

Report on the visit of Shri Chaman Lal, Special Rapporteur to Jails in Rajasthan from 16-18 February 2004

As directed by the Commission, I have visited Central Jail Jaipur, Open Air Jail Sanganer, District Jail Tonk and Sub Jail Malpura in Rajasthan from 16-18 February 2004 to study the living conditions and assess the human rights situation of inmates. After visiting these jails, I held a discussion with Shri Arun Duggar, Addl. D.G. (Prisons) Rajasthan on 18 February when Shri L.N. Chaudhry IG(Prisons) and Shri J.K. Sharma, DIG (Prisons) were also present. The discussion proved useful in explaining major observations and seeking clarifications on certain points. The Addl. DG (Prisons) promptly accepted some of the suggestions and assured immediate action. Shri Pramod Sharma, a senior Jailer was deputed by the Addl. DG (Prisons) to accompany me throughout. His presence was found very useful in understanding and appreciating various aspects of Jail Administration.

CENTRAL JAIL, JAIPUR

PRISON PROFILE

Shri V.K. Mathur, Supdt. Jail explained the salient features of the Central jail, Jaipur. The jail building, constructed in 1923-24, is spread over an area of 40.53 Acres including 9.495 Acre of built up area. It has 13 Wards, 32 Barracks and 60 Cells. Two barracks are being used as Jail Hospital. One ward having 60 cells is earmarked as security ward meant for high security/dangerous prisoners. One ward has been earmarked for educational activities. The jail complex includes a newly built building for the ITI established for prisoners.

The Jail has an authorised capacity of 1300 prisoners. The actual strength on the day of the visit i.e. 16 February, 2004 was 1656. The average strength of the previous month i.e. January 2004 was 1680. The Supdt. informed that the population goes up to 1900 during the period from October to December.

every year partly because of High Court vacations but largely due to the anti-crime drive launched by the police during this period.

The jail population (1656) on the day of visit shows an overcrowding of 27.4%. It is worth mentioning that there is an overall idle jail capacity in Rajasthan where, as of 31 December 2002 (the latest data analysed by the NHRC), a total of 12298 prisoners against the authorised strength of 15707 in all the jails shows an idle capacity of 21.70%. Obviously, the jail population is not evenly distributed and there are a few places such as Jaipur, Bharatpur and Kota where overcrowding is being experienced. However, given the size and quality of construction of barracks and cells, the overcrowding is not having any substantial impact on living conditions in jails.

The Under-trial prisoners numbering 741 constitute 44.7% of total jail population which is below the State average of 59.54% as of 31 December 2002. The Under-trial prisoners' situation in Rajasthan is much better in comparison with other major States and the All India average of 74.15%. The convicts numbering 915 include 9 condemned prisoners and 542 lifers. The jail is not holding any detainees or civil prisoner at the moment.

SANITATION

A total of 337 toilets give a toilet to prisoner ratio of 1:5 for the average population of 1680 which is even better than the ideal of 1:6 recommended by the All India Jail Reforms Committee. 50 bathing platforms have been provided and the arrangement is found to be satisfactory. While the maintenance of toilets is satisfactory, the overall standard of sanitation needs improvement. The old sewerage system is beyond economical repair and has to be rebuilt. Funds to the tune of Rs. 32.0 lakh have been sanctioned recently to improve sanitation.

Water supply is arranged through two PHED connections. However, the supply from this source is found sufficient only for kitchen purposes. For other

purposes, supply is made through two submersible pumps provided with an overhead tank. Water from one of these pumps is reported to be brackish and unfit for drinking purposes. Supply of water for drinking, bathing and washing purposes can, however, be taken as satisfactory since no inmate had any complaint to make even after they were specifically questioned on this point. Convicts are entitled to get toothpowder, bathing soap, washing soap and hair oil since April 1997 which places Rajasthan apart from many other States of North and Eastern India.

STAFF

The overall staff position is satisfactory. However, the sole sanctioned post of Deputy Supdt. is lying vacant. The Supdt. Central Jail, Jaipur is responsible for the efficient functioning of not only the Central Jail but also 3 District and 11 Sub Jails of the Division. All inquiries and routine reports from the District and Sub Jails are routed through the Supdt. Central Jail. The vacancy of Dy. Supdt. is therefore considered a crucial vacancy. Likewise, all the sanctioned posts numbering 3 of Assistant Jailer are also lying vacant. The other key vacancies are:

Chief Head Warder -1; Head Warders - 11 (out of a sanctioned strength of 24) and Safai Karamcharis - 4 (out of a sanctioned strength of 6).

The representative from the Prison HQs. informed that vacancies of Chief Head Warder and Warder have been filled by promotion and the incumbents will be joining within a month after completion of their training. The post of Safai Karamcharis needs to be filled in order to improve the standard of sanitation.

39 posts of Warders stand transferred from this jail to Bharatpur Jail. Six watch-towers constructed in this jail with grant received under the 11th Finance Commission have been lying uncommissioned since completion of the construction more than 3 years back for the simple reason that the staff required to man these towers is not available. This calls for a fresh assessment of the

requirement of the Guarding staff i.e. Head Warden and Warders and also the utilisation of the available strength. Non-utilisation of watch towers costing a huge amount is highly objectionable.

State of medical staff will be discussed under the head 'Hospital'.

DIET

It is heartening to note that Rajasthan Government had, way back in 1976, done away with the anachronistic system of classification of prisoners on the basis of their social and economic status and habits of life. All prisoners are entitled to the same scale of food under the broad categories of labouring and non-labouring prisoners. The quantity of wheat prescribed for lunch and dinner (600 gm. each) is generally found to be more than the requirement of an average prisoner. Another notable feature is supply of evening tea to all inmates. A number of prisoners on being asked expressed satisfaction with the quantity as well as quality of food served to them.

A special diet called 'Halwa' diet is issued to all prisoners on four special occasions – Holi, Deepawali, Idul-fitr and Independence Day. Government of Rajasthan may consider treating the Republic Day also as a special occasion for this purpose.

The kitchen complex was found to be neat and clean. Gas-cooking has been introduced in all the Central and District Jails and is being extended to sub Jail level through a phased programme.

Prisoners working in kitchen are being paid wages at the lower rate of Rs. 9/- per day fixed for unskilled category. Considering the nature of this work and the hardship involved, particularly in summer months, this job deserves to be considered a skilled job. This was discussed with the Addl. DG Prison on 18 February. His response was positive.

JAIL HOSPITAL

Dr. Lokesh Chaturvedi, Medical Officer explained the medical facilities available at the hospital which has a separate building and a nice lay-out. The hospital is sanctioned one senior Medical Officer and two Medical Officers including one Lady Medical Officer who is meant for the female jail which forms part of the charge of the Supdt. Central Jail, Jaipur. The hospital is also authorised 4 male Nurses, 1 Mid-wife, one Lab. Technician, 1 Jr. Specialist (Radio Diagnosis) and one Joint Radiographer. The posts of Jr. Specialist (Radio Diagnosis) and Joint Radiographer are lying vacant. As such the facilities of X-ray and Ultrasound installed 3-4 years back have been lying unutilised. The Department should find some way of utilising these fairly expensive machines instead of allowing them to lie unused.

The daily OPD attendance at the hospital is in the range of 125-150. Bed capacity is 41. On an average 20 beds are occupied including 10 patients brought to Jaipur from other jails for special treatment at the SMS Medical College, Chest and T.B Hospital, Mental Hospital and Dental College, Jaipur.

Seven prisoners being treated for TB under DOTS system have been properly segregated. 20 prisoners received treatment for TB in 2001, 26 in 2002 and 19 in 2003. 31 of these were fully cured before their release/transfer to other places. It needs to be appreciated that the cases of TB patients released before completion of their sentence or transfer to other jails are being properly referred to the TB Control Programme Officer of the Distt. concerned and a copy of the Transfer certificate is given to the patient also.

