

**Report on the visit of Dr. Justice A.S. Anand,
Chairperson, NHRC to Central Jail Ambala on 18
October 2003.**

Dr. Justice A.S. Anand, Chairperson NHRC visited the Central Jail Ambala on 18 October 2003. He was accompanied by Shri Chaman Lal, Special Rapporteur NHRC. Shri G.S. Malhi, Additional DG (Prisons) Haryana, Shri D.D. Gautam, DC Ambala, Shri C.B. Juglan, District and Session Judge Ambala, Shri Mohd. Aqil, SSP Ambala were present during the visit of the Chairperson. Shri Chaman Lal, Special Rapporteur had carried out a detailed inspection of the jail on 17th in order to identify important matters requiring the Chairperson's special attention. Shri D.N. Beniwal, Supdt. District Jail Rohtak was deputed by the DG (Prisons) Haryana to represent the Prison HQ. in the inspection.

The Chairperson visited the Women section, kitchen complex, Jail industry section and the jail hospital. He interacted with the prisoners especially the long-staying undertrials at a specially arranged SAMMELAN and heard their grievances. The visit concluded with a meeting with the officials held in the office of the Jail Supdt. The Chairperson explained various observations made by him and gave specific directions for improving the human rights situation of inmates and overall management of the jail.

PROFILE OF THE JAIL

Central Jail Ambala was established way back in the 19th century. It acquired the status of District Jail in 1872 and became a Central jail in 1947. It is spread over an area of 55 acres. It has 8 main blocks each having 2 to 6 barracks of varying sizes. Besides, there are 7 Cell blocks with a total of 135 individual cells.

JAIL POPULATION

Central Jail Ambala has an authorised capacity of 1228 – 1194 male and 34 female. Jail population on the day of the Chairperson's visit (18 October) was 2172 excluding 7 children staying with their mothers. This shows an overcrowding of 77%. While the average population of Central Jail Ambala is found to be 2000, it is seen to have recorded a maximum of 2218 in 2001, 2152 in 2002 and 2137 in 2003 (till 30 September 2003). However, overcrowding in this jail is less than the State average of overcrowding which is 113% as per a statement of Jail population in HRA as of 1.10.03 submitted by the Addl. DG (Prisons). Jails are generally overcrowded in Haryana with uneven distribution of overcrowding. The worst affected are Districts jails and Sub Jails.

Undertrials numbering 1299 constitute 59.8% of the total jail population. The State average of proportion of undertrials in Haryana is nearly 70%.

Women numbering 111 – 32 convicts and 79 undertrials account for 5.1% of total jail population. The State average is 4.14%.

Central Jail Ambala is also holding convicts belonging to Districts Panipat, Karnal, Yamunanagar, Kaithal, Panchkula, Kurkshetra and Sonapat. The convicts include one condemned prisoner and 413 lifers.

SANITATION

Availability of 173 toilets gives a toilet to prisoner ration of 1:12 which is much higher than the standard of 1:6 recommended by the All

India Jail Reforms Committee. It is no where near the reasonable level of 1:10 which the Commission has been accepting as satisfactory.

Availability of 69 bath rooms gives a bathroom to prisoner ratio of 1:30 which is not at all a satisfactory arrangement. This ratio should not be more than 1:15 in view of the scale of one bath room for 10 prisoners recommended by the Jail Reforms Committee.

Supply of water for drinking, bathing and washing purposes is satisfactory and no complaints were received on this count. The standard of personal hygiene is found to be good. However, the exclusion of bathing soap as an authorised item of supply is a soar point with poor prisoners who can not afford to arrange it themselves. The weekly scale of washing soap and soda-ash – 28 gm. and 14 gm. respectively is also inadequate and needs revision. The explanation that the Jail Manual does not authorise supply of bathing soap to prisoners except the Sikhs (for hair-wash) is not acceptable as it concerns one of the most basic needs of prisoners which the State is obliged to meet. The Chairperson asked the Addl. DG (Prisons) and D.C. Ambala to take note of these deficiencies and move a case to the government for their removal.

