

Report on the visit of Justice Y. Bhaskar Rao, Member and Shri Chaman Lal, Special Rapporteur, NHRC to Jails in Andhra Pradesh from 4-7 December 2004

Justice Y. Bhaskar Rao, Member and Shri Chaman Lal, Special Rapporteur NHRC visited the Central Prison, Cherlapalli, Open Prison Cherlapalli and District Jail Karimnagar on 4-5 December 2004. The Special Rapporteur also visited the Women's Jail Hyderabad and Sub Jail Bhongir on 5-6 December 2004. Shri. M.R. Ahmed DIG Prisons Telengana Region was present during the visit of the NHRC team to these jails. The Special Rapporteur held a meeting with Shri P. Narasimha Reddy, Addl. IG (Prisons) Andhra Pradesh after completing the visit to jails and discussed various aspects of jail administration and management. The observations and suggestions of the team are given head-wise in the succeeding paras.

CENTRAL PRISON CHERLAPALLI

Shri M. Chandrasekhar, Supdt. explained the salient features of the Prison. Central Prison Cherlapalli (R.R. District) was established on 1.11.99 in a newly built complex constructed with modernization grant received from Government of India. It can claim to be the best prison in the country in terms of design, quality of construction of buildings and the campus landscaping.

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Prison Profile

The prison was constructed to accommodate 1500 prisoners as per the norms recommended by the All India Committee on Jail Reforms. Before this, the Central prison was functioning from Hyderabad. On the day of the visit i.e., 5 December, the prison was holding 1623 prisoners – 947 convicts, 652 UTPs, 22 detenues and 2 civil prisoners. The convicts included 642 lifers. The daily average strength of the previous month was 1672. The Supdt. informed that during the last one year the maximum population of 1852 was recorded on 10.8.04 and the minimum of 1617 on 3.2.04. The Supdt. also informed that 1650 can be taken as the average population of this jail. It shows an overcrowding of 10% which can be easily managed by the existing set-up.

The prison comprises 11 enclosures having 58 large and 13 small barracks and 40 Cells. Under-trial prisoners numbering 652 constitute 40.17% of the total prison population. The proportion of UTPs in the total prison population of the State as a whole is 64% against the all India figure of 71% as per the prison statistics of 31.12.03.

Sanitation

A total of 447 toilets have been provided - 226 inside the barracks/cells and 221 outside. Internal toilets are meant for emergency use during night. The number of available toilets outside the barracks and cells gives a very satisfactory toilet to prisoner ratio

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of 1:74 by taking 1650 as the normal strength. Availability of 144 bathrooms gives an acceptable ratio of 1:11.8.

The Supdt. reported that the supply of water for drinking, bathing and washing purpose is satisfactory. Two lakh litre of Manjeera water is supplied by Metro Water Board every day for meeting the drinking water requirements of the prisoners and the staff. Besides this 4 borewells are also supplying water to the campus. Initially 10 bore wells were dug but 6 have gone defunct and need to be revived. The Manjeera water and the bore wells water get mixed in a sump which pumps water inside the jail. The bore wells supply hard water. A number of prisoners on persistent questioning by the Special Rapporteur expressed dissatisfaction with the quality of drinking water. The only solution to this problem is to provide separate pipeline and tap connections to supply the Manjeera drinking water directly to the prisoner blocks.

Food

The scale of food has been worked out as per calorie requirement for labour and non-labour prisoners. Mutton/chicken is provided on every Sunday. The existing scale of 700 gm rice for labour and 600 for non-labour per day is found to be rather excessive causing a lot of wastage of food. Considering the need to review the scale in view of changing food habits and some specific demands made by the prisoners, the Government constituted a committee for the purpose in July 2002 with an expert from the National Institute of Nutrition as one of the members. The Committee's recommendations

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are under consideration of the Government. The prisoners were found satisfied with the quantity and quality of food. However, they requested for introduction of variety in breakfast. Special food is supposed to be served on 9 occasions – Yugadi (Telugu New Year Day), Sankranti, Diwali, Dussehra, Idul-fitr, Idulzuha, Christmas, 15 August and 26 January. However, the extra money sanctioned for the purpose is not sufficient to make any difference to the normal scale. LPG with steam boiling system is used for cooking. 32 prisoners were seen engaged in cooking work on the day of the visit.

Clothing and Bedding

All items of clothing and bedding are supplied as per scale which is reasonable and meets the basic needs of the prisoners. However, there is a general demand for replacement of shorts by trousers which is under consideration of the Government. Prisoners are not supplied any footwear. The Government may consider including rubber chappals in the scale prescribed as is seen in many other States.

Education, Recreation and Welfare

The Prison has a reasonably good Library holding 2186 Books. A total of 84 Newspapers (Telgu, English, Hindi & Urdu) are provided for prisoners' use. Two Telgu weekly and two English weekly (Frontline and Outlook) are also being subscribed. 73 prisoners are receiving non-formal education as Day School students and 34 as Night School students. Dr. Ambedkar Open University, Hyderabad has opened a Centre at this prison. 49 inmates had taken

the eligibility test in 2004-05 session and 48 of them have qualified. Special Rapporteur interacted with Mr. Madhusudan Rao, Observer from Ambedkar University acting as Invigilator for the examination which was in progress. 45 inmates are studying for BA Ist year, 28 for BA IIInd year and 7 for BA IIIrd year. Eight students are admitted to MA Ist year and 4 to MA IInd year. As per the prison records, 30 students have acquired BA degree during 2001-03 and one student has obtained Master Degree. Hindi Prachar Sabha is also running classes for Pratham (2 students) Madhyma (5 students) and Uttama (4 students).

Recreational facilities provided to the prisoners seem rather inadequate. Only indoor games facilities have been provided on regular basis but the scale of supply of Carrom Board and Chess needs to be rationalized considering the number of inmates. TV sets have been procured with the help of NGOs and installed in some of the barracks and cells. This facility is not available in 20 barracks and 35 cells. DIG Prisons was requested to assess the actual requirement of additional TVs and ensure this elementary facility is made available to all prisoners.

Staff

The Central Prison Cherlapalli was commissioned by relocating the Central prison Secunderabad in the year 2000. The authorized accommodation of Central Prison Secunderabad was only 525 while the actual strength used to range between 700 and 850. In the Central Prison Secunderabad, only UTPs used to be confined, whereas the new Central prison is keeping convicts detenues and civil prisoners

also. It is presently holding 65 high security prisoners including 16 belonging to Deen Dar Anjuman (DDA), 2 Naxalites and 31 ISI related. The sanctioned strength of the new prison is the same as that of Central Prison Secunderabad. The only additional staff provided to the new prison came from the manufacturing section of Central prison Hyderabad as a result of transfer of jail factories from Central prison Hyderabad to Central Prison Cherlapalli. The Supdt. is assisted by one Dy. Supdt. 3 Jailers (Welfare Officers) and 5 Dy. Jailers. There is a requirement of 2 more Jailers and 3 Dy. Jailers to strengthen the supervisory control. At the functional level, the prison is sanctioned 3 Chief Head Warders, 30 Head Warders and 122 Warders. One post of Chief Head Warden, one of Head Warden and 12 posts of Warden are lying vacant. The authorization of guarding staff needs to be reviewed in tune with the existing requirements. DIG Prisons informed that it is proposed to rationalize the staffing pattern of Central Prison Hyderabad and Central Prison Cherlapalli considering the fact that Central Prison Hyderabad is only holding UTPs and all the convicts are kept in Cherlapalli. This needs to be done at the earliest.

Hospital

Dr. Sambhasiva Rao briefed the team about the medical facilities available in the Central Prison Cherlapalli. Central prison Cherlapalli has a 50- bedded hospital with cent percent occupancy. The team visited the hospital and met the patients. The hospital building has been actually designed as per the requirements of a 50- bedded hospital. On the day of the visit, it was holding 54 indoor

patients. The daily average of OPD cases is 150. The hospital is authorized 2 Doctors including one Lady Doctor and 2 Pharmacists. The Lady Dr. has been attached to the Open Air Prison Cherlapalli. No specialist is visiting the prison hospital. However, the existing arrangement of referring the sick prisoners to Government hospitals is working satisfactorily. Absence of Ambulance facility is a glaring deficiency of the Hospital.

Six prisoners are suffering from HIV/Aids, 10 from TB and 2 from Leprosy. Four of the HIV patients are also afflicted with TB. One of them convict CT 52 D. Prem Kumar is reported to be seriously seriously ill. Since 1.1.2003, 16 prisoners - 7 convicts and 9 UTPs have been treated for TB. Dr. Rao confirmed that they were treated under DOTS. Four of them have completed the treatment and 4 are still under treatment. Eight prisoners were released before completion of their treatment. Dr. Rao informed that they were advised to continue treatment after release at their respective places but no official intimation was sent to the authorities of the District concerned. This mandatory obligation under DOTS was explained to the Medical Officer and the Supdt. DIG Prisons was requested to get necessary instructions issued to all Prison Hospitals in this regard.