One prisoner received from Ajmer Jail is suffering from HIV/AIDS. There are 30 (18 convicts & 12 UTPs) mentally ill persons including one case of schizophrenia and six of mental retardation. They are being treated by a Psychiatrist who visits the hospital regularly every week. The condition of Under-trial patients is assessed regularly to ascertain their fitness to stand trial which is

under suspension because of their inability to defend themselves. 8 of them are due for production before the Medical Board.

The hospital has been provided with an Ambulance in good condition. A standing Guard of 1 ASI, 1 Head Constable and 8 Constables was provided two months back for transportation of prisoners for medical purposes. Still availability of police escort for medical purposes works out to be 60% only. However, no Emergency Escort is available and such duties have to be performed by the jail staff who remain tied down sometimes for 2-3 days depleting the strength of the guarding staff at jail. The situation needs to be reviewed thoroughly in view of the concentration of patients brought to this jail from other jails for specialist treatment.

Under-trial prisoner Radha Raman Basu involved in a case under Customs and Excise Act admitted in the jail hospital requested that he may be provided a copy of the Cr.PC and Constitution of India on payment. The Supdt. assured to do the needful.

DEATH IN JAIL

As per the statement furnished by the Jail Supdt., 19 prisoners died in this jail in 2001, 17 in 2002, 21 in 2003 and 2 in the current year (till 16 February 2004). This information was tallied with the statement collected from the Custodial Death Cell of the Commission. Only one discrepancy was noticed. The Commission had received intimation about the occurrence of 20 deaths in this jail in 2001 instead of 19. The death of prisoner Hari Narain Giri on 7.8.01 intimated by DM Jaipur and dealt with in file No. 919/20/2001-02-CD is not related to this jail. A clarification would be necessary from the DM Jaipur.

Detailed reports including the Magisterial inquiry report are awaited from DM Jaipur in respect of one case of 2000, 7 cases of 2001, 11 cases of 2002 and all the 19 cases of 2003. The particulars of these cases were furnished to Shri Sudhansh Pant, D.M Jaipur personally and he was requested to check and report. The progress of Magisterial Inquiries into cases of death in jails is found

to be very slow in this District. The Addl. DG (Prisons) had written demi-officially to DM Jaipur on 13.10.03 enclosing a list of 37 pending cases as of 27.8.03 and requested him to get the inquiries expedited and forwarded to the NHRC.

JAIL INDUSTRIES

Central Jail Jaipur is running a well established jail factory where convicts are provided vocational training and gainful employment in a number of skills/trades such as Spinning, Darry, Niwar, Farash making, handloom, powerloom, carpentry, foundry dyeing, canning etc. A total of 681 convicts are shown engaged on work in these units. I went round the factory campus and visited a number of units. Following observations were made:

1. The number of persons actually working in these units was found to be less than the number shown in the statement. A total of 363 prisoners were found present in the factory complex.
2. Most, rather almost all the persons working in these units were found not knowing the wage rate at which wages are paid to them. The current rate of Rs. 11/- for skilled and Rs. 9/- for unskilled category was fixed in January 1999. Only two or three out of a total of over 100 prisoners I spoke to had some idea about their accumulated wages. While no one complained about delay in payment or non-payment of wages, their replies to my questions clearly showed that payments are not made regularly and the system totally lacks transparency.
3. Whereas the Supdt. stated that the persons are upgraded from unskilled to skilled category after successful completion of 3 months on the job, a large number of persons with more than 2 years of experience and described as capable of working independently by their Supervisors were found to be categorised as unskilled in most units.
4. The prisoners stated that there are long interruptions in work because of shortage of raw materials. In most units work is available for just 8 to 10 days in a month. It is a pity that a well developed infrastructure

meant for reform and rehabilitation of prisoners is being run far below the installed capacity.

The visit to the Factory section and interaction with the workers revealed that the developed facilities are not being utilised and a lot of potential remained untapped. It could be clearly seen that a large number of prisoners sentenced to rigorous imprisonment are not being provided work which has to be viewed as an essential component of their punishment.

Following the directions of the Supreme Court, deduction @ 25% is being made from the prisoners' wages for disbursement among the victims' families. However, this progressive measure is yet to be operationalised effectively. The records show that out of a total deduction of Rs. 361729 made during the period 14.5.02 to 23.12.03, only a sum of Rs. 8402 (2.3%) has actually been paid to the victims. Still the Government of Rajasthan needs to be complemented for having set this process into motion.

Besides the factory work, prisoners are also detailed on work in kitchen, campus maintenance, Hospital and library duties. A ceiling of 10% of the sanctioned strength has been imposed on deployment of prisoners on these duties. A total of 134 prisoners were shown as deployed on these jail services on the day of the visit.

While wages have been paid to persons working in factory units till May 2003 for skilled and March 2003 for unskilled category, prisoners deployed on jail services have not been paid any wages after March 2000 for want of funds. The Supdt. has projected a requirement of 51.17 lakh to clear the liabilities up to March 2004.

The Supdt. confirmed that a number of prisoners do not get their full dues of wages at the time of release because of non-availability of funds. Although they are informed as and when the amount becomes available for disbursement

not many come back for collection. Obviously this must be causing accumulation of undisbursed amount and unjustified loss to workers. The matter was discussed with the Addl. DG (Prisons). He was requested to find some way to tackle this matter. One way could be the creation of a corpus of a reasonable amount to clear the wages of prisoners being released with subsequent reimbursement after receipt of funds. The other way could be to give them a written undertaking mentioning the amount that is due to them and send it subsequently through a Money Order directly to them or get it disbursed through the District Jail nearest to their place of residence. Whatever method is adopted, the obligation of paying wages to these persons for the services rendered by them while in jail has to be discharged.

CONVICTS

The convicts undergoing Rigorous Imprisonment (834) constitute 91% of total convict population. They were sentenced to imprisonment with hard labour and are therefore required to be provided work which also serves a rehabilitatory purpose. Because of ceiling imposed on jail services and limited budget provided for purchase of raw materials, resulting in operation of jail factory at a much reduced level of its potential the prisoners of RI category are not being provided work regularly. This has in fact obliterated the distinction between RI and SI and can be viewed as non-compliance, if not wilful disobedience of the court order sentencing the person concerned to Rigorous Imprisonment.

I talked to a number of convicts in barracks and at the work site. They seemed satisfied with living conditions. Their complaints related to two issues.

1. PAROLE

Grant of parole to convicts is governed by Rajasthan Prisoners Release on Parole Rules, 1958. These Rules say that prisoners sentenced to imprisonment for not less than one year may be allowed to apply for parole subject to "exceptionally good behaviour". The prisoner who has completed with

remission, if any, 1/4th of his sentence may be released on first parole for 20 days, and for 30 days on second provided his behaviour has been good during his first parole and for 40 days on third parole. Lifers are entitled to be considered for grant of parole after they have completed 5 years of imprisonment including remission. Ex-state prisoners and persons convicted by a court martial or persons convicted in other States and those who have escaped from jail or police custody or have attempted to escape are ordinarily not considered for release on parole.

Parole is granted by the DM of the Distt. concerned after consulting the Probation Officer, where appointed, and 'if felt necessary' after obtaining a report from the Supdt. of Police. Emergency Parole for occasions such as wedding, death or serious illness in family or serious damage to life and property from any natural calamity can be granted by the Jail Supdt. up to 7 days and I.G. Prisons up to 15 days.

While the parole rules in vogue in Rajasthan are to be appreciated for their liberalism, the actual operation of parole rules does not present an encouraging picture. In Central Jail Jaipur, a total of 851 applications for parole were received during the period 1st January 2002 to 31st December 2003. 756 of these were decided till 31st December 2003 and 95 were carried forward as pending. Out of a total of 756 disposed of, 362 rejected which gives a rejection rate of 47.9%. While the rules provide for reference to Police only when considered necessary by the DM, in actual practice every case is being decided on the basis of the recommendations of the police. A number of prisoners made allegations against the police at P.S. level and also at the SP Office level and said that even if their conduct during parole is satisfactory, they can not obtain favourable report without bribing the police. However, they seemed happy with the system of grant of emergency parole where powers have been delegated to the Jail Department.