KITCHEN

Gas cooking has been introduced partially and caters to the need of 500 (25%) prisoners. Emphasizing the economy and eco-friendliness of gas cooking, the Chairperson instructed the Addl. DG (Prisons) to approach the Government for a complete switchover to gas cooking in all the jails which has been achieved in many States including some relatively poor States such as Bihar.

The Chairperson wanted to know whether Hot cases are available in sufficient quantity to ensure distribution of hot chapatis to prisoners in winter months. The Jail Supdt. informed that only two Hot cases are held against the requirement of eight. Shri D.D. Gautam, D.C Ambala promised to make-up the deficiency.

The scale of ration is found to be satisfactory and no complaints were received about the quantity and quality of food from any inmate. Prisoners are employed as Cooks and get wages for the job.

STAFF

Staff position is satisfactory as a result of the recent addition of six Asstt. Supdts. and 130 male and 8 female Warders. Three vacant posts of Head Warders (in a sanctioned strength of 13) are also being filled shortly. However, both the sanctioned posts of Matrons are lying vacant. Considering the average number of female prisoners as above 100 in this jail, at least one of these posts needs to be filled up immediately for ensuring proper supervisory control over female Warders.

JAIL HOSPITAL

Dr. Ashok Kumar Sharma briefed the Chairperson about the medical facilities available in the Central jail Ambala. The hospital is sanctioned 4 Medical Officers including one Dental Surgeon, 2 Pharmacists and one Lab. Technician. Two posts of Medical Officers are lying vacant. One M.O. is awaited on posting. The Chairperson remarked that one of the 4 sanctioned posts should be earmarked for a Lady Doctor considering the large number of female prisoners kept in this jail. The existing arrangement of weekly visit of a Gynecologist

from the District hospital can not be accepted as a satisfactory arrangement.

The daily average of OPD attendance is 180. The bed capacity is 12 with 100% occupancy. Dr. Sharma informed that 12 patients are undergoing treatment for TB. Eight prisoners were treated for TB in 2000, 22 in 2001 and 26 in 2002. However, only one completed treatment in 2000, three in 2001 and six in 2002 before their release. Treatment of TB patients is integrated with the Revised Centrally funded National TB Control Programme (RNTCP) launched in every District. The Medical Officer should take special interest in explaining to such prisoners at the time of release the desirability of continued treatment and ensure they are provided with proper documents giving full medical history of the case in order to facilitate their treatment after release.

The M.O. informed that 12 patients are undergoing treatment for Diabetes, 34 for Bronchial asthma and 51 for Hypertension. Besides there are 18 prisoners suffering from mental illness, 15 of whom have been isolated. The M.O. informed that they are being taken regularly to the Psychiatrist in the Civil Hospital for treatment. They are receiving treatment from the Psychiatric Unit of the General Hospital. The Chairperson instructed the D.C. to ensure that the Psychiatrist visits the jail at least once a month to ensure proper attention to these cases.

Two prisoners are undergoing treatment in Mental Hospital, Amritsar. One of them Sham Lal is a lifer admitted to jail on 21.4.96. He was transferred to Mental Hospital Amritsar on 22.4.02. the case of the other named Jai Singh s./o Atma Ram requires serious attention. He is an undertrial in a case u/s 304/326 IPC. He was admitted to jail

on 4.9.77 and has, thus, been in custody for over 26 years. He was transferred to Mental Hospital on 10.5.79. the latest report dated 29.7.03 still shows him as suffering from Shizophrenia and unfit to stand trial. The Chairperson directed that full particulars of his case giving date-wise record of his appearance before the court and progress of the trial made so far should be intimated to the Commission for further action.

The Medical Officer has identified 14 chronic cases of Diabetes, Asthma and Heart diseases requiring constant medical attention and repeated hospitalisation. Three of them are above 80 and five between 70-80 years in age.

The M.O. expressed satisfaction with the supply of medicines. He informed that a good number of medicines which are frequently required and are consumed in large quantities are not on the approved list of the centrally supplied medicines. These are required to be purchased locally which has procedural and financial complications. His suggestion that these medicines should also be made items of central supply merits due consideration by the State Government.