The prison is holding as many as 14 mentally ill prisoners - 2 UTPs and 12 convicts. They are receiving treatment as OPD patients from the Institute of Mental Health Hyderabad. The Special Rapporteur met all of them and satisfied himself about the submission of periodical reports to the Court concerned in respect of UTPs. The prison staff was found familiar with their obligations in this regard.

One convict CT 3908 Krishan Lal is being provided with Hemo-dialysis at Nizam Institute of Medical Sciences Hyderabad on alternative days for more than a year now. The jail has provided this service without missing a single day incurring expenditure of more than Rs. 3 lakh.

Three prisoners have been trained to work in the hospital and are rendering useful assistance. They deserve to be paid daily wages at the rate applicable to the skilled category i.e. Rs. 15 per month.

Death in Jail

The Special Rapporteur examined the jail records relating to death of prisoners. A total of 13 prisoners have died in this prison since 1.1.2003. As per the records of the C.J. Cell, the Commission has received intimation in 9 cases only. No intimation has been received about the death of the following prisoners of this jail:

<u>Sr.No.</u>	<u>Name</u>	<u>Date of death</u>
1.	C. 889 S. Srinivasa Chary S/o Murthy Chary	4.3.03
2.	UT6093 T. Anjaiah s/o Tippaiah	22.5.04
3.	CT 2560 G. Ganeshwar s/o Venkataiah	2.8.04
4.	UT 7273 P. Venkataiah s/o Yellappa	25.10.04

It is also seen that post-mortem was not conducted in 11 out of 13 cases. Magisterial inquiry has not been ordered in 9 cases. As per the instructions of the NHRC, post-mortem examination and Magisterial inquiry are essential requirements in each case of death of prisoner. Moreover, the Commission has not received detailed reports

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in any of the nine cases reported from this prison. The Special Rapporteur explained the seriousness of this matter to the Supdt. Prison and the DIG Prison.

Work Programme

Facilities for vocational training and gainful employment of convicts are available in 7 units of prison industry namely, weaving unit, steel unit, phenyl unit, durry unit, Dyeing unit, tailoring unit and soap unit. As per the statement received from the Supdt., 128 convicts are presently working in these units. 50 of them are categorized as skilled, 83 as semi-skilled and 23 as trainees. The Special Rapporteur visited all these units and actually saw 90 prisoners engaged in work.

Prisoners are paid wages @ Rs. 15 for skilled and Rs. 10 for semi-skilled category w.e.f. 1.1.2000 in compliance with the directions of the Supreme Court. It was observed that most of the prisoners were being treated as semi skilled workers, although in the opinion of the Instructors many of them have acquired proficiency for working independently in their respective trades. Obviously the system of upgradation from semi-skilled to skilled category needs to be rationalized. Presently it is seen to have been left entirely to the discretion of the Instructor, some of whom are found apathetic towards the welfare of these workers in this matter.

It was heartening to note that almost all the workers knew the rates at which wages are being paid to them. However, many of them were not fully aware of their accumulated earnings although as per the statement of the Supdt. individual pass-books have been issued to

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them. It was difficult to believe the statement of the Supdt. that the accounts of every prisoner are settled at the time of his release and no undisbursed amount under this head is lying in the prison. Besides the factory units, prisoners are also working in kitchen, garden and engaged for other prison services. A total of 267 prisoners are thus engaged which includes 128 in the Prison Industry. Wages have been paid up to 30 September 2004. The prison is currently holding 939 convicts of rigorous imprisonment. It is worth noting that only 267 i.e. 28% have been provided work.

A commendable initiative of the Prison Deptt. is seen in arranging vocational training of prisoners in plumbing, electric wiring and masonry works. The Construction Worker Training Institute (CWTI) Madapur of Government of Andhra Pradesh, Hyderabad is engaged in providing this training. The Institute has provided one Instructor each for fitting, plumbing and electric wiring and two for masonry trades. A total of 210 convicts have completed 3 month training, 60 in plumbing, 16 in electric wiring and 90 in masonry. The Special Rapporteur was informed by the Director CWTI Mr. Prasad that 10 prisoners have actually been provided employment after release through the efforts of CWTI.

Convicts

The team met a number of convicts at the Hospital, kitchen and the work site. They were specifically asked about the supply of food, drinking water and medical facilities. They were found by and large satisfied with the living conditions and treatment by the staff. Following complaints were received from convicts:

1. Appeals

Most of the convicts confirmed that their appeals against life imprisonment were decided within 2 to 3 years. It is commendable considering the situation in some States in the north. The following convicts complained that their appeals have been pending for more than 3 years:

- 1306 A. Venkataiah was admitted to this prison on 12.4.01. His appeal forwarded from the jail is pending since 13.7.2001.
- 2825 Konda Devaiah was admitted, on 3.1.2001. His appeal is pending since 2.8.01.
- 297 Sheikh Mazhar was admitted on 20.3.01. His appeal is pending since 10.9.2001.
- 1570 P. Jangaiah was admitted on 13.7.01. His appeal is pending since 13.8.01.

2. Parole

Grant of parole is governed by the Andhra Pradesh Suspension of Sentence on Parole Rules, 1981. A convict becomes eligible for grant of parole after completing 6 months from the date of his admission after conviction. The period of release on parole is ordinarily one month with no provision for extension (The Govt. decides the matter in exceptional circumstances on merits). A unique feature of the Andhra Pradesh Rules is that the period spent on parole is not counted as part of sentence. Habitual offenders and prisoners convicted of heinous offences or under the Arms Act, Explosives Act. Counterfeiting laws, Indian Coin Currency etc. are not eligible

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for release on parole. Parole is granted on the recommendations of the District Police and Probation Officer in the first case and on the recommendations of the Supdt. thereafter. At least 6 months period should elapse after the date of surrender back to jail after availing the parole before the prisoner is again released on parole. The Supdt. Prisons has been delegated powers to grant parole for 48 hours in case of death of near relative i.e. father, mother, wife, husband, brother, sister and children. This is called Escort Parole. Besides the parole, furlough (15 days) can also be granted to well behaved convicts. Most of the lifers confirmed that they have been granted parole. As per a statement received from the Supdt., 41 prisoners were granted Escort Parole in 2002, 34 in 2003 and 50 in 2004. The Special Rapporteur heard grievances of the following relating to grant of parole:

1. M.A. Sattar is undergoing life imprisonment since February 2001. He applied for parole 4 times. Every time rejected.
2. C 528 Hari Lall is undergoing life imprisonment since February 2000. He applied once for parole and twice for furlough but his application was rejected everytime.

3. Premature Release

The Special Rapporteur examined the matter in detail in the light of the guidelines issued by the NHRC on the subject. It is seen that in Andhra Pradesh, the premature release of lifers

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is being ordered only under the provisions of Art. 161 of the Constitution. A Committee headed by the Principal Secretary to Government (Home) Prisons Deptt. with Secretary to Government, Legal Affairs, Chief Legal Adviser CID Hyderabad, Addl. D.G./I.G Police (Law and Orders), Director General/I.G of prisons as members considers the cases of all the Lifers who have completed actual sentence of 7 years and total sentence of 10 years with remission. The criterion is further relaxed for prisoners above 65 years who are required to undergo actual sentence of 5 years and total sentence of 7 years. 602 lifers included 72 of Cherlapalli prison were released on the occasion of Independence Day 2004.

The following life convicts have completed actual sentence of more than 14 years.

1. CT 1036 K. Ganganna, 69 years old sentenced on 22.7.95 has actually undergone imprisonment of 14 years and 27 days.
2. CT 1120 Janardhana Chandrayya, 44 years, sentenced on 10.12.84 has actually undergone 19 years 2 months and 29 days of imprisonment as of 15.12.04.
3. CT 1575 Pendor Hirmana, 38 years sentenced on 25.6.90 has completed 15 years and 19 days of imprisonment.

Serial No. 2 & 3 have been convicted and sentenced by Courts in Maharashtra. Since no premature orders are being issued under the provisions of section 432 Cr.P.C and these persons are not considered eligible presumably because of gravity of their offence for release under the provisions of Art.

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161 of the Constitution of India, they are still languishing in jail although almost all other lifers who had completed 7 years actual and 10 years total imprisonment on 15.8.04 have been released. The Guidelines issued by the NHRC have not yet been given any effect. In fact, neither the Addl. IG Prisons, nor the DIG Prison, Telengana region has seen these Guidelines which, in all probability, must be lying in the Home Deptt.