Although there is a decrease in rejection rate in 2003 compared to previous years, a large number of eligible convicts are still not getting this benefit. During the round of the factory area, a number of convicts complained above denial of parole. There are among the lifers about 100 prisoners from UP and none of them has been granted parole although they have been convicted by courts in Rajasthan. Following are cited by way of illustration:

Naushad s/o Sheikh Mohd. Of Jaipur has completed 5 years 7 months and his request for parole was rejected 3 times.

Googal s/o Chin Ram of Jhunjhunu has completed 8 years of imprisonment. His request for parole has been rejected 4 times.

Chander Mohan has completed four and half years of his sentence of 10 years. He belongs to Kota. His request for parole was rejected in October 2003.

2. APPEALS

A number of convicts complained about delay in the settlement of their appeals. 13 appeals filed from Jail are pending in the High Court for over 5 years as per the Jail records. The following specific requests/complaints were heard from the convicts:

1. Convict Rajendra s/o Narain Shetty, a lifer who has completed only 2 ½ years has requested for transfer to Tamil Nadu. The Supdt. Police informed that his case could be taken up only after his appeal pending in the High Court is decided.
2. Convict Baba Khan @ Papa Khan is a patient of schizophrenic disorder. Before completing his imprisonment of 10 years under NDPS, he got involved in the murder of 2 patients in the Mental Hospital Jaipur. His trial u/s 302/301 IPC stands suspended at the moment because of his mental condition. Order dated 5.2.04 of Addl. Chief Judicial Magistrate 6 Jaipur says that this Under-trial prisoner is suffering from schizophrenia and needs regular treatment for 6-12

months. The learned Magistrate has directed the Supdt., Central Jail Jaipur to keep this man in an isolation ward, arrange his treatment and send fortnightly reports on his health. I saw this man and found him totally incoherent in responses and replies to questions put to him. The Supdt. said that he becomes uncontrollable at times and his presence poses danger to the staff and other inmates. The Jail Medical Officer rightly feels that he needs proper treatment in a Mental Hospital. Because he had caused murder of two inmates in the Mental Hospital Jaipur a few days back, he is not being admitted there and is receiving treatment in jail under the supervision of the visiting Psychiatrist. The matter needs to be examined personally by the Addl. DG (Prisons). I feel the Mental hospital authorities should be persuaded to take him back regardless of what he had done earlier in view of the danger his presence poses to other prisoners. It is unfair to expect the Supdt. Jail to control this patient more effectively and in a better way than the qualified staff equipped with all the modern means available at the Mental Hospital Jaipur.

PREMATURE RELEASE

Premature release of prisoners is governed by the Rajasthan Prison (Shortening of Sentences) Rules, 1958. The criterion for the release of lifers laid down in section 433A Cr PC is being strictly adhered to. It is heartening to note that clear guidelines have been issued for ordering premature releases under the provisions of Art.161 of the Constitution of India. A total of 285 prisoners including 258 lifers were prematurely released on the Republic Day 2004. All those lifers of good conduct during the preceding two years who had actually completed 13 years and 4 months were ordered to be released under the Governor's powers. The qualifying sentence was reduced to 10 years in the case of old prisoners – male above 65 and female above 60.

For premature release of lifers under section 432 Cr. PC, cases of all the lifers who have completed actual imprisonment of 14 years on 31st December or 30th June of every year are placed before the Advisory Board, constituted by the Government. No distinction in the matter of eligibility of lifers for consideration is made on the ground of the gravity of the offence and brutality involved in its commission. Whereas in most other States, the lifers whose cases are attracted by provisions of section 433A are released after they have completed incarceration of 20 years including remission subject to a minimum of 14 years of actual imprisonment, in Rajasthan such lifers are eligible for release any time after they have completed 14 years of actual imprisonment regardless of the remission earned by them. The matter was discussed with the Addl. DG (Prisons) and his attention was drawn to the guidelines issued by the NHRC on this subject in order to bring about uniformity in all States. The Commission may like to ask the Government of Rajasthan to follow these guidelines and amend the rules governing the premature release of persons sentenced to life imprisonment.

Cases of 6 old prisoners undergoing life imprisonment who are above 65 and have completed 10 years of imprisonment are pending consideration for want of age verification. Since their warrants do not mention their age, the Government ordered that their cases should be referred to a Medical Board. The medical opinion has been received in respect of 3 of them namely Goomana Ram s/o Monga Ram, Kishan Lal s/o Bhura Ram and Amba Lal s/o Jagga Ram. It says that the "Medical Board is of the opinion that their ages are between 60-70 years on the day of examination i.e. 30 January 2004 and more nearer towards 70 years. However, exact age can not be fixed." The Department has interpreted this opinion to mean that they are not eligible because they are not above 65 years of age. To me the report clearly indicates that while their exact age can not be fixed, they are nearer to 70 rather than 60 and can, therefore, be considered above 65. Denial of the benefit of release on ground of old age announced by the Government to these persons does not seem to be justified.

One of them appeared before me and complained about the discrimination resulting from the non-mention of their age in the court warrants. The matter was discussed with Additional DG (Prisons) and he assured reconsideration of the matter.

The visit to the Mental Patients Ward revealed presence of 4 mentally ill patients who are quite old (but below 65) and have completed more than 10 years imprisonment. In fact, one of them Nanda Gopi has completed 13 years and another Ram Kumar s/o Bapu Lal 12 years. The other two are Rajinder s/o Sukhdev Ram and Chajju s/o Khema Ram. The Rajasthan Prisons (Shortening of Sentences) Rules 1958 provide for premature release of mentally ill prisoners who have completed 7 years' imprisonment and are not likely to recover. Although these are not acute cases of mental illness, these persons are old and sick and likely to remain so despite the treatment. Their cases deserve special attention.

UNDERTRIAL PRISONERS

The statement of UTPs received from the Supdt. gave the following break-up in terms of period of detention:

| | |
|----------------|--------------|
| Up to 3 months | - 231 |
| 3-6 months | - 217 |
| 6-12 months | - 178 |
| 1-2 years | - 77 |
| 2-3 years | - 22 |
| 3-5 years | - 12 |
| Above 5 years | - 04 |
| Total | - 741 |

I met all the 38 UT prisoners who have been in prison for over 2 years and heard them individually. Following complaints were received:

1. Haqammudin s/o Nur Mohd., Riaz Ahmed s/o Haji Abdul Hamid, Haji Fayaz s/o Haji Abdul Hamid and Idris s/o Haji Mohd. Hanif have been

in this jail as UTPs in case FIR No. 04/97 u/s 3/9 Officials Secret Act since January 1998. They told that the trial has been over and the case has been pending since 24 April 2003 for pronouncement of judgement. They have been regularly produced before the Court since then and their next date of production is 27.2.04.

2. Ashok Kumar Yadav s/o Jagan Nath Yadav is in this prison since 23 February 2000 as a UTP along with four others in a case under the OS Act. He stated that out of a total of 70 witnesses, the evidence of only 19 has been recorded in the last 5 years. The case is adjourned every time for a period ranging from 2-3 months.
3. Akhilesh s/o Dwarka Prasad is in this jail since 12.9.2000 as a UTP in a case u/s 304B and 498 IPC. Three other accused, his mother, sister and brother in this case were released on bail. The case is being tried by a Fast Track Court. He complained about slow progress of the trial. Only 15 out of a total of 45 witnesses have been examined so far.
4. Mohd. Javed s/o Azazur Rehman is a UTP since 31.1.2001 in a case under the Official Secrets Act. He said that his case is progressing very slowly and only 3 out of a total of 44 witnesses have been examined till now. He added that during the last six months not even one hearing has actually taken place.
5. Pathan Khan s/o Khamisa Khan as a UTP is in this jail since 27.3.01 in a case under the Official Secrets Act. He said that his case is pending for examination of only one witness namely Inspector CID Ajit Singh, all other witnesses numbering 18 have been examined. The police witness has not been produced despite being summoned five times.
6. Bhupinder Singh s/o Kartar Singh is a UTP since 1.6.01 in a case u/s 489A. He stated that his case is pending because of non-production of the police witness CI Chagan Lal while all other witnesses have been examined.