DEATH IN JAIL

The Special Rapporteur carried out a detailed scrutiny. A statement submitted by the Supdt. Jail shows that 20 prisoners - 9 convicts and 11 undertrials of this jail died during the period from 1.1.2001 to 30.9.2003. Information collected by the Special Rapporteur from the C.D. Cell of NHRC shows that the Commission had received intimation in respect of only 11 of these cases. Intimation

regarding the death of the following has not been received by the Commission:

1. UTP Ram Chander s/o Kanihya, Distt. Kaithal: He died on 5.2.01 at PGI Chandigarh. DG (Prisons) and DC Ambala were informed by TPM on 6.2.2001. The file shows that the DG (Prisons) had forwarded this information to the Home Deptt. on 15.2.2001 for onward transmission to the NHRC. NHRC has received no information about this death.
2. Convict Kanwar Bhan s/o Mauji Ram, Distt. Karnal: He died on 27.3.01 at Civil Hospital Ambala. DG (Prisons) was informed by TPM on 27.3.01. DC Ambala was requested on 28.3.01 through letter for arranging inquest.
3. UTP Garib Das s/o Jhadu ram, Distt. Jagadhari: He died on 1/2nd October 2001 at PGI Rohtak. DG (Prisons) was informed by TPM on 2.10.01 and the same day DC Ambala was also requested through a letter for arranging inquest.
4. UTP Ashok @ Shoki s/o Ram Kishan, Distt. Ambala: He died on 29.12.01 on way to Civil Hospital Ambala. A TPM to DG (Prisons) was sent on 29.12.01 and the letter to DC Ambala was sent on the same day for arranging inquest.
5. UTP Ajay s/o Ishpal: He died at PGI Chandigarh on 16/17 January 2002. A TPM was sent to DG (Prisons) on 17.1.2002 and DC Ambala was requested through a letter on 17.1.02 for arranging inquest.
6. Convict Surjeet Singh s/o Bachan Singh, Distt. Ambala: He died on way to Civil Hospital Ambala on 14/15 March 2002. A TPM was sent to DG (Prisons) the same day along with letter to DC for arranging inquest.
7. Convict Jagdish s/o Pritam, Distt. Ambala: He died at PGI Chandigarh on 8/9 January 2002. A TPM was sent to DG

(P) on 9.1.02 and a letter to DC Ambala the same day for arranging inquest.

8. Convict Om Prakash s/o Bhulla Ram Distt. Karnal: He died on 30/31 December 2002 in jail block No. 6. A TPM was sent to SHO PS Sadar Karnal with a copy to DG (Prisons) on 31.12.02. A letter was also sent to DC on 31.12.02.
9. UTP Naveen @ Monti Distt. Ambala: He died in jail hospital on 8/9 February 2003. DG (Prisons) was informed by TPM on 9th February. A letter was also sent to DC for arranging inquest.

Detailed examination of records by the Special Rapporteur revealed yet another omission of a far more serious nature. It is found that no magisterial inquiry is being ordered in any case of death in jail reported from Ambala. This was confirmed by examination of the cases presently under scrutiny at the NHRC.

The Chairperson took a serious view of the above discrepancies and omissions and directed the Addl. DG (Prisons) to impress upon all Jail Supdts. their obligation to send intimation about death of a prisoner directly to the NHRC by FAX with copies to DG (Prisons) and D.C. Thereafter the DG (Prison) has to ensure that a detailed report containing (i) Inquest report (ii) Post mortem examination report (iii) Viscera examination report where required (iv) Video cassette of PME, where required and (v) Magisterial inquiry report is sent to the Commission. D.C. will be responsible to monitor the progress of every case and ensure prompt ordering and timely completion of the magisterial inquiry.

JAIL INDUSTRY

Central Jail Ambala has a well established and efficiently run factory unit and prisoners are being imparted vocational training and provided gainful work in as many as 10 vocations including carpentry, smithy, printing, tailoring, tent making, canning and dyeing. It is worth mentioning that this jail had supplied tents in large numbers for the rehabilitation of victims of the last earthquake in Gujarat. Groundsheets (Durries) made in this jail were used to be valued highly for their quality and purchased by most of the Government Departments till a few years back. It is a pity that this activity has suffered a marked decline in recent years and the signs of neglect could be easily noticed by the Chairperson who visited some of the units. The Special Rapporteur had covered all the units in his inspection.

