

Report of Shri Chaman Lal Special Rapporteur on his visit to the Central Jail Satna (M.P) on 4-5 March 2002

I visited the Central Jail Satna (M.P) to inquire into a petition marked to me by Justice Sujata V. Manohar, Member NHRC. I used this opportunity to carry out a detailed inspection of the jail. DG (Prisons) MP was kind enough to depute Shri A.K. Khare DIG (Prison) to assist me. Shri G.P. Tamrakar, Supdt. and Dr. N.K. Nema, Medical Officer escorted me around the campus which took me to women jail, Under-trial wards, Convicts Wards, T.B ward, Juvenile ward, jail hospital, jail industries and recreation hall. Observations/suggestions of the visit are recorded below:

CAPACITY

Satna jail had started as a District jail on 21 September 1990. It was upgraded to Central jail on 23 March 1996. The jail is operating efficiently from a well-designed and nicely maintained modern building spread over an area of 43 acre. It's authorised capacity is 313 – 300 (male) and 13 (female). The average jail population in the year 2001 was 817 – male (793) and female (24).

The actual population on the day of visit i.e. 4th March 2002 was 842 male and 18 women. Besides, 4 children (below 5 years) were also found staying with women inmates. There is no overcrowding at all in the women section of the jail. Although male population indicates an overcrowding of 175%, the congestion is being nicely managed. Shri A.K. Khare, DIG(Prison) informed me that Government sanction of Rs. 33.21 lakh under the Eleventh Finance Commission for construction of 3 additional barracks with 4 flush toilets/bathroom for each, has been received and construction entrusted to PWD.

A separate jail for the Juveniles constructed adjacent to the main jail is lying unoccupied for want of staff. A useful proposal to connect it with the main

jail by demolishing a part of the boundary walls involving an expenditure of Rs. 73,200 is under consideration of the DG(Prisons). Similar arrangements implemented in some other districts proved economically and administratively useful. Although constructed to accommodate 20 persons, the juvenile jail can easily provide additional accommodation for 50.

Availability of 91 toilets and 52 bathrooms offers a toilet : prisoner ratio of 1:9 and Bathroom : Prisoner ratio of 1:15 which is considered very satisfactory. Supply of water for both drinking and bathing/washing purposes is satisfactory. This was verified from the inmates at all the places I visited.

The electric supply to the jail is reinforced by availability of 4 stand-by Generators, 2 of 2.5 KVA and 2 of 3.5 KVA capacity. However, one Generator of each category is lying defective and efforts are on to get them repaired.

STAFF

Although the jail was upgraded as Central jail w.e.f. 1.9.96, it is yet to be sanctioned full staff as per scale. Sanctioned posts of one Medical Officer (part time), one Asstt. Medical Officer (part time), one Asstt. Jailor, one Head Warder, one Warder and one Weaving Instructor are lying vacant. One Deputy Jailor held on the strength of this jail is attached to sub-jail Shivpuri. The jail is not sanctioned a Probation Officer which it needs in view of a large number of life-convicts (485) it is holding. A glaring deficiency of the staffing pattern is omission of cooks and barbers in the sanctioned strength.

WOMEN JAIL

I visited the Women Jail located inside the main jail. Satna jail has no female staff in its regular set up. Women jail is being manned by 3 temporary

female warders whose appointment order is renewed after every 89 days to deny them the quasi-permanent status. One of them namely Smt. Lata Shukla has been working in this capacity since 31.12.92. Another Smt. Kamla Shukla is working since 1.1.93 and the third Smt. Renu Tripathi since 10.9.93. I think they have every right to be considered for regular appointment as Jail Warder.

I saw all the 18 inmates – 17 convicts and 1 under-trial in the Women jail. 12 of the convicts are undergoing life imprisonment. Convict Shakuntla @ Sukko was granted release on probation on 13 November 1998. She could not be released because the proposed guardian refused to take her custody. The probation licence was accordingly returned to Jail HQ on 9.5.2000. Her case was taken up again. The proposed guardian (her late husband's younger brother) is prepared to take her charge provided she agrees to live as his mistress. She told me that she has decided not to be released on such condition and would prefer to complete her term. She has already completed more than 13 years in jail and can be considered for release on probation if some good NGO is willing to give her shelter.