7. Noor Mohd s/o Bhai Khan is a UTP under the Official Secrets Act since 3.12.01 also complained about the non-production of two police witnesses and nil progress of his case for this reason since 12.5.03.
8. Hari Shankar s/o Ganesh Lal, a UTP in a case u/s 304B since 6.6.01 told that his case is pending only for the evidence of I.O. Maruti Joshi, Dy.SP who is avoiding appearance before court for the last six months.

JUVENILE UTPs

I visited the Juvenile Ward where 35 UTPs are held. 32 were actually present. I spoke individually to three of them who have been in this jail for more than two years. Following complaints were received:

1. Ram Gopal s/o Ram Nath Meena is a juvenile UTP held in this jail in a case of murder since 1.10.2001. He is being regularly produced in the Children Court but the progress of the trial is very slow.
2. Ramesh s/o Dhan Bahadur, another juvenile delinquent is in this jail since 18.8.2001 in a case of theft. He said his case is at a standstill for the past 9-10 months.
3. Ram Prasad s/o Bansi Lal, yet another juvenile delinquent is in this jail since 7.6.2001 facing a trial in two cases u/s 379 IPC. He said that he is not being produced before the court and not even one witness has been heard during the last 15 months.

JAIL ADALATS

Jail Adalats, as directed by the Supreme Court of India for disposing of cases of petty offenders, are not being held in Rajasthan. The Supdt. informed that he has recently received a communication from CJM (city) asking for particulars of Under-trial prisoners held under the Shop Act, Rajasthan Prevention of Gambling Act and section 109/107 Cr.PC. He has accordingly furnished a list of 23 prisoners - 2 Under-trials and 21 bound for good conduct under 109 Cr.PC and is awaiting further instructions.

EDUCATION, RECREATION AND WELFARE

It is heartening to note that volleyball is a regular activity of the prisoners. However, recreation facilities are not adequate. Small screen B&W TV sets should be provided in each ward. A total of 28 additional sets would be required. Great interest is being taken by the staff in spreading literacy among prisoners. Prisoners are being encouraged to improve their educational qualifications and an IGNOU Centre has been established in the jail for this purpose.

A remarkable feature of Jaipur jail is an ITI established inside the jail campus for prisoners. I visited the complex and interacted with Supdt. Shri Divesh Chander Saini. The ITI was established in 1998 and sanctioned a staff of 12 persons headed by a Supdt. It has a capacity of 60 – 20 each for three trades namely wireman, fitter and carpentry. Presently only two trades, fitter and wireman are being run with a total strength of 35 students – 19 in fitter and 16 in wireman class. Selection of beneficiaries needs a thoughtful care. There are 12 lifers among the trainees. They are fresh convicts. Only 4 of them have just completed 5 years. As such all these persons are likely to remain in jail for more than 8-9 years after completing this training without finding an opportunity to actually engage themselves in the acquired profession. The observation was duly appreciated by the Addl. DG (Prisons) when the matter was discussed with him.

BOARD OF VISITORS

Rajasthan Prisons Rules provide for a Board of Visitors comprising ex-official and non-official members. 6 non-official visitors were appointed for the Central Jail, Jaipur in January 2003. The Institution does not seem to be functioning. Additional DG (Prisons) informed that the steps are being taken to revive this Institution.

VISITS BY OFFICIALS

The District Judge has visited the prison thrice in 2001 on 13 January, 17 March and 21 March. There has been no visit by the District Judge since then as

per the jail records shown to me. The District Magistrate Jaipur had visited the jail for carrying out annual inspection on 2.3.2001 and 15.3.2003. The provisions of the Rajasthan Prison Rules regarding jail visits by ex-officio visitors are not being implemented fully.

INTERVIEW

Under-trial prisoners are entitled to a weekly and convicts a fortnightly interview facility with family members. While no one complained about denial of this facility, a number of convicts expressed dissatisfaction with the size of the interview gallery which is 50 x 2 ½ ft. and can accommodate not more than 20 prisoners at a time. The gallery was extended from 30 ft. to 50 ft. in 1992. The Supdt. informed that it is proposed to be extended it further up to 80 ft. for which the funds have been provided.

INVOLVEMENT OF NGOs

The NGO involvement in prison activities appears to be satisfactory. The Supdt. informed that as many as 21 NGOs are working and supplementing the official efforts in the field of education, health, recreation and welfare of prisoners. However, only Rotary Club and Lions Club have been specifically mentioned.

HOUSING FACILITY FOR STAFF

The State of Government quarters for jail staff shown below type-wise indicates a very low level of satisfaction and calls for more attention to this matter which has a direct bearing on the morale of staff:

| | Type | Required | Available | Shortage |
|----|--|----------|-----------|----------|
| 1. | II (For Supdt., Dy SP M.O.) | 4 | 4 | - |
| 2. | III (Jailers) | 11 | - | 11 |
| 3. | IV (Head Warder, Nursing Staff Driver Storekeeper) | 30 | 18 | 12 |
| 4. | Warders & others | 242 | 47 | 195 |

WOMEN'S JAIL, JAIPUR

Women's Jail, Jaipur was started in 1992 in a separate compound of its own. The staff is headed by a Deputy Superintendent and works under the overall charge of the Superintendent, Central Jail, Jaipur.

Women's Jail, Jaipur has an authorized capacity of 175 prisoners. The average jail population in 2003 was 163. On the day of the visit i.e. 16 February, 2004 the jail was holding 197 prisoners - 160 convicts including 90 lifers and 37 UTPs. No signs of overcrowding were noticed. 20 children upto the age of 4 years were also found staying with mother prisoners. Undertrials constitute 18.78 % of the prison population.

SANITATION

Availability of 12 toilets gives toilet to prisoner ratio of 1:14.58 indicating a clear need for construction of more toilets to bring this ratio down at least to 1:10. The number of bath-rooms (13) appears to be all right. Supply of water for drinking, bathing and washing purposes is satisfactory. No complaints were received on this count.

DIET

Inmates were found satisfied with the quantity as well as the quality of food. Pregnant women are provided with special diet of milk, vegetables and fruits. Nursing mothers get rice or wheat in excess of the normal scale. Children are given special diet of milk only. The scale of special diet for pregnant and nursing women and children confined with them needs to be worked out in a scientific manner by consulting nutrition experts. Sanitary napkins are issued to women as per requirement under an executive order issued in January, 1996.

A creche for children is being run efficiently. Life Convict Vandana w/o Piyush looks after the creche.

NGO INVOLVEMENT

5 NGOs are helping the inmates in bail matters. They also offer financial help to the needy inmates in meeting the 'fine' part of their sentence. NSS of Vir Balika College has adopted this jail and are helping in education, recreation and welfare activities.

STAFF

The jail is authorized one Deputy Superintendent, one Jailer, One Assistant Jailer, two Head Warders and 23 warders. The posts of Head Warders are lying vacant. The Superintendent informed that one post is being filled.

JAIL HOSPITAL

The Women's Jail has a hospital of its own. One lady Medical Officer and one ANM have been provided. The daily average of OPD is 50 and the number of beds is six. A Psychiatrist visits the hospital once a week. The hospital is not having even a single female nurse, which should be viewed as a major deficiency. There is no case of any serious illness. Only one inmate is mentally ill and is being treated by the visiting psychiatrist.

DEATH IN JAIL

There has been no death of inmates in this hospital during the last three years.

WORK PROGRAMME

Vocational training is being provided to the prisoners in tailoring and stitching with the help of an NGO called Chand Shilp Shala. 30 sewing machines have been provided for this purpose. 40 women have been trained and can work independently. Presently 20 women are working in the Unit. However, no wages are paid. The Superintendent informed that depending upon the availability of raw material, women are also employed in Niwar making and Yarn spinning. This could not be accepted at face value. On the whole, this aspect is not receiving much attention.