A statement submitted by the Supdt. shows that a total of 445 prisoners including 9 women were deployed on work in 9 units (leather unit is not working presently on the day of visit). A detailed examination of records revealed that only 145 prisoners including 9 women are actually working in jail and earning wages which have been fixed as follows, following the directions of the Supreme Court given in the State of Gujarat vs. Hon'ble Court of Gujarat (1998.7SCC.392):

| | |
|-------------------|------------------|
| Trainee/unskilled | - Rs. 10 per day |
| Semi-skilled | -Rs. 12 |
| Skilled | -Rs. 16 |

90 prisoners are deployed as cooks and helpers in the kitchen and 20 prisoners are deployed on maintenance jobs.

The Chairperson spoke to a number of prisoners working in the printing press and tent making units. They confirmed that they had learnt their present skill while in jail and are preparing themselves to earn their livelihood honestly after release. In the printing section, 13 out of a total of 18 prisoners have become competent enough to work independently. The number of such persons is found to be much larger in the tent making unit. The tailoring and carpentry units also have a number of prisoners who have developed good expertise in their skills. However, most of the prisoners the Chairperson and the Special Rapporteur spoke to, were found to be receiving wages at the rates applicable to the semi-skilled category. The Addl. DG (Prison) was advised to look into the matter and streamline the procedure for elevation from unskilled to semi-skilled and then to skilled category by evolving a fair and objective method based on the competence and efficiency of the worker concerned.

It was also noticed that most of the prisoners were unaware of the rates at which wages were being paid to them and had no idea of the earnings made by them. They only confirmed that they are shown the worksheets which form basis of calculation and payment of their wages. Examination of the records maintained by the Factory Section revealed that the individual ledger shows the earning made by an individual only after the amount is drawn from the Treasury and credited to his name. It gives no idea of the work done by the prisoner for which money could not be drawn because of non-availability of funds. The documentation, thus, leaves a lot of scope for misappropriation and irregularities which can not be easily checked unless a thorough & minute inspection is carried out. The Chairperson remarked that there was a clear need for more transparency and openness in these matters and suggested that the details of work done and wages earned by every worker should be displayed through a

monthly tabular chart at the work site itself. It was brought to the notice of the Addl. DG (Prison) that in many other States now prisoners are holding individual Pass Books and in some States, their Bank accounts have been opened. It is hoped that these observations will receive immediate attention of the DG (Prisons) and the system of payment of wages to the prisoners will be streamlined in all the jails of Haryana.

While prisoners deployed in the Factory Section have been paid wages up to July 2003, those engaged in kitchen and on maintenance duties have not received any wages after July 2002. Funds to the tune of Rs. 10, 72,602 have been demanded from the DG (Prisons) for clearing this liability.

The overall production in the Factory Section dropped from Rs. 54,54,307 in 2001 to 20,73,411 in 2002. This year (till 30.9.03) production could reach up to 18,68,737. Correspondingly wage payment has come down from 1,65,960 in 2001 to 75,154 in 2002 and 51,408 in 2003 (up to 30 September 2003). It is obvious that the developed facilities are not being utilised to their full potential and seriousness in a matter concerning the reform and rehabilitation of prisoners is wanting.

The Supdt. Jail mentioned a proposal for introducing three more trades/skills in the Jail industry. These are Auto repair, Dairy farming and Service Station. The Chairperson remarked that a bakery unit could be a more economical and useful addition.

CONVICTS

The Chairperson met a number of convicts at various points during his round of the campus and heard their grievances. The

Special Rapporteur had separately interacted with convicts in barracks, cells and the factory section. All seemed satisfied with living conditions and the supply of food and other facilities. Most prisoners belonging to Haryana have been availing of parole which is being granted quite liberally under the provisions of the Haryana Good Conduct Prisoners (Temporary) Release Act 1988 for

- a) an emergency like death or serious illness in the prisoner's family;
- b) marriage in family and
- c) agricultural purposes.