Under-trial Prisoners

The Supdt. Central Prison Cherlapalli furnished the following information regarding the period of stay of UTPs numbering 645 as of 30 November 2004:

Above 3 months	355
3-6 months	190
6-12 months	55
1-2 years	27
2-3 years	nil
3-5 years	1
Above 5 years	1
Pending cases in other States.	16

26 UTPs have been granted bail but are still languishing in jail because of their inability to furnish sureties. However, all of them belong to period 12.2.04 onwards. The Special Rapporteur met all the 29 UTPs languishing in this prison for more than one year. The following complaints were heard:

1. 8557 B. Bhasker Naidu s/o Mallikarjuna was admitted on 30.7.03. He is involved along with 5 others (4 of them were admitted in May 2002) in a case u/s 395 IPC of P.S. Medehal. He stated that the trial was over three months back but the judgement is awaited.
2. 8321 K. Ashok s/o Rajaiah was admitted on 18.11.02 in SC No. 85/02 u/s 302, 307 IPC PS Neredmet. He stated that his case is posted for judgement in the court of Additional District and Sessions Judge Ranga Reddy Distt. For about 8 months.
3. 8561 Satyanarayanan s/o Venkatiah was admitted on 13.8.03 in crime No. 15/02 u/s 395 IPC PS Shamshabad. He said that his case was committed to session 4 months back but the trial has not yet started.
4. 1414 J. Venkatappa s/o Bheemapa was admitted on 29.5.03 in case SC No. 53/04 u/s 354, 324, 506 IPC read with 3(xi) SC/ST Act of PS Tandur. He said that the trial has not yet begun.
5. 160 Chandra Bhushan s/o Upadhyay and 3 others admitted on 20.3.03/ 1.4.03 in SC No. 291/03 u/s 302, 380, 435, 201 read with 34 IPC PS Malkajgiri complained that evidence of 60 out of a total of 61 witnesses has been recorded and the case is pending because of non-appearance of the police witness ACP Satyanarayanan.
6. 1614 Abdul Wassey s/o Mohd. Azghar Ali was admitted on 24.4.01. He was 15 years old at the time of arrest. He is involved in two cases of murder under trial in the court of VIII Metropolitan Magistrate, Hyderabad. He complained that his case is progressive very slowly. One witness is heard in 2-3 months.

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Central Prison Cherlapalli is holding 40 adolescent UTPs aged below 20 years. The Special Rapporteur met all of them and found that as many as 21 of them need Government legal aid. The names of 848 B. Laxman Ramulu, 19 years admitted on 4.11.04, 7339 V. Krishna Venkatiah 19 years admitted on 4.5.04, 6043 J. Shyam Prasad Preamsagar, 19 years admitted on 12.2.04 and 5922 M. Raju Narsimha Rao, 19 years admitted on 9.2.04 are cited by way of illustrations. Five of these adolescent UTPs namely 320 Deepak Singh, 568 M. Ravi, 641 S.K. Sheikh Dastgiri, 9401 N. Narendra, 9404, N. Naresh, 20 years, 1066 D. Mahesh and 1104 S. Raju Ramulu were granted bail but can not furnish sureties.

As many as 38 UTPs have completed more than 3 months in prison without having chargesheets filed in their cases. They are thus entitled to release on bail as per the provisions of section 167 Cr.PC However, since they cannot manage bail because of their failure to produce sureties, they continue to languish in jail.

The Supdt. Central Prison Cherlapalli was advised to bring these matters to the notice of the courts concerned with the help of the District Legal Service Authority.

The Supdt. confirmed the availability of police escort for production of UTPs is as good as 95%. Availability of police escort for taking prisoner to outside hospitals is also satisfactory at 75%. The situation has improved since introduction of video-linking on 16.6.2003 in this prison. As many as 7528 remand cases have been handled by video linking which includes 15 cases of bail on personal bond. No UTP made any complaint about non-production before court.

Jail Adalats

Jail Adalats are not being held in this prison.

Board of Visitors

Andhra Pradesh Prison Rules 1979 provide for a Board of Visitors comprising official and non-official members. The DM and DJ are important members of the Board which has a crucial role in improving jail conditions and protecting the legal interests of prisoners. However, the system is seen to have gone defunct and needs to be revived.

The Judicial authorities are visiting the jail regularly. Six visits have been made by the Magistrate East and North District, Ranga Reddy since 1.1.04. The Magistrate, Western and South Ranga Reddy has also made six visits to this jail during this period. The jail was also visited by the Hon'ble Justice High Court of Andhra Pradesh, Hyderabad on 2.10.04. The DG and IG (Prisons) and senior Officers of the Prison Deptt. have visited this jail as many as 22 times since 1.1.2004.

Interview

Interviews with prisoners are allowed as per the provisions of the AP Prison Rules 1979 once a fortnight for convicts and once a week for UTPs with an additional interview granted in lieu of letter. Interviews are arranged in the Interview Hall specially built with a two layer chicken mesh separating the prisoners and visitors. The

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available space is rather inadequate for handling a daily average of 140 interviews satisfactorily. The interview Hall needs extension.

Housing Facilities for the Staff

The availability of staff quarters – 17 for officers, 36 for Chief Head Warders and Head Warders and 72 for Warders indicates a fairly good level of satisfaction.

DISTRICT JAIL, KARIMNAGAR

The NHRC team visited District Jail, Karimnagar on 4 December, 2004. Shri G. Jaywardhana, Superintendent, District Jail, Karimnagar briefed the NHRC team about the Jail infrastructure and its functioning. Shri M.R. Ahmed, DIG Prisons, Telangana Region was also present.

Prison Profile

District Jail, Karimnagar was originally built in 1897 with an authorized capacity of 99 prisoners. It has always been an overcrowded jail with average strength of 300 prisoners. More than 200 prisoners, including 40 women prisoners belonging to Karimnagar, used to be lodged at the Central Prison, Warangal due to lack of space at Karimnagar. The capacity of this jail was, therefore, increased in January, 2004 by constructing two new blocks consisting of 8 halls with essential amenities and a women's enclosure and renovating two blocks. Besides, additional accommodation was created to improve interview facilities, prison office, accommodation

for guarding staff. A new 21 feet para meter wall was also constructed. The present authorized accommodation of the jail is 299 prisoners. The average strength of the previous month (November) was 429. The Supdt. stated that 430 can be taken as the average population of this prison which indicates an overcrowding of 43.8 %.

District Jails in Andhra Pradesh can lodge convicts undergoing sentence above one month but below 2 years. On the day of the visit, i.e. 4 Dec, 04, the jail was holding 439 prisoners – 405 male and 34 female. Convicts, all male, numbered 37. UTPs numbering 402 including 34 women constituted 91.6 % of the total prison population.

District Jail, Karimnagar is spread over an area of 7.2 acres, which includes built-up area of 2.5 acres. It has 16 barracks and 10 cells to accommodate prisoners. One barrack is meant for convicts and 15 are for UTPs. There is a separate barrack for adolescent UTPs numbering 12.

District Jail, Karimnagar is serving the courts of Karimnagar and Warangal. The District has four sub-jails - Jagtial, Hazoorabad, Manthini and Sultanabad. Presently, sub-jails Manthini and Sultanabad are not functioning. 32 prisoners including 2 female prisoners belonging to Manthini are lodged at Karimnagar with consequent hardships to their families. The Member expressed unhappiness with this arrangement and asked the DIG Prisons for re-starting sub-jail at Manthini at the earliest.

Classification

Although Andhra Pradesh Prison Rules, 1979 provide for classification of prisoners on the basis of their socio-economic status and addiction to a superior mode of living, the decision is taken by the

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courts only. The DIG, Telengana Region informed that for the last couple of years, the courts have also stopped according higher classification to prisoners on these grounds. The prisoners are now being classified into four categories as per the security requirements: terrorists and extremists as S-1, dacoits, hired murderers S-2, murderers S-3 and other criminals S-4.

Sanitation and Hygiene

Availability of 87 toilets – 52 day and 35 night gives a toilet to prisoner ratio of 1:5. Taking the night toilets provided inside the barracks and cells for emergency use out of this calculation, this ratio comes to 1:8.3, which is still satisfactory. Availability of 37 bathrooms also indicates a satisfactory concern for the basic needs of prisoners.

The Jail is served by 24 hours municipal drinking water supply. The prisoners are receiving adequate water for drinking, bathing and washing purpose. The Jail has standby generator of 21.5 KVA capacity.

Food

The prisoners were found satisfied with quantity and quality of food supplied to them as per the Prison rules. However, they requested for variety in the menu for breakfasts. DIG Prison informed that a committee constituted by the Govt. is looking into this matter. Children aged upto 5 years allowed to be kept with prisoner mothers receive a special diet of milk (1/2 litre each), one egg, banana and biscuits. The jail was holding one girl child aged six months on the

day of the visit. It was learnt from the child's mother that the special diet consists of milk and egg only.

A number of prisoners expressed unhappiness over the meal timings – 10 AM and 5 PM with an interval of 1700 hours between them. They are served tea at 6.30 AM with no snacks and breakfast is not part in the daily meal in District Jails. They also wanted leafy vegetables added to Dal.

The team visited the kitchen and appreciated the standard of cleanliness. LPG is used as fuel for cooking in all jails including sub-jails in Andhra Pradesh.

Bedding and clothing

All items of bedding and clothing are being supplied as per the scale, which is reasonable and meets the basic needs of prisoners. The prisoners expressed satisfaction with the scale of toothpowder, bathing soap and washing soda.

Education, Recreation and Welfare

One teacher has been provided for conducting literacy classes under the open school system. Newspaper facilities are satisfactory. Recreation facilities can be improved by introducing some outdoor games, like volleyball or Ring. The prescribed scale of carrom boards (one for 25) and chess boards (one for 20) is not being implemented fully. Yoga and meditation classes form part of the daily routine. T.V. has been provided in each barrack.