Vandana w/o Piyush, a lifer, has been looking after the crèche set-up for the jail children without receiving any wages, simply because the jail rules do not list this work as one of the authorized jail services for which wages could be paid. The matter was discussed with the Additional D.G (Prisons) who promptly accepted the suggestion that this woman should be paid wages at the rate applicable to the skilled category in view of her consistently good performance. 8 women are working in kitchen and a few are looking of the jail garden and campus maintenance. Because of ceiling of 10% imposed by Government on jail services, a maximum of only 17 prisoners can be provided this work.

As many as 155 out of a total of 160 convicts are required to be given hard labour as part of their sentence which is not being ensured.

PAROLE

Although parole is granted to eligible applicants, the insistence on obtaining a satisfactory police report keeps the rejection rate quite high. In the year 2001, 4 requests were rejected out of a total of 14. In the year 2002, 4 requests were rejected out of 13 and in the year 2003, parole was granted in only

14 cases out of a total of 28. The provision of parole is expected to be used more liberally in case of women prisoners.

UNDERTRIAL PRISONERS

The particulars of 37 undertrial prisoners reveal only 5 cases where period of detention exceeds one year. They all belong to one to two years category. I spoke to all of them individually and only one complaint was received. Nazma Parveen w/o Mohd. Shahid is being prosecuted under the Foreigners Act. She apprehends being declared a Pakistani national. She said that her brother is the only witness who can prove her Indian status. She alleged that he has been intimidated by the police and is not turning up to secure her release on bail. I requested the Addl. DG (Prisons) to get this verified and see what could be done to ensure the fairness of the judicial process. The Superintendent was advised to bring this to the notice of the District Legal Service Authority also.

INTERVIEW

On an average 15 interviews are held every day. Arrangements are satisfactory and inmates expressed satisfaction. However, a number of convicts are not receiving visitors because of large distance required to be travelled by the visitors. 28 lifers have not received any visitors since their incarceration. Since this is the only women jail in Rajasthan where all women sentenced to 10 years or more are kept, many poor inmates are not availing of the facility of family interview because of the financial inability of their family members to travel to Jaipur. This shows a need for at least one more women's jail in the State.

OPEN AIR CAMP, SANGANER

I visited the Prisoners Open Air Camp, Sanganer on 17.2.2004. This is the largest of the 9 Prisoners Open Air Camps functioning in the State under the

Rajasthan Prisoners Open Air Camp Rules, 1972. The Sanganer Open Air Camp called Dr. Sampurna Nand Open Air Camp was established in 1962-63 as a pioneering experiment in helping prisoners to acquire a life of self-respect and dignity by providing them with useful work in an open atmosphere.

The Open-Air Camps established in Rajasthan are without any compound walls or strict surveillance where prisoners are allowed to stay with their families. It was initially thought that the inmates of Open-Air Camps will be provided Govt. work in agriculture, or industry or construction work and digging of canals and dams. However, this does not seem to have materialized with the result that prisoners are now required to find work for themselves as shop-keepers, vendors or daily wage labourers in the surrounding area.

A prisoner is eligible for admission to an Open-Air Camp if he has been sentenced to imprisonment for 5 years or more and has served 1/3rd of his substantive sentence including remissions. A lifer would become eligible after serving a sentence of 6 years and 8 months. Only those who fall in the age bracket of 25 and 60 years are considered eligible. Prisoners belonging to other States or who have been convicted by a court-marshal or who have escaped or attempted to escape from lawful custody are not eligible. The rules also debar prisoners who have been convicted of certain specified offences, such as waging war against the Govt., causing grievous hurt to deter public servant from his duty, rape, robbery and dacoity, etc. Cases of all eligible prisoners, mostly lifers, are obtained from the Jail Superintendents with their recommendations based on their antecedents, nature of crime and unblemished record during the preceding 2 years. Selections are made by a State-Level Committee headed by the D.G. (Prisons) Rajasthan.

The Open-Air Camp, Sanganer was started in the year 1958, and except for a break of about one year in 1962-63, has been functioning continuously since then. It has a sanctioned capacity of 150 inmates, which is being utilized almost fully. However, on the day of the visit i.e. 17 February 2004, the Camp

was holding 131 inmates including 13 female convicts. 3 prisoners were reported to be on parole. The inmates included 119 lifers.

All but 13 inmates are staying with families and are self-employed. A number of them are running tea shops, one is working as a tailor, 2 have STD booths, a few are working in factories and others are working as daily-wage labourers.

I held a 'SAMELAN' of the Camp inmates and heard the following complaints:

Denial of parole: A number of inmates expressed their resentment over the manner in which their requests for parole are processed. They alleged that the system is being administered very harshly and as a result of excessive reliance on police reports, many of them remain deprived of this facility. They stated that although they have been transferred to Open-Air Jail on the basis of their better backgrounds and unblemished record in captivity, the police are routinely opposing their petitions for parole.

The following lifers have not availed of even one parole even after having served more than 8 years imprisonment:

| Name | Imprisonment completed | District |
|---------------------------------|------------------------|-----------|
| 1. Harjee s/o Javnia | 11 yrs | Karauli |
| 2. Mohan s/o Bhawani Shankar | 12 years | Jhalawar |
| 3. Ram Avtar s/o Ram Swarup | 11 yrs 6 months | Swai |
| | | Madhupur |
| 4. Bhagwan s/o Metali | 10 yrs 6 months | Bharatpur |
| 5. Jai Prakash s/o Sukhdev | 10 yrs | Jhunjunu |
| 6. Mohender s/o Baluram | 10 yrs 6 months | Jhunjunu |
| 7. Prehlad s/o Prem Singh | 12 years | Bara |
| 8. Bahadur s/o Prehlad | 10 yrs. 6 months | Jhunjunu |
| 9. Ram Singh s/o Kishan | 12 yrs | Jaipur |
| 10. Shital s/o Guna Ram | 13 yrs | Jaipur |
| 11. Bhagirath s/o Kumarao Singh | 10 yrs | Jaipur |

Jagdish s/o Har Lal is a life convict alongwith 17 others in his case. 13 of them are living in this camp. He stated that the Advisory Committee of District,

Ajmer does not meet regularly and when it meets hardly any case is accepted. He said that out of a total of 35 cases considered in the last meeting, only one case was accepted for grant of parole. He also said that request for parole is routinely rejected despite favourable police report. While this cannot be taken at face value, I am sure the Addl. DG (Prisons) may like to look into it to find out whether there is wide disparity in the matter of grant of parole from district to district.

A number of inmates including the members of Prisoners' Panchayat suggested that more weighage should be given to the recommendations of the Jail Superintendent concerned in the matter of grant of parole because he is a better judge of their character and conduct than the police station of their house which gives its favourable opinion only for some consideration. They suggested that the powers to grant parole should be vested to the Jail Department.

Lifer Data Ram s/o Har Vilas complained that although his case fell within the criteria laid down for the pre-mature release ordered on the occasion of the Republic Day 2004, he has not been given this benefit. All those lifers who had completed 13 years and 4 months of their imprisonment as of 26.1.2004 were eligible for consideration. Data Ram, as per his statement, has been in custody since 10.8.1990 and had earned eligibility for pre-mature release as per the Govt. circular. The Superintendent, Central Jail informed that his warrant does not mention that he would get the benefit of Sec. 428 Cr.PC which says that the period of detention during investigation is to be set off against the sentence of imprisonment. Addl. DG (Prisons) is requested to look into this matter. Necessary clarification can be sought from the Court in order to ensure that this man is not unjustly deprived of the benefit given to others of his category.

I spoke individually to all the 13 female inmates of the camp. All of them are serving life imprisonment. None of them has enjoyed even one parole till now. Smt. Urmila of district Rajsamuh has completed 8 years and Smt. Jamuna

of district Bhilwara has completed 9 years. Their requests for parole have met with rejection.

7 women inmates have found employment in a factory. Two work as tailors, one as a teacher and one runs a shop. Two are not employed and are being looked after by their sons.

Only 30 odd families of the camp were provided with ration cards two years back. Addl. DG (Prisons) was requested to get all the camp inmates registered for this benefit. In fact, some of them may qualify for BPL cards.