The IG (Prison) has been delegated by the Government powers to grant such parole after obtaining recommendations from the D.C concerned. 665 convicts were granted parole in 2001, 648 in 2002 and 565 in 2003 (till 30 September).

The Supdt. informed that a request for parole is generally disposed of within 90 days. However, a statement obtained from the Supdt. showed that as many as 16 cases of parole are pending over 4 months. Six of these belong to Ambala itself. There is, thus, need for before monitoring of the progress of parole applications.

Complaints regarding denial of parole was a common complaint heard from prisoners belonging to other States such as UP, Bihar and Chhatisgarh.

The request of Satnam s/o Mohinder Singh of Muzafarnagar, a lifer for parole has been pending since 26.11.99 for want of reply from D.M. Muzafarnagar. Application of Janardhan s/o Dharam Pal of Muzafarnagar is also pending for the same reason since 5.5.2000.

Kishore Prasad s/o Balisht Bhagat of West Champaran, Bihar, Sulekh Chand s/o Rahiyat, Muzafarnagar (UP), Tilak Raj s/o Kheru Singh Gonda (UP), Sachida Nand s/o Sadhu Thakur, East Champaran Bihar and Nanu Yadav s/o Sewak Ram Raipur (Chhatisgarh), all undergoing life imprisonment had similar complaint to make. DG(Prisons) Haryana should write demi-officially to his counter-part and request for his intervention in expediting these cases.

A number of convicts requested the Chairperson for premature release on grounds of old age and poor health. It is observed that Haryana Government has been regularly releasing lifers prematurely under the provisions of Art. 161 of the Constitution. The guidelines issued by the Government in August 2000 prescribed the condition of actual incarceration of 14 years and total imprisonment of 20 year including remissions for (a) convicts whose death sentence has been commuted to life imprisonment and b) convicts who have been imprisoned for life for having committed a heinous crime such as murder with rape, murder with dacoity, murder while undergoing life sentence, murder in connection with dowry, murder on professional/hired basis etc. The cases of other lifers are eligible for consideration for premature release after completion of imprisonment of 10 years actual and 14 years including remissions in relaxation of the provisions of section 433/A and by issuing orders under Art. 161 of the Constitution. A statement received from the Supdt. Jail showed that 13 lifers were released in 2001. Only two of them had completed the minimum of 14 years of actual sentence prescribed by section 433A Cr.PC. Two had not completed even 10 years. One of them Harnam @ Satnam Kaur w/o Himmat Singh had completed only 7 years 11 months and 16 days of actual imprisonment. Suraj Bhan s/o Dhaja Ram was released on 18.10.01 under the directions of High Court after completing actual imprisonment of 9 years 1 month and 1

day. In the year 2002, 13 lifers were released prematurely, only two had completed 14 years actual imprisonment. Sarwar @ Lillu s/o Din Mohd. was released on 21.11.02 after completing actual sentence of 8 years, 4 months and 29 days only. In the current year (till 30.9.03), six lifers have been released including one sentenced for dowry death. None of them had completed 14 years till their release. Ravinder s/o Hans Raj of Yamuna Nagar sentenced to life imprisonment under section 304B/498 IPC was released on 16.7.03 after undergoing a sentence of 12 years and 11 months only.

Dharam Pal s/o Chandra Singh was awarded capital punishment by the Session Judge, Sonapat on 5.5.1997. The judicial process was exhausted in 30.3.1999 with the rejection of his appeal by the Supreme Court. He requested the Special Rapporteur for intervention of the Commission in the matter of his mercy petition pending with the President of India since April 1999. His case may be referred to the Legal Cell in view of the ruling of the Supreme Court relating to delay in the execution of death sentence.