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Hospital

The Jail has been provided one male doctor, one pharmacist Gr.II and one male nursing orderly. Daily average of OPD is 120. Indoor patient facility is not available.

The jail hospital is equipped to treat only common ailments. For diagnostic tests, specialist treatment, prisoners are referred to Government General Hospital, Karimnagar and Osmania General Hospital, Hyderabad. Only one case of TB has been detected and treatment is being provided under DOTS. During the period 1.1.2003 to 30.11.2004, the Jail hospital has treated 19 cases of TB under DOTS. Documentation should be improved to ensure that the prisoners' release before completion of treatment is formally intimated to the respective District Hospital for continued treatment under DOTs. This aspect is not receiving adequate attention from the medical Officer or the prison administration.

The Jail is holding 7 mentally ill prisoners who are being regularly sent to the Institute of Mental Health, Hyderabad for examination. A local psychiatrist Dr. Praveen Kumar also visits the Jail once a week to examine the patients. The Special Rapporteur explained to the Jail Supdt. the requirement of regular submission of reports to the court concerned in respect of undertrial prisoners taking psychiatric treatment.

Ambulance facilities are not available.

A well-administered system of procurement of medicines is ensuring timely supply of medicines in adequate quantity. DIG

Prisons has financial powers to authorize local purchase upto Rs.2000 at a time in emergency. Government may consider delegating some financial powers to the Jail Supdt. for emergency purchases.

A project called Partnerships for Sexual Health (PSH) has been introduced in all jails in Andhra Pradesh as part of the Andhra Pradesh State AIDS Control Society's Initiative towards preventing the transmission of HIV from high-risk groups to the general population through 'Targeted Intervention'. This is a DFID Aided Govt. Project. Mr. Ram Mohan, Project Coordinator explained the project and informed that during the period October 2003 to November 2004, a total of 5822 prisoners were provided counseling in District Jail, Karimnagar under the Project. 485 cases of STD were identified and all of them were treated.

Death in jail

The Special Rapporteur examined the jail records about death of prisoners during the period 1.1.2002 to 4.12.2004. As per the jail records, 5 prisoners had died during this period. However, the records of the Custodial Death Cell show that the Commission has received intimation about six deaths during this period. The death of P. Malikarjun on 10.10.2004 does not find mention in the statement submitted by the Jail Supdt. This needs to be explained. Except in the case of death of UT 3889 Mohd. Azeemudin on 9.1.2003 due to AIDS, detailed reports are awaited in all other cases. The Jail Supdt. was not sure about the ordering of magisterial inquiries into these cases.

Staff

District Jail, Karimnagar has been provided full staff as per its authorization of 44 personnel and there are no vacancies in any rank. In fact, one jailer has been attached from the District Sub-Jail. A glaring deficiency in the staff pattern is the absence of female warders although women prisoners are lodged in this prison. Women Section is looked after by 6 female Home Guards.

Work Programme

Since the District Jail is holding prisoners sentenced to a maximum period of 2 years and a substantial part of this period is spent as an undertrial, no jail industries have been set up in the District Jails. However, convict prisoners are being provided work in kitchen and on maintenance.

6 prisoners working in kitchen are receiving daily wage of Rs. 15 per day, 4 prisoners do the sweeping and receive Rs. 10 per day. 6 prisoners are engaged as scavengers receiving Rs. 15. 2 prisoners are working as barbers and getting a daily wage of Rs. 15. Wages have been paid upto September, 2004.

Convicts

The Special Rapporteur met all the 37 convict prisoners and found them happy with the living conditions. There was one lifer under temporary transfer to this jail who confirmed that he had availed of all the facility of parole once.

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Con.7118 Pallapu Kumaraya is undergoing 10 years sentence with effect from 5.1.2004. He complained that he has not been given the benefit of set off period of one year admissible u/s 428 Cr.PC. although he has sent three applications. He was originally in Warangal Jail and then at Chanchalguda prison before coming to Karimnagar. The Jail Supdt. was advised to bring this matter to the notice of the District Legal Service Authority.

Undertrial Prisoners

The Jail Supdt. furnished the following information regarding the duration of stay of undertrial prisoners numbering 402:

Sl. No.	Detention period	Numbers		
		Male	Female	Total
1.	Upto 3 months	296	29	235
2.	3 - 6 months	42	5	47
3.	6 - 12 months	15	-	15
4.	1 - 2 years	11	-	11
5.	2 - 3 years	3	-	3
6.	3 - 5 years	1	-	1
7.	Above 5 years	-	-	-
	Total	368	34	402

The Special Rapporteur individually spoke to all the 50 undertrial prisoners who have spent more than one year in the prison and heard the following complaints:

- (1) UTP 8535 Dandugula Kushal Rao s/o Ramaiah: admitted on 3.9.03 he is facing trial in 7 cases u/s 457/380 IPC. He complained that he is taken to the court regularly but actually not produced before the Magistrate.

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(2) UTP 8536 Chinthala Nagesh s/o Shankar: He was admitted on 3.9.03 in 2 cases u/s 457/380. He complained that the lawyer provided by the Govt. is not regular in attending his case.

(3) UTP 8925 Darangula Chenganna s/o Laxmanna was admitted on 6.10.03 in a case u/s 454/380. Charge-sheet has not been filed in this case although a period of more than one year has elapsed. Similar complaint was made by UTP 8926 Thurka Gajanand s/o Peddanna admitted on 6.10.03.

(4) UTP 1679 Dongari Raju s/o Rajalingu, (5) UTP 1680 Madhu Nanaji Durga s/o Nanaji and (6) UTP 1681 Sanjay Shukla s/o Krishna were admitted on 26.9.2002 in S.C. No. 408/03 u/s 395 IPC. They complained about slow pace of their trial and indifference of the Govt. pleader provided to them.

UTP 6857 Chinam Ramesh s/o Shyam Lal and UTP 7887 Thummala Shankar s/o Narayana involved in murder cases and admitted on 23.4.2003 and 15.7.2003 respectively are being treated for mental illness. The Jail Supdt. was asked to ensure that medical reports on their condition are sent to the courts concerned regularly.

UTP 1977 Goddandla Veeraiah s/o Ramulu, the UTP with the longest stay was admitted on 5.10.2001. He is facing 2 cases for murder, dacoity, rape and NDPS. He was granted bail in 2002 but could not arrange sureties. The Supdt. stated that he is the only UTP in this jail who was granted bail but could not avail because of his inability to arrange sureties.

The Special Rapporteur spoke to all the adolescent UTPs numbering 12. UTP Anand stated that he is 16 years old and was caught by police two months back for a theft involving Rs. 50. He

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also stated that he has not been provided any lawyer. Another adolescent Mahesh, aged 20 stated that he was arrested alongwith his father and uncle in a case u/s 417/506 IPC read with 34 IPC. While the adult accused have been released on ^{bail} bale, he remained in jail because he was hospitalized for sometime.

The following adolescent UTPs need legal aid:

1. UTP 4275 Pole Bearaiah – 19 years crime No. 80/2004 u/s 379 IPC, Addl. MM Sircilla.
2. UTP 4360 Mohd. Javid – 19 years crime No. 252/2004 u/s 379 IPC, Addl. MM, Karimnagar.
3. UTP 4073 Sheikh Izaz - 19 years crime No. 184/2004 u/s 457/380 IPC, MM Metpally.
4. UTP 4306 Mohd. Irfan – 18 years, Crime No. 211/2004 u/s 457/380 MM Peddapally.
5. UTP 665 Bathula Ramana, aged 20 years, Cr. No. 75/2004 u/s 279 IPC, Addl. MM, Karimnagar.
6. UTP 1064 Pasulavar Sampath 20 years, Cr.No. 165/2003, u/s 457, 380 IPC,, Addl, MM, Karimnagar.
7. UTP 1749 Vaddeapalli Mallesh – 19 years, UTP 1750 Kadri Maleshana 21 years, Cr. No. 155 – 158/2004, u/s 457, 380 & 379 IPC, Addl. MM, Karimnagar.

A number of undertrial prisoners were found in need of legal aid. The names of UTP 2173 Samudrala Odelu s/o Rajaiah, UTP 3020 Sivaratri Ilaiah s/o Mallaiah and UTP 3419 Janagam Kumar s/o

Narsaiah are cited as examples. The Member advised the Jail Supdt. to approach the DLSA for arranging the visits of 2 advocates on every Saturday and Sunday to ascertain from the prisoners their grievances, collect criminal appeal applications for legal aid and file the same in the competent courts.

The UTP situation is certainly better in this jail with only 15 undertrial prisoners having their duration of stay exceeding one year (3.8%). This is largely because of the introduction of video linkage since 4.12.03. The courts of Karimnagar and Warangal have been connected with video linkage to the District Jail. The Jail Supdt. informed that a total of 839 prisoners have been produced through video linkage during the period 4.12.03 to the date of visit i.e. 4.12.04. The system is operated on 3 days every week. This has resulted in increasing the UTP production from the earlier figure of 50% to almost 100%. It is worth recording that no UTP complained that he has not been taken to court on the due date. The DIG Prisons informed that a coordination committee comprising Collector, DJ, Supdt. of Police and the Jail Supdt. meets quarterly in the DJ's chamber to review the UTP position. The system is working effectively.