An NGO called a Shilpayan is running a school for camp children since November 2003 under a scheme funded by the Government of India. A total of 35 children graded as class I and class III students are presently being taught by three teachers. The teachers requested that toilet and drinking water facilities should be provided at the school. They also requested for small desks for students which would help them in improving their handwriting. In due course, a crèche and a children park should be developed at the camp site. I found that the Additional DG (Prisons) has already taken cognizance of these demands. He has a number of innovative ideas for expanding the scope of the scheme and improving the quality of life at Open-Air Camps.

DISTRICT JAIL, TONK

PRISON PROFILE

District jail, Tonk is spread over an area of 20 bighas with built up portion covering 5 bighas. The jail is functioning from 5 barracks, 2 each for convicts and undertrials and one for the hospital complex. One of the barracks is currently under renovation expected to be completed by the end of March, 2004.

The authorized capacity of District Jail, Tonk is 154 – 142 male and 12 female prisoners. The average strength in 2003 was 210 although it had touched a high of 235. The actual strength on the day of the visit i.e. 17 Feb. 2004 was 207 which shows an overcrowding of 34.4 %. There is a requirement of one additional barrack to accommodate 60-70 prisoners.

Undertrials numbering 85 constitute 41 % of the prison population. The District Jail, Tonk is an 'A' category district jail which can hold convicts sentenced to imprisonment upto 10 years. 122 convict prisoners include 2 civil prisoners.

SANITATION

Availability of 28 toilets gives a toilet to prison ratio of 1:8 for the average strength of 220. After the proposed renovation of 2 septic tanks, 9 old toilets now out of use will also become available. There is only one toilet in the women block with a capacity of 12 which can be accepted as a satisfactory arrangement for the time being in view of the fact that the average number of women prisoners in this jail remain less than 3. 13 bathing platforms have been provided. The supply of water made from own tube well with an overhead capacity of 25,000 litres is satisfactory. In fact, the entire city of Tonk was earlier being supplied water from this source.

A number of convicts told that the scale of soap supplied for washing purposes is not adequate. They said that the earlier system of supply of washing powder was better.

STAFF

The staff position is satisfactory with deficiency of only one warder (in a sanctioned strength of 25) and one washerman. The sole post of washerman lying vacant since the death of last the incumbent on 23.8.2003 needs to be filled up.

JAIL HOSPITAL

Despite being a grade-A district jail, Tonk Jail is not authorized a regular medical officer. One doctor has been provided on part time basis from the district hospital. Sanctioned regular medical staff consists of one male nurse only. Dr. Kishore Garg, M.S (GS) has been looking after this jail for the last four years. He said that he gets Rs. 100 per month for making 2 weekly visits of 2-3 hours duration on every Tuesday and Saturday. On other occasions he is available on call duty. The honorarium of Rs. 100 fixed in the year 1975 is meant to meet the transport charges. Dr. Kishore Garg stated that even journey by an auto-rikshaw costs Rs. 70 per visit. The Addl. DG (Prisons) informed that he is approaching the Govt. for suitable enhancement of the honorarium.

The M.O. has not been provided a proper place to examine patients. His room is serving as medical stores also.

Daily OPD attendance at the hospital ranges from 30 to 40. 3 beds have been provided for indoor patients but actually only one is available.

Detection of TB cases has been quite effective. A total of 10 TB patients have been detected since 1.1.2001 and all of them have completed their treatment under DOTS and got cured. 8 of them finished their terms and have been released. Only 2 are present in jail.

Dr. Garg informed that on an average 15 patients are referred to district hospital every week for consultation/specialist treatment. If any surgical intervention is required, the same can be arranged within 15 days. Supply of medicines is adequate. The jail is not holding any seriously ill patients. Only one prisoner of this jail, viz. Gopal s/o Bal Mukand undergoing 3 years imprisonment w.e.f. 16.7.2003 is undergoing treatment at Mental Hospital, Jaipur since 31.12.2003. The Superintendent was advised to obtain regular reports on his condition.

DEATH IN JAIL

There has been no case of death of a prisoner in this jail during the last 3 years.

FOOD

All cooking is done on gas under hygienic conditions and the kitchen complex is kept neat and clean. The inmates were found satisfied with the quantity and quality of food.

RECREATION

Recreational facilities need improvement. A T.V set is available in only one barrack. 4 more TV sets of suitable size may be procured for providing this elementary facility in each barrack.

WORK PROGRAMME

The jail factory which was earlier running dari, niwar and furniture making units stands reportedly closed since February, 2001. Closure of jail factory and the consequent non-engagement of labouring prisoners on any work is objectionable. I was informed that the new factory shed is also ready and it is proposed to re-open the closed units.

Only 22 prisoner convicts are employed on various jail services and getting prescribed wages because of the ceiling of 10 % imposed by the Government for such engagement. 16 out of a total of 22 prisoners deployed on jail services are working in kitchen. They deserve to be paid wages at the higher rate i.e. Rs.11 per day in view of the strenuous nature of their work. This was agreed to by the Addl. DG (Prisons). Wages have been paid for quite sometime. The Supdt. has projected a requirement of funds to the tune of Rs. 1,86,447

including a liability of Rs. 1,66,447 incurred till 31 December 2004. Funds to the tune of Rs.50,000 only have been allotted recently under this head.

One private organization called 'Jan Sewa Khadi Gramodhyog Vikas Samiti' is presently imparting training to 26 prisoners in Namda stitching and cutting work. Mr. Rajiv Bansal, Chairman of the organisation informed that all these prisoners will start earning within a month although the duration of their training is 3 months. The organisation is confident to ensure an uninterrupted supply of work to still a larger number of prisoners. The Jail Supdt. appeared very enthusiastic about this project which has attracted personal attention of the Additional DG (Prisons). The idea is worthy and capable of replication at other places.

CONVICTS

I met all the convicts who were assembled at one place and asked them randomly about their living conditions, particularly the supply of water and food and found them generally satisfied. A general complaint about pollution caused by the presence of an abattoir close to the Prison was made by some of them. The NDPS convicts complained about discrimination in the matter of grant of remission disallowed to them under the Prison Rules. Two requests for transfer to other jails were received. Duli Chand s/o Mange Lal undergoing 10 years imprisonment under the NDPS belongs to District Jhunjunu. His family cannot afford to travel to Jaipur to meet him. He has requested for transfer to Jaipur Jail. Goverdhan Singh s/o Kehar Singh, undergoing 10 years imprisonment under NDPS since 3.6.1999 also requested for transfer to Alwar for the same reason. Mani Ram s/o Pati Ram has requested for transfer to Bikaner. Addl. DG (Prisons) is requested to consider these cases on merit.

A few prisoners complained about rejection of their requests for grant of parole. A statement received from the Jail Supdt. shows that 9 applications for grant of parole were processed in 2001. Parole was granted in 5 cases. In 2002, 4 applications were processed and 2 requests were accepted. The

rejection rate was still higher in 2003 when parole was granted in 6 cases and rejected in 9. Six cases of 2003 are still pending with the DMs concerned. Petition of Kailash s/o Mularam) is pending with DM Swai Madhupur since 30.6.03 and that of Mang Lal s/o Onkar with DM Ajmer since 24.8.03. Decision on parole applications normally takes 6-8 weeks time only.

The following convicts complained that they have not been granted even one parole although they have completed more 5 years of imprisonment:

1. Shivji Lal s/o Doru Ram
2. Bhanwar Lal s/o Gulab Nath
3. Goverdhan Singh s/o Kehar Singh
4. Suresh s/o Natnu Lal
5. Ramesh s/o Bhajram Lal
6. Ram Singh s/o Pribhu
7. Mohan Lal s/o Mool Chand
8. Tika Ram s/o Hari Pal

UNDERTRIAL PRISONERS

A statement of undertrials furnished by the Jail Supdt. shows that 16 out of a total of 85 UTPs are in jail for a period exceeding one year. 6 of them, all involved in a single case of 1998 murder, have been in this jail for over 5 years.