Convict Vijay Singh s/o Tej Pratap Singh ex-Army was awarded life imprisonment on 6.6.2003 by a Court Martial held at 25 Ad. Regiment Ambala for an offence committed in Ganga Nagar (Rajasthan). Although he belongs to MP, he was sent to Central jail ambala instead of being referred to the jail near his native place in Distt. Rewa (MP). A letter was subsequently received by Supdt. Police from the Ad. 25 Regiment saying that as per the Army Order 4/5/79 a copy of which was also enclosed Vijay Singh was entitled to be lodged in a civil jail near his home and action for his transfer to MP should be taken. The Supdt. has forwarded his case to the MP presenting it as a routine case of transfer without mentioning the letter received from the Army. He requested the Chairperson for transfer him to Rewa jail.

The Chairperson desired that his case should be referred to M.P. again giving full background and mentioning that he had appeared before the Chairperson during his visit.

Convict Mulak Raj s/o Het Ram, ex-Army 7015 EF BN. Was awarded life sentence by Court Martial on 22.8.03. He requested for transfer to Home Distt. Gurgaon because of the inability of his aged father to come to Ambala to see him. Addl. DG (Prison) stated that the Central Jail Gurgaon is already congested and cannot accommodate any more convicts on transfer. However, he assured that with the completion of new building very shortly, it would be possible to entertain this request.

The following requests for transfer from Ambala to other jails were received:

- i) Life convict Ram Nivas s/o Phulla Ram wants transfer from Ambala to Jind. He has completed 8 years in this jail. His mother died recently and his father is too old to travel and visit him.
- ii) Convict Vijayender s/o Raj Singh (10 years) from Ambala to Sonapat.
- iii) Virendeer @ Kala s/o Ram Singh from Ambala to Sonapat.

Addl. DG (Prison) may consider these requests on merit.

Lakhbir Singh s/o Pal Singh, a lifer has completed 11 years without availing of a single parole. His application sent to DC Fatehgarh Churian Punjab has been received back twice with the remarks that no one is living at the address given in his application. He

asserted before the Special Rapporteur that his parents are very much there. He suspects some mischief from the local police. DG(Prisons) is requested to write demi-officially to D.C. Fatehgarh Churian for a thorough examination of his request.

12 convicts have been accorded B (Better) Class status under the provisions of Haryana Jail Manual which is still retaining the archaic practice of classification of prisoners on the basis of their economic and social status and habits of life which has been struck down by the Apex Court in Prem Shankar Shukla vs. Delhi Administration (AIR 1980 SC 1335). Interestingly, 9 of them are lifers convicted for murder. The 'B' class prisoners are entitled to a higher scale of ration, clothing and bedding.

UNDERTRIALS PRISONERS

A large number of UTPs. are found to be languishing in this jail for periods ranging from one year to seven years mainly because of slow progress of their trials. A list submitted by the Supdt. Jail shows that 51 UTs. have been in this jail for more than 3 years. The Chairperson interacted with these undertrials assembled at one place and heard the following grievances:

1. Hari Om s/o Ram Kumar was admitted to this jail on 29.11.2000 in a case u/s 304 B/34 IPC of PS Samalkha (Distt. Panipat). Although the challan was filed in February 2001, only one witness has been examined so far. While rejecting his bail application on 10.12.02, the High Court had directed that he could approach again for bail if his trial was not completed within six months. He had applied for bail on

8.7.03 but the matter was deferred twice and is now listed for 20.10.03.

2. Pawan s/o Shri Rati Ram was admitted on 10.7.99 in a case u/s 302, 378 IPC of PS Gharonda Karnal. The case was committed to the session within 3 months. Three co-accused in this case filed the revision petition No. 728 of 2003 in the High Court against the framing of the charge and were granted bail. The trial in the court of ASJ Karnal has remained stayed for over 3 years. This poor illiterate man is not being represented in the High Court. The Chairperson desired that his case should be referred to the Distt. Legal Service authority giving full particulars.
3. Satnam s/o Gurbax Singh, Dharam Raj s/o Rupal Singh and Gurmukh Singh s/o Jeet Ram have been in this jail since March 99. They submitted that their cases are virtually making no progress in courts.
4. The following UTPs complained that their cases are pending for arguments for the past several months after all evidence has been recorded:
 - (a) Anil s/o Mohinder was admitted in this jail on 29.3.2000 and is facing trial in a case u/s 148, 149, 302 IPC and 25 Arms Act in the court of ASJ Ambala.
 - (b) Jagdish s/o Mehar Singh, Sohan Lal s/o Tulsi, Surender s/o Styra Ram and Sanjeev s/o Ajmer admitted to this jail on 26.9.99 facing trial in a case u/s 302/201/34 IPC in the court of ASJ, Kaithal.
 - (c) Vishnu Thakur s/o Amar Singh admitted on 24.11.98 under 20 NDPS Act pending in the court of ASJ Panipat.