Women Jail

There is a separate enclosure for women prisoners with a sanctioned capacity of 40 prisoners. 34 women prisoners were held on the day of the visit. Women prisoners are guarded by 6 female

Home Guards. Supervisory control by male. Staff is a major deficiency of the staffing patterns. The Jail needs female staff of one Head Warder and six warders for looking after the women prisoners. Although the Jail Medical Officer visits the female enclosure daily, the health matters of female prisoners need proper attention and a separate arrangement. The least that can be done is to provide for a weekly visit by a lady doctor from the District Hospital.

Arrangements for accommodation, sanitation and hygiene are satisfactory in the female enclosure. Prisoners requested for improvement in the breakfast menu. The newspapers are not being supplied as per the scale and the prisoners requested for supply of magazines also. The Member opined that the Govt. should consider supplying cots to female prisoners and also to aged male prisoners. T.V. set installed in the female enclosure was not in working order for the past 4-5 days.

The following women prisoners need legal aid:

1. F. UT 470 - Sirsa Swaroopa w/o Venkatesh Yadav involved in Cr. No. 17/2004 u/s 294-B, 309, 323, 448 & 500 IPC of PS Modaram.
2. F. UT 515 - Maddula Vimala w/o Koti Reddy. She is involved in a murder case of Adilabad with her husband as co-accused who is lodged in sub-jail in Lakshaped in Adilabad district. She complained that she has not been produced before the court because of failure of Adilabad police to provide escort. DIG Prisons was requested to ensure her production before the court on the next hearing fixed for 7.12.2004.

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3. F UT – 570 Pulmoti Ganga w/o Mallesham involved in a case of theft of PS Karimnagar I-town.
 4. F. UT – 603 Chatri Shivaji Bal w/o Nageswara Rao and F.UT – 604 Boda Bharathi w/o Krishna involved in criminal case No. 216/2004 u/s 454, 380 IPC of PS Jammikunta.
 5. F.UT – 648 Mudavath Sony w/o Megya involved in a case under the A.P. Excise Act of PS Mancheryal.

Jail Adalats

The record show that jail adalat was held only once on 29.11.03 in this jail.

Visitors

Rule 27 of Andhra Pradesh Prison Rules 1979 provides for a Board of Visitors having 3 non-officials members including one lady member. The record shows that the tenure of non-official visitors appointed last on 17.9.1998 for 2 years had expired in September, 2000. The Supdt wrote to the Collector on 9.8.2002 for fresh appointment orders are still awaited. The system seems to have gone defunct. The DIG Prison was requested to get the matter examined at the Prison HQs and take immediate steps for reviving the system.

The District and Session Judge, Karimnagar has been visiting occasionally but not quarterly as laid down in the Andhra Pradesh Prison Rules, 1979.

Staff Quarters

Staff quarters are available for the Supdt., Dy. Jailer, 2 Head Warders out of a total of 8, 14 warders out of a total of 27. Medical Officer and the Pharmacist have not been provided house within the

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campus. Only the male nursing orderly stays in the campus. Housing facilities for the staff are not adequate.

OPEN AIR PRISON, CHERLAPALLI

Open Air Prison, Cherlapalli called Prisoners' Agricultural Colony is one of the earliest Open Jails established in the country in 1950s to provide long-term prisoners the opportunities of an honest life after release from jail.

The Open Prison is spread over in an area of 130 acres. Shri Y. Immanuel Dhanaraj, Supdt., Dr. Padma Rao, Veterinary Officer and Mrs. D. Vijayalaxmi, Agricultural Officer briefed the team about the functioning of the Open Prison.

The old office building and barracks constructed in 1954 are being maintained properly. New additions were made by involving the prisoners in construction in 2001.

The sanctioned capacity of the Prison is 150. It was holding 73 prisoners including 66 lifers on the day of the visit. The daily average strength of the previous month was 70. Obviously the Open Prison and the developed facilities are under utilized.

The team took a round of the campus and visited the dairy farm, poultry farm, sheep farm and horticulture unit. Mrs. D. Vijayalaxmi explained the recent additions – polyhouse, wormiculture and drip irrigation in one hec. vegetable farming. Appreciating the achievements and their potentials for growth, the Member advised the DIG Prisons Shri Ahined to contact the Govt. authorities concerned

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for making this prison a centre for training and research in agriculture and horticulture.

Sanitation and Hygiene

Six toilets are available inside the barracks and 9 have been provided outside. Bathing facilities have been provided in open by installing a water tank fitted with taps. Drinking water is being supplied from Manjeera Municipal Supply. Prisoners were found satisfied with the arrangements for supply of water for drinking, bathing and washing purposes.

Food

Prisoners were specifically questioned by the Member about the quality and quantity of food and were found satisfied on this count.

Clothing & Bedding

Prisoners are being issued clothing and bedding as per scale and no deficiency of any kind were reported.

Medical facilities

One lady doctor assisted by a pharmacist provides the health care. The Medical Officer is presently on maternity leave. One doctor from Cherlapalli visits the camp daily. Daily average of OPD is 9 and 2 beds have been provided for indoor patients. No cases of HIV, TB or leprosy have been detected recently. The PSH project

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staff is providing counseling services for prevention of HIV, AIDS, STD. Ambulance service also is available at this prison. There is no mental patient among the prison inmates at present. An eye camp was held on 22.11.03 with the help of Lions Club of Secunderabad. A dental camp was also held on 31.3.04. Referral arrangements are working satisfactorily.

Staff

Open Air Prison, Cherlapalli has a sanctioned staff of 61 persons. 54 have been actually provided. No key posts are lying vacant. Available staff is sufficient.

Education, Recreation and Welfare

Prisoners are being imparted vocational training in agro-based industries. 15 prisoners are also attending correspondence courses for B.A degree. Adequate recreation arrangements including TV/Radio facilities have been provided.

Work Programme

The available strength of 73 prisoners was seen deployed on following jobs on the day of the visit:

1. Garden (Horticulture)	35
2. Dairy farm	16
3. Sheep farm	5
4. Grass cutting	5
5. Poultry farm	3
6. Kitchen	4
7. Barracks cleaning	3
8. Gobar Gas plant	2
Total	73

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The team interacted with some of the inmates and questioned them about their wages and earnings. Wages are being paid at the rates applicable to skilled workers and all of them are earning Rs. 20 per day. Most prisoners have fairly good idea of their accumulated earnings.

Death in Jail

There has been no case of death in this prison during the last 3 years.

Parole and Furlough

Parole provisions have been relaxed for the inmates of the Open Prison. Prisoners can be released on parole by the Director General and Inspector General of Prisons himself. Police verification report is necessary for the first release only. Subsequent releases can be ordered on the recommendations of the Supdt. and prisoners are released on personal bonds. Prisoners also avail of furlough twice in a year for a period of 10 days each time on personal bond. The inmates of Open Prison earn a remission of 30 days in a month. Most inmates confirmed that they are availing of furlough.

The Special Rapporteur examined the parole matter in detail. The rejection rate of parole is not very high in Open Prison. In 2002, 48 inmates had applied for parole and 35 were granted. In 2003, only 2 cases out of a total of 85 were rejected. In the current year (upto 30.11.04), 76 cases out of a total of 77 have been accepted. However,

the prison is holding as many as 11 lifers who have completed 5 years of actual imprisonment without being granted any furlough or parole despite their having applied 2/3 times. While the District Probation Officer has recommended most of these cases, the police report does not support their request. The Special Rapporteur spoke to these persons in detail and heard the following complaints.

1. 3643 A. Gangaram – he is undergoing life imprisonment since 3.6.99. He has not been granted parole or even released on furlough for want of report from the S.P. Adilabad. He had applied for furlough on 24.10.03 and for parole on 23.6.04.
2. 3689 K. Narsimha – he was admitted on 26.2.99. His request for furlough has been rejected twice for want of report from the Commissioner of Police, Hyberabad.
3. 3694 M. Kishan was admitted on 6.10.99. His request for furlough was rejected twice. Case for furlough not taken up for want of favourable report from DPO, Karimnagar
4. 3688 Abdul Rehman – He was admitted on 27.9.98. His request for furlough has been rejected 2 times. Parole was rejected twice. His third application for parole submitted on 30.4.02 is being processed. The report is awaited from the SP, Mehabubnagar.
5. 3710 B. Ramakrishna Reddy is undergoing life imprisonment since 18.11.97. His request for parole has been rejected twice. He has not been granted furlough even once. He has applied for parole for the 3rd time and the report is awaited from the SP, Guntoor since 5.1.04.
6. 3699 P. Injanna was admitted on 19.5.99. His request for furlough has been rejected thrice. Request for parole has been rejected 2 times. His 3rd request for parole and 4th application for furlough are pending for want of police report.

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7. 3708 Sheikh Niyamath Miya – He was admitted on 9.2.99. His two applications for furlough and three for parole have been rejected. He has applied for parole for the fourth time and the report is awaited from the SP, Krishna District.
 8. 3704 Syed Jakeer Hussain. He was admitted on 17.8.99. His request for furlough has been rejected 2 times. He had applied for furlough and parole separately for the 4th times and the reports are awaited from the district police.
 9. 3698 S. Panduranga Rao. He was admitted on 2.1.98. His request for furlough has been rejected thrice and for parole twice.