I met among the convicts one Parvati who has received no visitor for the last five years. Another prisoner Maya has similarly been without any contact with the outside world for over 3 years. No one came to see Shakuntla, Shivkali and Gulabi for over two years.

I saw Smt. Urmila Chandra non-official Member of the Board of Visitors for Satna Jail. I found her thoroughly familiar with the problems of female prisoners. She feels that female prisoners are not receiving much attention in the matter of their rehabilitation after release. She expressed her ability to arrange a teacher for running 6 month course in tailoring for the female prisoners provided transportation arrangements are made by the Jail authorities. It was heartening to notice the enthusiastic response from the Jail Supdt. who said that he has already located a source for free supply of sewing machines to

all the female prisoners after they complete their training. I am sure this welfare activity will be taken up shortly.

The establishment of a Crèche (Jhulaghar) just outside the jail for the children of female prisoners along with some 30 odd children from the poor neighbourhood is an admirable initiative of the Jail Supdt. I visited the Creche and spoke to the teacher and the Aya. I also met Shri Rakesh Soni, Secretary of the NGO, Dynamic Welfare Society which is running this Creche. He agreed with my observation that salary of Rs. 50 per month for the Aya (teacher is getting Rs. 400 p.m.) is demeaningly low. He agreed to raise it to Rs. 100 per month and was kind enough to accept a donation of Rs. 600 from me to meet the enhanced liability for one year.

JAIL HOSPITAL

I visited the Jail Hospital and the TB Ward. It is a 15-bed hospital with daily average of 110 OPD cases and monthly average of 34 indoor patients. I checked and found that initial medical check up of all prisoners on admission is being carried out as per the directions of the NHRC.

15 TB patients have been effectively cured and 26 are undergoing treatment after being insulated from others. One case of leprosy was successfully treated with the help of District hospital.

The jail hospital is still functioning with the scale of staff meant for the District hospital – 1 M.O., 1 Pharmacist and 1 Staff Nurse. It needs one more Pharmacist and facilities for routine pathology. The DIG (Prison) informed that the hospital is being provided an X-ray machine shortly but without an X-ray Technician.

The Medical Officer presented 29 cases requiring investigation/treatment outside the jail. 27 of these need surgery and 2 are for detailed investigation which is beyond the competence of the jail hospital. The surgery cases include Hydrocil (9), Piles (8), Hernia (2), Cataract (3) & Appendicitis (1). Some of these patients appeared before me and complained about the delay in referring their cases to the hospital. The Doctor explained that his requisition form 'Police Escort' has been pending with the District police for the past 5-6 months. Examination of records revealed that availability of police escort for taking patients to outside hospitals was just 18% during the period from March 2001 to February 2002. I discussed this matter with both the Collector and the SP and requested them to make immediate arrangements for proper treatment of these cases by opening, if necessary, a small jail ward in the hospital. These cases can be taken up in groups of 5-6 and the entire job can be completed within next 3 months. Both of them assured me of prompt action on this suggestion.

The jail hospital is without an Ambulance. The Ambulance held earlier was transferred to Shahdol after a new Tata Sumo was allotted to this hospital on 2.3.2002. Considering the work-load of the hospital and the distance (8km.) of the District hospital from the jail, the hospital should have an ambulance of its own.

It is worth mentioning that in a special Eye-camp arranged in the hospital on 14th July 2001, 25 patients were provided spectacles. In another camp on 15.12.01, 130 patients were tested, 14 were provided spectacles and 2 referred for cataract operation which is yet to be arranged. A sample check of HIV/AIDS was conducted on 12.1.2000 in which 100 prisoners were tested with no positive case detected. In a special camp held on 16.12.2002, 47 prisoners underwent sputum test for T.B. Dental services were also arranged in the jail on 20.5.01. The Medical set up the jail has been functioning very well.