I spoke individually to all the 16 UTPs who have completed one year in this jail. Only one case needs special attention. Rajesh s/o Sone Lal was admitted on 18.11.02 and is facing trial in a case of theft. He said that he had attended 9 'peshis' but the progress is slow. Others confirmed they are attending court regularly and their cases are progressing satisfactorily.

INTERVIEW

A number of convicts expressed unhappiness over the arrangements made for holding interviews. There is no shed available for the visiting family members where they could wait until their turn comes. The intervening space

between the prisoners' position and the visitors' position in the interview gallery is more than five feet wide. I was informed Jail rules say that it should be 3'.

Prisoners complained that they have to shout in order to be heard during their interview. The Addl. DG (Prisons) may please look into this and order necessary rectification.

WOMEN PRISONERS

Women prisoners are lodged in a separate enclosure. The Prison was holding 2 women undertrials on the day of the visit. Both were found satisfied with the progress of their cases.

Although this Prison is meant to hold women undertrials, no supervisory female staff has been provided. Only one female warder is available for looking after the women prisoners. This situation obtains at all District Jails where women UTPs are detained. I was informed that the number of female warders is being increased from 1 to 3 in all the districts jails after freshly recruited 35 female warders complete their training in a few days.

JAIL ADALATS

Jail Adalats are not being held.

VISITORS

The Institution of Board of Visitors seems to have gone defunct and needs to be revived. The jail is not being visited regularly by the official visitors - judicial and others regularly as per the Jail Manual. In the year 2001, only the DIG (Prisons) had visited the jail. In 2002, the Jail was visited by the District Judge on 5 September and DIG (Prisons) on 13 December. In 2003 as per the jail record, only the DM, Tonk had visited the jail on 30 July. The Superintendent

informed that the Divisional Commissioner will be visiting the jail on 21 Feb. 2004.

NGOs

3 NGOs, namely, Rotary Banas Club Tonk, Lions Club, Tonk and Banas Sands, Tonk are helping the jail administration in promoting the educational and recreational activities of prisoners. Rotary Club has contributed 500 books for the prison library and promised 500 more this year.

HOUSING FACILITIES

A total of 15 Govt. houses are available in the jail campus for the staff numbering 38. The Superintendent, Jailer and a head warder (out of a total of 6) and 8 warders (out of a total of 24) have been provided family accommodation within the campus.

SUB-JAIL, MALPURA

I visited Sub-Jail, Malpura on 18 February 2004. Smt. Preeta Sharma, Supdt. District Jail, Tonk, Shri Inder Singh Solanki, SDM and Shri Manan Singh, SDOP, Malpura were also present. SDM, Malpura is the overall incharge of the Sub-Jail, which is being administered by Shri Dhana Ram, Assistant Jailer.

Sub-Jail, Malpura was commissioned on 25.4.2000 with a sanctioned capacity of 60 prisoners. It has, however, been holding an average strength of 20 only. On the day of the visit it was found holding 16 prisoners, all undertrials. No convict or female prisoner is kept in a Sub-Jail in Rajasthan.

The Jail building constructed about 3 years back is being maintained satisfactorily and offers surplus accommodation.

SANITATION

Supply of water from PHED through an under-head tank fitted with a 3 HP motor is reported to be satisfactory. The provision of 6 toilets and 6 bathing

platforms is considered satisfactory for the average strength (20) but not for the sanctioned capacity of 60.

MEDICAL-CARE

Dr. N.S. Shekhawat has been engaged from the Government Hospital as a part time Medical Officer. He is available on call duty. He has made 11 visits in December 2003, 11 in January 2004 and 7 till 17 Feb. 2004. Inmates expressed satisfaction with medical-care.

There has been no death of inmates in this jail since its establishment in April 2000.

STAFF

The Sub-Jail is sanctioned one Assistant Jailer, one Head Warder and 8 Warders. There are no vacancies. However, one warder is under suspension with his Headquarters at Tonk.

UNDERTRIAL PRISONERS

I spoke individually to all the 16 undertrial prisoners and found them satisfied with living conditions. As many as 8 of them are being prosecuted for murder related offences. They were satisfied with the progress of their trials. It was heartening to note that a murder case involving Hira Lal s/o Udha Guzar admitted to Jail on 22.7.2002 has reached the argument stage and is likely to be decided within one month. The SDM and SDOP remarked that a murder case is normally decided within 3 years time and gave some instances.

INTERVIEW

Visitors are allowed only on Sunday and with special permission of the SDM, Malpura on other days. The visitors' register shows 29 interviews in December 2003, 21 in January 2004 and 18 in February till 18.2.04. Interview

arrangements are satisfactory. Interviews are held in morning session (8 to 10.30 AM) as well as evening session (3 to 5 PM) and the duration is fixed as 45 minutes.

NGO INVOLVEMENT

The SDM informed that the Lions Club and Rotary Club are associated with prison activities and are making generous contribution towards prisoners' welfare. A television set has been provided by the Lions Club. The members of these NGOs visit the jail on Rakhi day, Diwali, 15th August and 26 January.

Assistant Jailer informed that permission has been sought from the Prison Hqrs. to provide a carom-board to the inmates. The SDM assured that he would provide the facility straightaway.

VISITORS

DJ, ADJ and ACJM have visited the Sub-Jail a number of times. The Superintendent, Tonk made only one visit each in 2001 and 2002 and one on 20.1.2004. The SDM was not sure as to how frequently he should visit the Sub-Jail. The record shows that the SDM had visited the Jail 3-times in 2001 – on April 7, August 2 and 20. There is no mention of any visit in 2002 although it is unbelievable that the SDM has not visited the jail at all. Only one visit has been mentioned in 2003 – on 15 August 2003. Since the SDM is the overall incharge, he is required to visit the Jail regularly to ensure effective supervision and perform other statutory duties. The matter was discussed with the Addl. DG (Prisons). DIG (Prisons) informed that as per the jail rules, the SDM is required to visit the Sub-Jail formerly at least once every month. Addl. DG (Prisons) was requested to examine the matter afresh and issue clear instructions to all the SDMs who are given the over all charge of the Sub-Jail in various districts.

DISCUSSION WITH ADDITIONAL DG (PRISONS) RAJASTHAN

A meeting was held with Shri Arun Duggar, Addl. DG and IG (Prisons) Rajasthan in his chamber on 18 February 2004. Shri L.N. Chaudhry, IG (Prisons) and Shri J.K. Sharma DIG (Prisons) were also present. Following issues were discussed.

JAIL INFRASTRUCTURE OF RAJASTHAN

The Jail infrastructure of Rajasthan needs a thorough review. Rajasthan has 8 Central Jails, 3 District Jails Type A, 28 District Jails Type B and 58 Sub Jails, one women reformatory, one juvenile reformatory and 9 Open Air camps. It has a total jail capacity of 15737. The average jail population in the State is found to be below 13000. Although there is an overall idle capacity, uneven distribution of jail population causes overcrowding in Central jails, Jaipur, Kota and Bharatpur. The present categorisation is found to be suffering from certain discrepancies. While 'A' type District jails such as Alwar, Dhaulpur and Tonk are running below capacity, some type B jails such as Bundi, Baran, Karauli, Durgapur and Rajsamund are moderately overcrowded. Alwar Distt. Jail A has a capacity of 820 and jail population as of 30 November 2003 was 510. Dhaulpur Distt. Jail (A) had 130 inmates against the capacity of 300. Tonk Distt. jail was holding 223 prisoners against the capacity of 300. In Type B District Jails, Baran was holding 216 against the capacity of 200, Bundi was holding 180 against the capacity of 130. District Jail Dausa, Karoli, Dungarpur and Rajsamund also appear to be slightly overcrowded. A solution to this problem can be found by reviewing the categorisation of District jails and upgrading some jails to 'A' level. Addl. DG (Prisons) was found already conscious of this need. He informed that he is engaged in this exercise.