These cases call for intervention by the DG/IG Prisons. If the request for furlough or parole is rejected repeatedly by the police, the DG/IG Prisons should refer the matter demi-officially to the SP concerned and request him to get the report of the Police station verified in order to guard against abuse of powers by the local police.

3737 Hussain Sab has requested for transfer to Open Jail Anantpur. He belongs to Kunnool district and his family is finding it difficult to travel to Hyderabad to meet him. DIG Prisons assured that the matter will be looked into sympathetically.

C.3727 Venkana is undergoing life imprisonment since November 2000. He is a talented singer who has attracted public notice. He wants his songs to be recorded for commercial purposes. DIG Prisons was advised to encourage this prisoner in his pursuit by approaching some voluntary agencies.

C.3546 Nagaraju Narasaiah is undergoing life imprisonment since October 1991. He requested for pre-mature release which has been granted to many others who had undergone much less imprisonment. DIG Prisons informed that his case was not considered last time by the Advisory Committee because he belongs to the prohibited category for having been convicted u/s 302 IPC, 498A IPC r/w Sec.4 of Dowry Prohibition Act. He added that his case is under review.

Pre-mature release

The inmates of Open Prison are given preference in the matter of pre-mature release under Article 161 of the Constitution after they have spent a minimum period of 3 years in Open Prison. 103 inmates of this Open Prison were released on 13.8.04 on the recommendations of the Standing Review Committee. All those who had completed 7 years actual sentence including 3 years in Open Prison and 10 years total including remission were recommended. Only one case was rejected as it concerned the Dowry Prohibition Act.

STATE JAIL FOR WOMEN HYDERABAD

The Special Rapporteur visited the State jail for Women, Telengana Region Hyderabad on 6 December 2004 along with Shri M.R. Ahmed, DIG Prisons. Smt. R. Sarada Supdt. Jail made a brief presentation about the jail infrastructure and its functioning.

Prison Profile

The State jail for women, Hyderabad was established on 1.10.1994 on the recommendations of the National Expert Committee on Women Prisoners headed by Justice Krishna Iyer. It houses the prisoners of Telangana region only. Another Women Jail was set up at Rajhamundhry (capacity 200) to cater the needs of coastal Andhra and Rayalascema region. Before the establishment of the Women Jail, the women prisoners of Hyderabad and Telangana region used to be kept in the women block of Chanchalguda Central Jail, Hyderabad.

The State Jail for Women, Hyderabad has a sanctioned capacity of 120 prisoners. It was holding 186 prisoners and 17 children on the day of the visit i.e. 6 December. The daily average strength of the previous month was 200. The Supdt. stated that the average strength of this prison can be taken as 200. This shows an overcrowding of nearly 67%.

Under-trials numbering 84 constitute 45% of the total prison population. Convicts numbering 98 include 67 lifers. The jail is holding 4 detenues also.

Sanitation & Hygiene

Availability of 19 toilets for day use and 26 for night use gives a very satisfactory toilet to prisoner ratio of 4.5. 17 Bathrooms have been provided for bathing purposes. Sanitary facilities to meet biological needs of female intimates are being provided.

Supply of water for drinking, bathing and washing purposes is satisfactory. Inmates are being supplied aqua guard filtered water for drinking purposes.

Medical Facilities

The jail is authorized one lady Doctor and one female staff Nurse. Dr. Mary, Medical Officer explained the functioning of the Hospital. The average OPD is 30. 10 beds have been provided for the indoor patients. The average occupancy is 5 and average length of stay is one week. No case of TB or HIV/Aids has been detected in the recent months. UT 5706 Kasturi was put on treatment for TB under DOTs but released on 11.6.04.

Two convict prisoners have been trained to help in the hospital. One Ct. 6458 working since 5.9.04 gets Rs. 15 per day. Another Ct.466 Rajeshwari working since 13.9.04 gets Rs.10 per day.

The hospital is covered under the P.S.H. (Partnership for Sexual Health) Project for health awareness and counselling purposes. The Special Rapporteur interacted with Dr. Prashanti, Social Worker of P.S.H. A Gynoecologist of P.S.H. makes weekly visit and carries out awareness generation and counseling programmes. Freedom Foundation, an NGO started working in this jail in September 2002. They did pre-test counselling testing and post-test counseling for HIV positive cases. However, they stopped their work on 6.7.04. They had detected around 120 HIV positive cases during the period. 90% of the afflicted prisoners were sexual workers by profession. Three prisoners – 2 convicts and 1 UTP are under O.P. Medication and periodic check-up at the Institute of Mental Health Perrakota. They are being treated as outdoor patients and sent for regular check up at Institute of Mental Health Erragudda. A glaring deficiency of the medical cover provided to this jail is the absence of Ambulance

services. Visit of Psychiatrist at least once a month to this prison is considered very necessary.

Death in Jail

The situation was reviewed from 1.1.2003 onwards. There has been only one case of death of prisoner since then. Convict 412 Annamnaga Maleshwari w/o A. Sambhasiva Rao aged 41 was received on transfer from Rajhamundhry Jail on 28.6.04 for treatment for cancer. She died in M.N.J. Cancer Hospital, Hyderabad on 29.7.04. The NHRC was informed promptly and the detailed report was also sent to the Commission on 18.10.04.

Staff

The Women Jail is authorized one Supdt., one Jailer, one Dy. Jailer, one Welfare Officer, one Asstt. Matron, four female Head Warders and 14 female warders. The key posts of Dy. Jailer, Welfare Officer and Asstt. Matron are lying vacant. The DIG Prisons informed that the Government has now given permission for filling up of the vacant posts of Dy. Jailer and Asstt. Matron. Considering the meagre sanctioned strength, the vacancy of one Head warder and 3 female warders needs to be filled at the earliest.

Food

Inmates were found satisfied with the quantity of food and quality of cooking. They asked for variety in the breakfast menu.

Clothing & Bedding

Inmates were found satisfied with the supply of sanctioned items – Bedsheets, Blankets and Durry. A few of them expressed preference for coloured saris instead of white saris now being supplied. DG (Prisons), A.P. would like to ascertain opinion from the second women's jails also and propose suitable changes.

Education, Recreation and Welfare

135 illiterate inmates have been identified among the present inmates. Six literate prisoners have been entrusted the responsibility of conducting literacy classes for them. The literate prisoners are encouraged to pursue higher studies through correspondence courses offered by Dr. B.R. Ambedkar Open University. Nine prisoners took Open University examination in 2001, 7 in 2002, 7 in 2003 and 6 in 2004. One part time lady teacher has been provided by Asmitha Research Centre to coach interested prisoners. Four Newspapers and two Magazines are being supplied regularly. DIG prisons happily accepted the request of some of the inmates for providing one additional Newspaper and one more Magazine (India Today).

Facilities for Vocational Training

The prisoners are being given vocational training in Toothpowder making, chalk-piece making, candle-making, knitting and tailoring. For the last 3 years, the prisoners are stitching uniforms for the Boarders of SC and BC Hostels of Hyderabad district. Toothpowder is being supplied to all the jails in Andhra Pradesh and chalk-pieces to Schools. The Special Rapporteur visited the prison

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industry section and saw 20 convicts working in tailoring, 10 in knitting and 5 each in toothpowder, chalk-piece and candle making units. The inmates were found well aware about the wage rate - Rs. 15 for skilled and 10 for semi-skilled. The average monthly earning of a worker is around Rs. 300. Individual Pass Books of their Bank Accounts are being maintained. However, most of the prisoners were not sure about their accumulated earnings.

Facilities for Special Care, Education and Recreation of Children

Children up to the age of 5 are allowed to stay with mother prisoners. Their dietary and medical needs are being taken care of. Children are receiving milk, bread, food, eggs and biscuits as special diet on the recommendations of the Medical Officer. This needs to be formally incorporated in the scale of diet. The DIG informed that a Special Committee constituted for revising the scale of food is looking into this aspect. The Women and Child Development Department, A.P. has sponsored a Balwadi in the jail by providing one teacher for nursery education for children. Children up to 4 years are sent by prison transport to outside the school (Dawn English Medium School). Four children above 5 years of age are being provided residential school facilities by Venkateshwra Charitable Trust since 2002. This is a commendable initiative of the Jail Deptt. of Andhra Pradesh.