DEATHS IN JAIL

I scrutinized the statement of deaths in jail from the year 1998-99 onwards. 3 prisoners had died in 1998-99, 2 in 1999-2000 and 3 in 2000-01. There has been no death in jail after the last death on 4.1.01. Intimation to the NHRC followed by post-mortem report and the video-film of the post-mortem has been sent in all the cases. On verification from Office of DG(I)/Law Division, this information is found to be correct.

KITCHEN

I visited the kitchen complex and found it neat and clean. All cooking is being done on Gas stoves. The standard of personal hygiene of prisoners engaged in cooking was found to be good. However, the quality of chapatis, even on the day of a visit, left much to be desired. Jails in MP, like those in U.P. are not authorised any cooks. Untrained jail inmates engaged in this work can not ensure quality of food. There should be at least one or two regular cooks to train the raw hands in cooking. The issue is related to the most fundamental right of the prisoners – the right to a well cooked and wholesome food.

UNDER-TRIALS

Under-trials numbering 226 – 225 men and one women constitute only 26.8% of the total jail population. Details of their stay in jail are:

Less than 6 months	- 134
6 – 12 months	- 35
1 year to 2 years	- 45
2 year to 3 years	- 2
3 year to 4 years	- 3
4 year to 5 years	- 6

I spoke individually to all the under-trials who are in jail for period over 2 years. I also spoke to a few randomly selected under-trials of other categories. The following issues emerged from this interaction:

- i) Under-trials are being produced in Court regularly in spite of the fact that difficulties in arranging police escort are experienced very often. Scrutiny of data from March 2001 to February 2002 revealed that the police escort has been made available to an admirably high extent of 81.97%.
- ii) A 3-Tonne jail van carries the under-trials to court. It can comfortably accommodate 35 persons whereas the average number actually transported is found to be 50. I am sure the arrangement will be improved in due course.
- iii) Some of the under-trials complained about congestion at the Court lock-up, which is without a toilet and has no facility for supply of drinking water. I brought this to the notice of the DM and C.J.M. Satna when they called at me at the Circuit House. I asked the DM Shri T. Dharma Rao to raise this point in the next Monitoring Committee meeting and request the DJ to get the court lock-up inspected by a Judicial Officer.
- iv) A quick scrutiny of the particulars of under-trials revealed no case qualifying for relief under the Supreme Court judgement in the Common Cause case. Shri G.P. Tamrakar Supdt. Jail told me that he is personally scrutinizing this matter every month before forwarding the required statement to the D.J.
- v) Under-trial 9/93 Mohammudin s/o Mumtaz and 7 others told me that statements of all the witnesses in their case (589/97 u/s 395, 397 IPC) have been recorded and the case is not progressing at all for about a year because of non-appearance of the police witness Town Inspector G.D. Pandey.

- vi) The under-trial Inderkesh s/o Sada Nand stated that he has been in jail since 9.3.2000. The trial proceedings including the statement of the accused were completed some 9 months back but the judgement is awaited because the post of ADJ has been lying vacant since then. Although the post has been filled recently, the High Court notification under the NDPS Act is still awaited. 14 more under-trials involved in cases under the NDPS Act had similar complaints to make. 7 of them have completed more than 1 year as under-trial.
- vii) Under-trial Mukesh s/o Bhola involved in case No. 625/2001 u/s 324 IPC submitted that because of his poverty he can not arrange his surety and requested for release on personal Bond. Supdt. informed me that he is approaching the court for his release on personal bond.
- viii) Under-trial No. 65/95 Ashish Pandey complained that he was kept hungry for 4 days (27 Feb. to 2 March) when he was taken to Mumbai for court appearance in a murder case. He was escorted by 3 policemen of Satna. They were given no money or instructions for providing food to him. The Jail Supdt. confirmed this and showed me a long correspondence with the District police on this matter. The correspondence shows that as per para 479 of the Police Manual, the responsibility for providing food to the under-trials taken over long distance for court appearance rests with the Jail Department. Rule 6 of the MP Prisoners (Attendance in Courts) Rules 1958, however, assigns this responsibility in criminal cases to the Police Department. It is a pity that the two Departments have been fighting over this issue heartlessly letting the poor under-trials to go without food. Ashish Pandey told me that he will soon be taken to Mumbai again for Court appearance and he hopes that he will be provided food this time. I brought

this notice to the notice of the SP and requested him to examine the issue personally and issue clear orders to the R.I. Police Lines. I have also asked to DIG (Prisons) to get the matter examined at the Jail HQ. and send clear instructions to all the Jail Supdts. so that such unfortunate lapses are not repeated.