A number of sub jails are running at less than 10% of the authorised capacity. The following statement of jail population as of 30.11.2003 will prove this point:

| Name of Sub Jail | Capacity | Population |
|------------------|----------|------------|
| Jahajpur | 20 | 5 |
| Nokha | 110 | 3 |
| Sagwara | 160 | 6 |
| Pokran | 20 | 2 |
| Sangod | 100 | 5 |
| Salumber | 20 | - |
| Jhadole | 50 | 5 |

The Addl. DG (Prisons) agreed that utilisation of Sub Jails calls for a thorough review. Some could be easily closed and available manpower utilised more effectively elsewhere.

SHORTAGE OF SUPERVISORY STAFF

Scrutiny of manpower statement of the Jail Deptt. as of 1.1.2004 revealed that as many as 627 posts are lying vacant in a total authorisation of 2932 posts. While steps have been taken to fill up vacancies of staff at the functional level and vacancies in the rank of Head Warder and Warder are being brought down, adequate attention is not being given to strengthen the supervisory level. 9 posts of Dy. Supdt., required to be filled by promotion, are lying vacant in a total authorisation of 30 posts of Dy. Supdt. Eligible Jailers for promotion, to this rank are available. Most of them have completed more than double the qualifying service and are still stagnating in the rank in which they were recruited years back. Shri Sudhir Prakash, senior most Jailer posted at the Central jail Jaipur is functioning as a Dy. Supdt. with additional work of Legal Adviser because of vacancy of L.A. He has put in 17 years of service in the same rank in which he was recruited. 22 posts of Jailers are also lying vacant in an authorisation of 50. In the rank of Dy. Jailer, 28 posts are sanctioned and 14 of them are lying vacant. Position is still worse in the rank of Assistant Jailer where 71 posts out of a total

sanctioned of 86 are lying vacant. However, the process for filling up 50% direct entry posts has been started. There are 130 vacancies of Head Warders in a sanctioned strength of 288 and 303 of Warders in a sanctioned strength of 1960. The sanctioned staff is just considered enough to meet the actual requirements. In fact, the requirement of staff has increased at some places such as Jaipur after the construction of watch towers. The least can be done in the interest of efficiency of the Department and the morale of its personnel is to fill up the existing vacancies. Addl. DG (Prisons) informed that he has already taken up this matter with the Government.

INADEQUACY OF HEALTH COVER

The health cover available to the Jail Department for prisoners in Rajasthan is highly inadequate. A total of 15 Medical Officers have been sanctioned for posting on deputation to jails. These are meant only for Central jails and some District jails. Some anomalies are also observed. While A class District jail Tonk is not authorised a regular M.O., B class jails such as Pratap Garh, Bhilwara and Hanumangarh have been provided with regular M.Os. What is really shocking is the fact that even this meagre strength of 15 Doctors is not actually available as only 10 posts are currently filled (as of 1.1.2004). The Department is authorised 2 Jr. Specialist (Radio Diagnosis) and 2 Asstt. Radiographers for operating the ultrasound and E.C.G Machines purchased out of grant received from Govt. of India but all these posts are lying vacant. Likewise, one post of Lab. Technician against the authorisation of just 2 posts for the entire Deptt. is also lying vacant.

Health cover to prisoners in most Districts and sub jails is being provided with the help of part time Medical officer taken from the District Hospital. The ludicrously low level of honorarium of Rs. 100 per month fixed in seventies needs enhancement. The matter has been taken up by the Addl. DG (Prisons). To ensure proper health care of prisoners which is one of the basic human rights,

all Central jails and District Jails should be provided regular Doctors - Central Jails @ 2 to 3 and District Jails @ 1 to 2 depending upon the average population. I will not hesitate from remarking that I did not find situation so bad in any other State. The arrangement of part time Doctors can continue for Sub jails but with suitable enhancement of the honorarium.

JAIL FACTORIES

Jail factories are considered essential for all the Central jails and District jails, at least of type A where prisoners sentenced to 10 years rigorous imprisonment are kept. The available infrastructure and potential of Jail Factories is not being utilised fully because of drastic cut in the allotment of funds for purchase of raw material from 75 lakh per annum a few years back to 20 lakhs now. The well established jail factories at Dhaulpur, Bhilwara and Tonk had to be closed in February 2001 for this reason. Addl. DG (Prisons) is pursuing the matter with the Government and is also trying to involve the NGOs/Private Sectors in these activities and a promising beginning has been made at Tonk.

WAGES TO PRISONERS

The need for streamlining the payment of wages to prisoners undergoing life sentence was also discussed. Addl. DG (Prisons) appreciated the observation that there is a definite need for more transparency and openness in these matters. He accepted my suggestion for further examination that particulars of the wages earned by the prisoners may be entered in the history ticket every 3 months if not every month. Some way should also be found to clear the prisoners' dues and pay him his outstanding wages before he is actually released.

Payment to prisoners engaged in kitchen work at higher rates applicable to the skilled category was agreed to by the Addl. DG(Prisons). He assured that the revision would be ordered immediately.

PREMATURE RELEASE

The procedure of premature release of prisoners undergoing life sentence was discussed. The attention of the Addl. DG (Prisons) was drawn to the guidelines issued by the Commission. He promised to examine the issue and propose amendments in the Rajasthan Prisons (Shortening of Sentences) Rules 1958 to bring them in tune with the Commission's directions.

DUTIES OF SDMs INCHARGE OF SUB JAILS

The Add. DG (Prisons) agreed to issue detailed instructions to SDMs in charge of Sub Jails regarding their supervisory duties specifying clearly the mandatory frequency of their visit to the Sub Jails.

CONCLUSION

The Visit to one Central Jail, one District Jail, one Open Air Jail and one Sub-Jail of Rajasthan has enabled me to make a broad assessment of the strengths and weaknesses of the jail management and administration in Rajasthan. The overall jail population presents Rajasthan as one of the few States, which have idle capacity in jails. Overcrowding, the defining feature of prisons situation in most States is not being experienced in Rajasthan. However, because of uneven distribution of jail population, which cannot be helped jails at Bharatpur, Jaipur and Kota are moderately overcrowded. The Addl. DG (Prisons) Rajasthan is engaged in finding ways to solve this problem by rationalizing the existing infrastructure in accordance with actual needs.

The situation of undertrial prisoners is better in Rajasthan with UTPs constituting roughly 55% of the total prison population. Abolition of the archaic system of classification of prisoners on the basis of their socio-economic status and habits of life is another positive feature of Rajasthan jail management. Involvement of NGOs in education, recreation and welfare activities of the prisoners is another commendable aspect. Rajasthan offers an inspiring

example of the utility and usefulness of the open jail system. As many as 9 open-air jails are functioning in Rajasthan serving as Half-way Homes in the process of transformation of prisoners' lives and their return to community.

Administration of parole rules is yet another plus point of Rajasthan Jails although high rejection rate explained by almost total dependence on police recommendations needs to be examined. It is remarkable that pre-mature release of lifers is being governed by strictly adhering to the provisions of 433A Cr.PC and guidelines have been issued even for the exercise of the Constitutional powers under Article 161 of the Constitution.

On the debit side of the balance sheet, the inadequacy of health-cover can be mentioned as a major deficiency of jail set-up of Rajasthan. Regular doctors are not available in most of the district jails. The arrangement of part-time doctors for as many as 22 District Jails and all the Sub-Jails appointed at an honorarium of Rs. 100 per month is not at all a satisfactory arrangement. Moreover, vacancies of 5 posts out of a meagre authorization of 15 Medical Officers sanctioned for the entire jails set-up indicates a lack of concern and sensitivity towards the basic human rights of the prisoners. Non-utilisation of available facilities of ultrasound and X-ray because of continuing vacancies of Jr. Specialist (Radio diagnosis) and Assistant Radiographer also attracts adverse notice. Huge vacancies at supervisory levels and shortage of female staff are pronounced infrastructural deficiencies with serious implications. What I would consider the negative most feature of Rajasthan Jail set up is the neglect of well developed jail factories established over years to impart vocational training with gainful employment to convicts and help them in their social and economic rehabilitation. The Addl DG (Prisons) Rajasthan appears duly concerned over the matter. The least that can be done is to utilize the existing infrastructure to full capacity.

Sd/-
(Chaman Lal)
Special Rapporteur