5. Dharamveer s/o Om Prakash admitted in this jail on 22.6.99 complained that trial in his case u/s 302/201/343/295/122 B IPC in the court of ASJ Ambala is pending for pronouncement of judgement after completion of all the evidence.
6. Babu Khan s/o Nur Ilahi was admitted on 28.3.2000 in this jail. He complained that the trial in his case u/s 342, 328, 395 and 412 IPC is not progressing because of the police witnesses are not appearing for evidence.
7. Mohd. Rafiq s/o Latif Khan admitted on 30.6.2000, Jwara @ Sukhbir s/o Lallu Ram, Om Pal s/o Lallu Ram admitted on 10.7.2000, Sheesh Pal s/o Tajja Ram admitted on 22.5.2001, Vicky @ Vinod s/o Gian Chand admitted on 16.1.2001. Ram Dayal s/o Raghu Nath admitted on 4.3.2001. Dharambeer s/o Lakhmi Chand admitted on 7.8.2001 also complained that their trials is pending at the argument stage.

The Chairperson requested the D.J Shri C.B. Juglan to carry out a detailed review of the situation of UTPs and intimate status report in respect of all the UTPs who have completed 3 years in Ambala Central jail as of 30 September 2003.

The Supdt. Jail was categorical in stating that the problem of non-availability or shortage of police escort for producing UTPs in courts & hospitals is not being experienced in this jail. The availability of police escort for court production is found to be 95.5% during the last one year. Availability of police escort for hospital purposes during the same period has been as high as 99%.

JAIL ADALAT

Jail Adalats for disposing of cases of petty offenders are being held regularly. However, no records are being kept in jail to show the results of this measure introduced under directions of the Supreme Court. The Supdt. informed that CJM had visited the jail on 15 and 17 October. 18 cases were considered and 7 UTs were released.

INTERVIEW

150 to 200 prisoners are availing of interview facility every day. Interviews are allowed in forenoon as well as afternoon. As per the Haryana Jail Manual, convicts are allowed one and UTs. two interviews every week. Prisoners whose names start with A-B ABCDEFGHIJ can avail of this facility on Monday and Thursday. Those whose names start with R & S are considered on Tuesday and Friday and the remaining on Wednesday and Saturday. While no objection can be raised to this procedure dictated by practical considerations, persons coming from outside should not be denied the interview facility for this reason until they are thoroughly familiarised with the system of classification.

The interview gallery measuring about 60 ft. presently cannot allow more than 20 prisoners at one time whereas 30-35 prisoners are lined up for interview. The arrangement can certainly be improved by showing a little more sensitively towards the prisoners' rights.

Shri Khushbash Singh had come from an outstation to see his son as Undertrial u/s 302 IPC on 17 October. He was one of the persons to whom the Special Rapporteur spoke. He wanted to know

whether an undertrial can avail of his right of two interviews a week on the same day or in the afternoon of one day and the forenoon of the following day. The Special Rapporteur requested the Supdt. Jail to examine such requests sympathetically since the Jail Manual makes no prohibition.

WOMEN JAIL.

Women jail operating from a separate enclosure is being looked after by 8 female Warders with no lady Supervisor. Two posts of Matrons are sanctioned but both are lying vacant. Considering the normal number of women prisoners (above 100) kept in this jail, at least one Matron should be provided at the earliest.