CONVICTS

The jail was actually holding 616 convicts including 17 women on the day of visit. 7 of these are civil prisoners. Of the remaining 609, 485 including 13 women are under-going life imprisonment. They were assembled at a central place for my interaction. They made two complaints: (i) delay in the decision of appeals filed in the High Court. I was shocked to learn that decision on an appeal against life imprisonment filed in the MP High Court takes an average time of 8 years. Shri A.K. Khare D.I.G. (Prison) confirmed that this is the situation all over the State. I have collected the list of the prisoners whose appeals against life imprisonment are pending for over 3 years (31). 12 of them are awaiting decision on their appeals for almost 5 years. (ii) Rejection of their applications for release on probation provided under the MP Prisoners Release on Probation Act 1954. A number of convicts showed me the rejection orders issued by the State Probation Board. I got myself familiarised with the rules governing release on probation. Applications are invited from eligible convicts/prisoners who have served $1/3^{\text{rd}}$ of their sentence or a total period of 5 years with remission whichever is less. Certain categories of prisoners specified in Rule 3 of the MP Prisoners Release on Probation Rules 1964 are debarred. Applications from eligible prisoners are considered by the State Probation Board on the basis of the recommendations of the DM of the District concerned routed through the DG (prisons). The statistics in respect of Satna jail show that the District Magistrates reject more than 25% of the cases without assigning any reasons on the ground of unfitness of the proposed guardian. Moreover, they

take 4-6 months to send their recommendations to the DG (prisons). The State Probation Board meets regularly every month. The rejection rate is found to be very high. It will be clear from the following data.

In the year 1999, 76 applications were received. Only 19 were finally cleared by the Board, 5 were rejected by the DM and 52 by the Board. In the year 2000, a total of 59 cases were taken up, 9 are still pending with the DM concerned. Of the 50 cases considered by the Board, only 11 were finally cleared. In the year 2001, 55 cases were entertained. As many as 40 cases are still pending – 39 with the DM and 1 with the Jail HQ. Of the remaining 15, only 1 was cleared by the Board, 13 were rejected by the DM and 1 by the Court. All the 14 cases initiated after 1 January 2002 are pending with the DM concerned.

Convict 4/811 Hem Raj s/o Chhima Dhan and 3/96 Navla s/o Mulua complained that their applications for release on probation have been pending since long. Records show that these are pending with the DM Chhattarpur since June 2001. The case of 4/806 Rajau Singh s/o Harbal Singh is pending with DM Chhattarpur since 31 October 2001. Convict Mohan s/o Ralli complained that his request for release on probation has not been entertained because of non-availability of the copy of judgement. The Supdt. told me that the Board insists that the applications should be accompanied by a copy of the judgement which is not available in many cases as the same has to be enclosed with the appeal.

LOK ADALATS

The records show that no Lok Adalat has been held in jail after 2.10.96 when the last Lok Adalat was held on 2.10.96 and when 62 cases were considered and 14 under-trials were released. Dr. Agarwal CJM whom I met at the Circuit House informed that the institution of Lok Adalat is being revived and Jail Supdt. has been asked to compile eligible cases.

JAIL INDUSTRIES

The Jail has well established jail industry units where prisoners are imparted vocational training in weaving, carpentry, tailoring, soap/washing powder manufacturing, masala making and screen printing. As many as 208 convicts are working in these units and receiving wages @ Rs. 8/- for unskilled and Rs. 10/- for skilled worker. I, however, found most of them ignorant about the scale of wages and their earnings. I could sense that they have never been shown Pass-books which are supposedly being maintained. I explained to the Jail Supdt. the desirability of transparency and openness in such matters. I am sure he will take immediate action. I also suggested to Shri A.K. Khare DIG (Prisons) that upgradation of workers from untrained to trained category should be streamlined by prescribing an objective procedure of testing the workers professional ability by a Board of officers including a member from outside the jail. The present system of deciding this issue on the subject satisfaction of the instructor allows a strong element of arbitrariness.