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Convicts

Special Rapporteur visited the convicts' barracks and heard the following complaints:

1. C. 431 Bhoga Pushpa w/o Bhoomiah is in judicial custody since 4.10.01. She was sentenced to life imprisonment on 23.7.04. She submitted that she belongs to Distt. Karimnagar and her parents and children are unable to come to see her at the State Jail for Women, Hyderabad due to poverty. The DIG Prisons assured that she would be transferred to Distt. Jail, Karimnagar on temporary basis for one month to enable her to avail the facility of interview with family members. Similar request was made by 3 convicts belonging to Warrangal Distt. A number of convict prisoners were found to have spent more than one year without being visited by family member because they belong to Distt. Outside Hyderabad and their families are too poor to afford journey expenditure. Some of them belong to Warrangal Nizamabad and Nalgondha. The Supdt. was advised to obtain their applications and forward the same to the DIG for temporary transfer. The DIG Prisons informed that the Government had in 1987 authorised the range DIGs to issue temporary transfer orders of this kind.
2. C.7016 G. Lakshmma was admitted in jail since 26.2.02 as a lifer. She complained that her appeal filed in the High Court has been pending for over 3 years.
3. C.6733 M. Venkamma was admitted on 30.2.99. Her request for parole has been rejected 3 times because of her inability to arrange sureties for reasons of poverty. Her husband finds it difficult to come for interview. She was once transferred on temporary basis to Nizamabad to avail of this facility. The DIG Prisons promptly agreed to consider her request for temporary transfer to Nizamabad again.

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Undertrial Prisoners

The Supdt. Women Jail submitted the following statement in respect of a total of 84 UTPs held in the jail on the day of the visit:

Upto 3 months	- 69
3-6 months	- 6
6-12 months	- 7
1 to 2 years	- 2
Above 2 years	- Nil

The Special Rapporteur individually spoke to all the 9 UTPs whose detention period exceeds six months. Following complaints were heard:

1. UTP 6367 K. Narasamha was admitted on 17.9.04 involved in a case u/s 498A and 306 IPC in the court of JMFC Pargi. As a women prisoner, she could not held at special jail Pargi and was sent to Hyderabad (distance 60 km). She stated that because of non-availability of escort, she has not been produced in the court so far.
2. UTP 6124 G. Latha arrested in a case u/s 494 IPC of Distt. Ranga Reddy has spent 3 months without being produced in the court. Similar complaint was made by 6494 Maldamma admitted on 6.10.2004.
3. UTP 6511 G. Mahakali was admitted on 8.10.2004 in a case u/s 498A/302 of JMFC Bhongir. Her son is co-accused and lodged in the Central jail, Hyderabad. For want of female escort, she has not been produced before the court so far. DIG Prisons remarked that the mother and son should have been sent to District jail Nalgudda instead of being brought to Hyderabad and separated.

4. UTP 6493 Balamani was admitted on 6.10.04 in a case of Ranga Reddy Distt. She has not been produced in the court for want of female escort.
5. UTP 5051 Vasanthi Menon has been in prison since 28.2.04 as one of the 17 accused in a case u/s 364 read with 34 IPC. 16 male accused are in another jails. Her request for bail rejected by the Session Court and High Court is now pending with the Supreme Court.
6. Farida Begum and 4 others of Maharashtra were admitted on 28.4.04 in a case under NDPS Act. They requested for legal aid.
7. UTP 4469 M. Nagamma admitted on 30.1.04 in a case of kidnapping is not sure whether Challan has been filed. She was not sure whether she has been provided a legal aid.

Legal Aid

The following UT prisoners requested for legal aid:

1. UTP 5554 K. Uma Rani w/o Prabhakaran admitted on 10.7.04 in a case u/s 302 IPC. The case has been challaned in the Session Court RR Distt.
2. UTP 5875 V. Narasimha admitted on 17.7.04 in a case u/s 302 read with 34 IPC.
3. UTP 5957 R. Alivelua w/o Kondiah admitted on 26.7.04 in a case u/s 302 IPC of Distt. RR.
4. UTP 6124 Gundulatha w/o Sambha Raju admitted on 18.8.04 in a case u/s 498A and 494 IPC of Narsapur, Medak Distt.

The Supdt. was requested to bring these cases to the notice of the Distt. Legal Service Authority for arranging legal aid.

Video linkage was introduced on 30.4.03. So far 1200 cases have been handled which include 32 cases of granting of bail on personal Bond. With the introduction of Video linkage, a demonstration of which was seen by the Special Rapporteur was arranged, the availability of the production of UTPs in the local court is now 100%. The Supdt. stated that the level of production for outside court is 85%. However, the assessment made by the Special Rapporteur shows this figure to be still lower.

Parole

Parole is being granted liberally as per the Andhra Pradesh Prisons Rules. Four applications were received in 2002, only one was rejected. In 2003, 3 applications were received and none was rejected. In the current year, 4 prisoners applied for parole, two have been granted and two cases are pending with the Government.

Jail Adalat

Jail Adalat was started in 2004 presumably after the receipt of instructions from the High Court at the instance of the NHRC. 27 cases were produced before the Jail Adalat and 14 of them were decided.

Board of Visitors

The institution of Board of visitors is seen to have gone defunct and needs to be revived.

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Visits by Judicial Authorities

There have been only two visits by judicial authorities and 8 by non-judicial authorities during the last one year.

NGOs Involvement

A number of NGOs have been involved in education, recreation and welfare of prisoners. Sterllite Foundation Mumbai working since 1998 has provided a tailoring Instructor and 10 Sewing machines. Prison Ministry of India Hyderabad gives counselling to prisoners on every Saturday and also arranges celebrations of Christmas and International Women Day on 8 March. They have also admitted 4 children of convicts including two naxalites in their Hostel at Kazhipet in Warangal Distt. Another NGO Penal Reforms and Justice Association is helping released prisoners by providing them jobs in Hostels and schools. Shri Venkateshwara Charitable Trust has arranged primary education to 5 children of convicts in a residential school. Actionaid India is also involved in giving counselling and legal assistance to the prisoners. They have admitted two children of remand prisoners in a hostel in RR Distt. P.S.H. is involved in giving counselling to prisoners in HIV/STD and Aids.

SUB-JAIL BHONGIR, DISTRICT NALGONDA

Accompanied by Shri M.R. Ahmed, DIG Prisons, Telangana Region, the Special Rapporteur visited the Sub-Jail, Bhongir on 6 December, 2004. Shri Narsimaha Reddy, Jail Supdt. made a presentation on jail infrastructure and its functioning. Shri P. Balakrishna, District Sub-Jail Officer, Nalgonda was also present.

Prison Profile

Sub-Jail, Bhongir was established in 1989 in its present form. Before this, it was functioning as part of the judiciary governed by the Subsidiary Jail Manual.

Sub-Jail, Bhongir has an area of 2760 sq.yards. It comprises 12 double cells and 3 single cells. It has a sanctioned capacity of 15 – 12 male and 3 female. On the day of the visit, the jail was holding 21 prisoners – one convict and 20 undertrials. Daily average strength of the previous month was 18. The prison has a normal population of 20. As such, a slight overcrowding, not really unmanageable, is experienced.

Sanitation and Hygiene

Availability of 4 toilets provides toilet to prisoner ratio of 1:5 which is satisfactory. 2 toilets for night use are also available. 2 bathrooms have been provided for bathing purposes.

The jail is served by the round the clock municipal water supply. It had its own bore well also which has gone defunct.

Food

Prisoners were specifically asked about the quality and quantity of food supplied to them. They were found satisfied and made no complaints on this count. The kitchen building has been improved by renovation. Gas is used as fuel for cooking purposes.

Medical facilities

Sub-Jail, Bhongir has no medical facilities of its own. A doctor from the district hospital is supposed to visit every week and also be available on call. The record does not show that the medical officer is visiting the jail regularly in accordance with the instructions. The District Sub-Jail Officer stated that this situation obtains in all the 5 sub-jails of District Nalgonda. He has written on 25.11.04 to the District Medical and Health Officer, Nalgonda about the non-compliance of the Govt.'s instructions regarding monthly visits. However, it is difficult to ensure a satisfactory arrangement of this kind by giving a meagre amount of Rs. 100/- per month to the Medical Officer. The amount needs to be increased at least upto Rs. 500/- in order to ensure a reasonably satisfactory medical cover for the inmates.

One UTP A. Ilaias is suffering from Epilepsy. He was referred to Osmania Hospital and has been advised neurosurgery.

Death in Jail

There has been no death in this jail during the last 3 years. The Supdt. informed that the last death had occurred sometime in 1998.

Work Programme

Since Sub-Jail can keep only those convicts who have been sentenced to imprisonment upto one month, it is neither economical nor necessary to establish jail industry at Sub-jail level. Prisoners are working in kitchen and on maintenance jobs. As per Govt. order

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issued in 1994, UTPs are also allowed to work if they are willing to do so. 2 prisoners are working in kitchen and are rotated every 10 days. The cook is entitled to a daily wage of Rs. 15 and the helper Rs. 10. However, no wages have been paid to the prisoners working in the kitchen. This is objectionable.

Education, Recreation and Welfare

Facilities of indoor games have been provided. One large colour T.V. is available for use of inmates every evening. Daily supply of 2 newspapers and one magazine are being ensured. UTP V. Narasaiah is acting as a teacher imparting daily education to six inmates.

Staff

The prison has been provided staff as per its authorization of one Supdt., one Head warder, 4 warders and one junior Assistant (Clerk). Besides the above, one Head Constable and four constable have been provided by the police to guard the jail from outside. The Jail Supdt. has no administrative or operational control on the police staff. This is not a satisfactory arrangement and the matter needs to be sorted out by the DG Prisons in consultation with the DGP. For proper command and control and discipline, the entire staff consisting of police and jail warders should be placed under the Jail Supdt. The sanctioned strength of one head warder and four warders is not sufficient. At least 2 more warders should be provided.