Women jail was holding 111 prisoners - 32 convicts and 79 undertrials on the day of the visit. Seven children in the age group of 9 months to 3 years are staying with their mothers. They are receiving special diet of milk and biscuits besides a small but sufficient quantity of cereals. Although some toys and picture-books were seen kept in a room presented as a creche for children, a regular creche has not been set up. The Chairperson asked the Addl. DG (Prisons) and DC Ambala to get this elementary and essential facility provided not only at the Central Jail, Ambala but in all the jails where women are detained and children up to the age of 5-6 years are allowed to stay with them. The Chairperson remarked that a proper scale of special diet to children should be worked out by consulting nutrition experts. He instructed the Addl. DG (Prisons) and DC Ambala to move the case for obtaining Government sanction. The Supdt. was instructed to identify a suitable lady inmate for the proper running of the Creche and she should be paid normal wages for the job. A number of lady inmates are found to be illiterate. Literacy classes can be run by engaging one of the educated lady inmates.

Absence of vocational training facilities is a glaring deficiency of the women prison. 8 or 9 women convicts are shown as engaged in yarn spinning. However, production figures checked by the Special Rapporteur revealed insignificance of this measure. Reform and rehabilitation of women prisoners does not seem to have received any worthwhile attention.

The Supdt. confirmed that women prisoners are being supplied sanitary napkins on specific recommendations of the lady Doctor. This is not a satisfactory situation. It is pity that this essential item is yet to be authorised on regular basis despite the specific recommendations of Justice V.R. Krishna Iyer Expert Committee report reiterated by the Parliamentary Committee on Empowerment of Women.

The Chairperson checked the history-tickets of some of the women undertrials who have completed one year in prison and questioned them about the availability of legal aid and progress of their cases. The District Judge was requested to carry out a detailed scrutiny of all the cases and consider transferring some of the old cases to Fast Track courts.

Kanta Devi w/o Ramesh Chand undergoing life imprisonment along with her husband and two sons requested for release on parole on the ground of her daughter's wedding. The Chairperson was informed that the matter has been referred to DC Panipat. The Add. DG (Prisons) was instructed to look into the matter.

BOARD OF VISITORS

Haryana Jail Manual like Manuals of other States provides for the constitution of Visitors Board comprising ex-officio members,

official members and non-official members. The system set out in Rule 47 to 60 of the Manual is found to have become defunct in jails in Haryana for quite some time. The Addl. DG (Prisons) informed that such Boards were functioning till a few years back. The Chairperson remarked that the institution of Visitors Board designed to involve the public-spirited members of civil society in the affairs of jails serves an important purpose and the provisions of the Jail Manual should be strictly followed in this regard. Considering the number of women prisoners held in this jail, one woman activist of good record and reputation should be considered for appointment as a non-official member.

It was also observed that while the D.J. and CJM were fairly regular in making mandatory monthly visits (10 in 2003) to jail, DC Ambala was not visiting the jail regularly as per the provisions of the Jail Manual. He has not visited the jail even once in 2003. Although Rule 48 of the Haryana Jail Manual says that the DM must visit jail every week, the Commission feels that the DM should visit the Jail at least once a month to review the living conditions particularly the standard of hygiene, sanitation and health care facilities.

NGO INVOLVEMENT

The importance of the NGO sector in bringing about improvement in conditions in jails has been acknowledged all over the country. A number of NGOs have come forward and launched a series of programmes in the area of education, vocational training and health care of prisoners in many jails. Though Indian Council of Social Welfare Society and Alcoholic Anonymous Society, Ambala Cantt. are mentioned in the statement submitted by the Supdt. Jail, actual involvement of NGOs in Central Jail, Ambala can be taken as NIL.

This matter does not seem to have received much attention from the Prison HQs.

HOUSING FACILITIES FOR STAFF

Housing facilities for the jail staff are found to be very unsatisfactory. Government quarters in the jail campus are available for 12 out of a total of 16 members of the executive staff. Only six houses are available against the requirement of 24 houses for Head Warders. The plight of Warders is still worse. Only 44 houses are available against the requirement of 237. No houses are available for the female warders whose sanctioned strength is 12, although presently only 8 are posted. One expects better standards from a prosperous & programme State like Haryana.


(Chaman Lal) 24.11.03
Special Rapporteur
24.11.2003