Screen Printing section was started on 5th October 2001. It is proposed to print all the forms used in jails. 10 prisoners are being imparted training in this skill.

It is heartening to note that the Government of MP has introduced the scheme of payment of compensation out of prisoners' earnings to the families of the victims of their crimes. 50% of the prisoners' earnings are being deposited in a common fund created for this purpose, detailed rules for the operation of which have been notified. However, no payment out of this fund has so far been made to any family. The Jail Supdt. confirmed that funds for payment of wages to the prisoners are being received regularly and there are no pending liabilities.

ESCAPE FROM CUSTODY

There has been no case of escape from jail custody after 1.4.98. Only one case of escape of a prisoner from police custody was reported on 27 February 2001. Ramphal s/o Muni Lal Garg, an under-trial in murder case escaped from police custody on 27 February 2001. He was, however, re-arrested on 28 July 2001.

N.G.O INVOLVEMENT

The Jail Supdt. deserves praise for involving 2 NGOs – Dynamic Welfare Society and Vindhya Ladies Club Satna in promoting the welfare of the prisoners. He has also been able to arrange a grant of Rs. 1 lakh from the MLA Local Area Development Scheme. Fans costing Rs. 50,000/- are being procured for providing the facility in all the barracks before the onset of summer. A grant of Rs. 50,000 has been promised for the year 2002-03.

I was happy to see training in computer being imparted to some convicts by Dynamic Welfare Society. I could point out some discrepancies in the selection of the beneficiaries which should be done carefully to ensure that such training is result-oriented in terms of actual rehabilitation OF beneficiaries after release.

INTERVIEW

✓ I saw the Interview Gallery and found the interview arrangements very satisfactory. I met a couple of persons in the waiting room outside the jail. None of them had any complaint to make. Some praised the humane conduct of the jail staff particularly the Jail Supdt. I asked them whether they are allowed to bring food for the prisoners when they come to meet them. They said some items of food are allowed and some are not. I found them uninformed about the

rules on the subject which concern them most. I asked the Supdt. to display at the site a list of the articles including food items which can be delivered to the prisoners by their friends/family members during the interview.

STAFF QUARTERS

The state of residential accommodation for the staff is highly unsatisfactory. There is no Government quarter available even for the Jail Supdt. Only one of the three Dy. Jailors, one out of 16 Asstt. Jailors and 12 out of 73 Head Warders/Warders have been provided Government quarters within the jail campus. A Big Hall constructed for housing the SAF contingent during the detention of some outside political prisoners in 1991 has been converted into 22 improvised houses for the wardens. A proposal for one Type E Qr. (for the Sudpt.), 3 Type G Qr. and 25 H. Qr. has been forwarded to Jail HQ. recently. Providing of rent free residential accommodation of suitable type within the campus which is the basic service right of the jail staff. It's denial is obviously affecting their morale which is otherwise being kept high by the inspiring leadership of the jail Supdt.

STAFF SAMMELAN

I held a separate session with the jail staff upto the rank of Assistant Jailors and encouraged them to come out with their difficulties and problems. They told me about the increasing hazards of their work and the growing sense of insecurity which they are experiencing. They expressed their unhappiness over the poor state of housing for the jail staff which, besides affecting their professional performance, is having an adverse impact on their family life. They have requested for the revision of the rates of Washing Allowance, Uniform Allowance and Training Allowance which are ludicrously low and were fixed more than 20 years back.

GENERAL

I am happy to record that the central jail Satna is being managed and administered with great efficiency and full of concern for the human rights and welfare of the prisoners. I have found the Jail Supdt., G.P. Tamrakar a capable officer of sensitive nature and conscientious temperament, fully alive to his responsibilities and passionately attached to his work and duties. He has ideas and tries them with imagination and innovation.



18/3/02
(Chaman Lal)
Special Rapporteur
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