or restrictions from jail staff.

DEATHS IN JAIL

I scrutinised the statement of deaths in jail since 1.1.98. It shows that three deaths were recorded in 1998, two in 1999, five in 2000, four in 2001 and one in the current year till 19 February 2002. The Sr. Supdt. Jail informed that intimation was sent to NHRC in all the cases. Post mortem reports with videographs of post mortem examination have also been sent. The reports of the Magisterial inquiry have been sent in all the cases except the last case of death of Irshad s/o Shamshad on 19 February 2002. However, the C.D. Cell of the Commission has no information about the following:

1. Death of Virmi s/o Narayan, convict (68yr.) on 19.12.98
2. Death of Prem Singh s/o Harkesh, under-trial (51 yr.) on 21.2.2000.
3. Death of Zahid s/o Zakir, convict (65 yr.) on 3.5.2000.
4. Death of Prasanna s/o Rambhu Lal, UT (26 yr.) on 4.12.2000.

5. Death of Mommudin @ Lodha s/o Nazardin, UT (55 yr) on 3.2.2001.

Examination of the statement shows that 5 out of a total of 15 persons who died in jail were 30 or below in age. I learnt that the post mortem report in respect of deaths of Sanjeev @ Munshi s/o Pritam Singh aged 28 years on 30 December 2001, mentions rupture of ribs. The report of Magisterial inquiry sent by the DM on 20.3.02 needs to be examined thoroughly. I am separately writing to the DG(I) in this connection.

HOUSING FACILITY FOR THE STAFF

With the availability of 93 staff quarters (Type I-84, Type II-1, Type III-6 & Type IV-2) the state of housing appears to be satisfactory in view of generally very poor conditions in most jails of UP. However, as per entitlement of staff, there is additional requirement of 26 Type I, 24 Type II, 4 Type III & 3 Type IV houses.

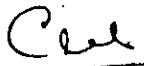
VISITORS

The Director General Health Services, UP, Commissioner Meerut, Session Judge and the DM are ex-officio visitors. The UP Manual provides for a number of ex-officio non-official visitors such as MPs, MLAs, Nagar Pramukh of Mahapalika etc. Besides this any number of non-official visitors can be appointed by the State Government on the recommendations of District "UPRADH NIRODHAK SAMITI" routed through the DM. As many as 15 non-official visitors have been appointed to this jail - one on 1.8.2001, 10 on 20 March 2001, 3 on 9 October 2001 and one on 24 December 2001. The Sr. Supdt. confirmed that none of them has visited the jail so far. This appointment appears to be more of a status symbol.

The DM accompanied by the SSP Meerut has been visiting the jail regularly. CJM & ACJM are also very regular in visiting jails and attending to the prisoners' cases & complaints.

GENERAL

Despite the constraints of permanent over-crowding and inadequacy of staff, the jail is being run efficiently with full consideration for the basic human rights of the prisoners. The Sr. Supdt. jail and his colleagues are taking lots of pains to improve the living conditions and provide a generally cheerful environment. With well maintained lawns and flower beds the campus bears a look of well organised order and cleanliness and inmates are, by and large, able to cope with the depressive effects of incarceration. Good medical facilities, regular holdings of Lok Adalats and the achievements of literacy campaign for the benefit of illiterate prisoners speak well of the administration and management of the Jail. However, cases of death in jail, particularly of young inmates need a closure scrutiny by the DM and superior jail authorities.


(Chaman Lal) 17/1/02
Special Rapporteur