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Undertrial prisoners

The period of detention of all the 20 UTPs seen on the day of the visit is within 3 months. They were lined up for interaction with the Special Rapporteur. No complaints were received.

Although the sanctioned capacity of this jail includes 3 women, none are actually kept here. In district Nalgonda, the Sub-jail, Nalgonda is holding 24 women undertrial prisoners. Only 3 of them are involved in cases of Nalgonda court. The remaining are facing prosecution in courts at Hazurnagar (3), Suryapet (4), Menelagunda (11), Bhongir (2) and Devikund (1). Till sometime back, female prisoners used to be lodged in Bhongir Sub-jail by arranging female warders locally on daily wage basis at rates fixed by the District Collector. This arrangement provided at each sub-jail was abolished six months back by deployment of Home Guards. Since female Home Guards are not available at all places, most of the sub-jails are not keeping any women prisoners. Women prisoners are kept in one of the sub-jails of the district, which is causing them obvious hardships.

Visits

The District and Session Judge, Nalgonda, Assistant Session Judge, Bhongir and Additional JFCM, Bhongir visit the jail regularly. As many as nine visits were made by judicial authorities to this jail in 2004 (till 6 September). District Sub-Jail Officer, Nalgonda visits the Sub-Jail every month. DIG Prisons, Telangana Region has also been visiting the jail regularly.

Conclusion

The team's visit to Jails in Andhra Pradesh followed by the Special Rapporteur's discussion with the Additional IG Prison Shri Narasimha Reddy has helped in making a broad assessment of the strengths and weaknesses of the Jail Management and Administration in Andhra Pradesh. While the extent of overcrowding in prisons for the State as a whole is less than the national average, overcrowding is one of the major problems because of uneven distribution of jail population. As of 31.3.04, Prison population in Andhra Pradesh was 14,456 as against the authorized capacity of 12,261 which shows an overcrowding of 17.9% (overcrowding was 22.23% as of 31.12.03). Overcrowding in Central jail numbering seven was 21.65%. However, the figure was 29% for Central Jail Rajamundhry, 23.6% for C.J. Warangal and 83% for C.J. Cuddapah.

The total authorized capacity of 9 District jails as of 31.3.04 was 1637. Actual prison population was 2483 which indicates an overcrowding of 51.6%. However, as per the information collected from the Prison HQ, overcrowding in District Jails was as of 27.11.04 was 170.5% in District Jail Sanga Reddy 114.2% in District jail Mehboobnagar and 129% in district jail Ananthpur. As regards Sub Jails, total available accommodation for 120 Sub Jails was 3194 as of 31.3.04. Actual jail population in sub jails was 3273 which indicates no overcrowding (0.3%). However, overcrowding in Sub jails as of 27.11.04 was more than 100% in as many as 15 Sub jails. It was alarmingly high at Sub Jail Lukshiptet of Distt. Adilabad (160%), Sub

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jail Jagatiar of Distt. Karimnagar (500%), Sub jail Bhadrachalam of Distt. Khamam (225%), Sub jail Gurjala of Distt. Guntur (400%), Sub Jail Narsipur of Distt. Godavari (231%), Sub jail Tirupati of Distt. Chittoor (291%) and Sub jail Palmaner of Distt. Chittoor (221%).

Andhra Pradesh has 7 Central jails, 9 District jails, 147 Sub jails (presently 120 are working), 2 Open jails, 2 Women's jails and 1 Borstel school. As many as 7 districts do not have any jail above the level of sub jail. These are i) Khamam, ii) Chittoor, iii) Kurnool, iv) Prakasham, v) West Godavari, vi) Vijaynagaram and vii) Srikakulam. District Jail Adilabad is functioning from Asifabad and not the Distt. HQ. Additional IG Prisons informed that new Distt. Jails are coming up at Khamam and Adilabad. Buildings of Distt. Jails have been completed at Prakasham and Srikakulam also. It is proposed to construct a Distt. Jail at Kurnool but some legal hurdles in land acquisition are being faced.

The modernization grant received from Government of India is being utilized to create additional accommodation in jails. A total grant of Rs. 21.26 including the State's share of 25% has been allotted in 2003-04 for construction of new jails (Nizamabad and Khamam), repair and renovation, construction of quarters, improvement of water supply system and sanitary services. All works are being executed through A.P. State Police Housing Board.

A total of 336 quarters are being constructed with the grant received from the 11th Finance Commission. This includes 106 staff quarters for the Distt. Jails 31 each at Nizamabad, Vijayawada and

Adilabad and 13 at Khamam. Four quarters are being constructed for the staff of Women jail Rajhamundhry. 158 quarters are being constructed for Sub jails numbering 15.

The situation of Under-trial prisoners is seen to have improved during the last 2-3 years. UTPs in A.P now constitute less than 65% of the total jail population. The exact figure was 63.56% as against the national average of 70.70% as of 31.12.03, the latest analysis carried out by the Commission. Introduction of video-linkage, the first of its kind, commissioned in January 2001 has been found very effective in countering the chronic problem of lack of police escort for producing UTPs before the Courts. The facility was initially set up by linking Central Prison, Hyderabad with the Criminal Court complex and was later expanded to 14 prisons and 16 courts in the State. Besides extending remand the bail matters are also being considered though on a limited scale. As per records of the Office of the DG Prisons, a total of 29875 prisoners were produced before the respective courts through the video-linkage facility during 2003-04.

Another commendable measure taken by the State Government to deal with the problem of non-production of Undertrial prisoners is the constitution of a High Level Committee comprising the Addl. DG of Police (Law & Order), IG Prisons, Addl. IG Prisons, Dy. Commissioner of Police (Central Armed Reserve), Hyderabad and Commandant. Special Armed Reserve Central Police Lines Hyderabad for periodical review of the aspect of production of UTPs in the Courts. The Committee reviews the production of remand prisoners in courts every month to identify problems and take prompt

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action. The Government has also constituted an Under-trial Review Committee headed by the District and Sessions Judge in each District with Sudpt. Of Police and the Supdt. Prisons concerned as Members. This Committee meets every quarter and reviews the cases of long stay UTPs and takes remedial measures for disposal of their cases.

Prisoners' education has been made an essential ingredient of the institutional treatment in the Central Prisons and the District Prisons. Besides running literacy classes for illiterate prisoners, prisoners are encouraged to pursue higher education through correspondence courses by offering incentives like exemption from examination fee, grant of special remission etc. In the year 2003-04, 38 prisoners obtained B.A. degrees and 2 M.A. degrees.

Liberal grant of parole rules is yet another positive feature of the Jail Admn. in A.P. Powers of granting 48 hours' Emergency parole under Police Escort in special parole in emergency situation to enable the prisoner to attend death of near relative i.e. father, mother, brother, sister, wife, husband and children have been delegated to Jail Supdt. These provisions need to be extended to the happy occasions like marriage in family.

The institution of Welfare Officers is also functioning effectively in Andhra Pradesh. It may be relevant to mention in this connection that the Government have constituted a Prison Development Board under the Chairmanship of the Chief Minister of AP to oversee the development of the Department by an Act passed by the State Legislature. The Draft Rules are expected to be notified shortly.

Meaningful efforts are being made to provide vocational training to long term convicts in order to enable them to earn an honest living after release. Vocational training is being imparted in a number of trades such as; Steel-furniture, Book-binding, Printing press, Carpet-weaving, Tailoring, Smithy, Masonry, Plumbing etc. The services of the Construction Workers Training Institute (CWTI) Hyderabad have been tapped to train prisoners in plumbing, electric wiring and Masonry skills. The Organization for Environment Protection has been engaged in conducting training programmes for the prison inmates in "Solid Waste Management Project" at Central prison Cherlapalli, Central Prison Hyderabad and Open Jail Cherlapalli. Recently, the organization has been engaged to conduct the training programme in as many as 26 trades including fashion designing, jute-hags making, Zari work, woolen knitting, Glass-painting, Dry-cleaning and laundry shop maintenance etc. at all Prisons in Telengana region.

On the debit side of the Balance-sheet, the inadequacy of health cover can be mentioned as a major deficiency of jail establishment in Andhra Pradesh. Regular jail Doctors are available only at Central jails and 7 of the 9 District jails. Two district jails namely Nalgonda and Mehboobnagar do not have by a sanctioned post of Medical Officer. Sub Jails numbering 120 do not have any medical cover not even a First Aid facility. The Government have, by a recent order dated 23.11.2004, entrusted this responsibility to the Medical Officers of the concerned Primary Health Centres on payment of an honorarium of Rs. 350 per month. Medical Officer is required to visit the Sub jail every fortnight and check the inmates, provide

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requisite treatment, detect HIV, TB, Cancer, Diabetes and other serious ailments and arrange referral to nearby A.P. Vaidya Vidhana Parishad or Director of Medical Education Hospital for further investigation or treatment. While it may not be possible to provide regular hospital facilities at Sub jail level and the arrangement made by the Government is considered a reasonable solution to the problem, the honorarium fixed is too small to ensure effective functioning of the arrangement. While this arrangement may be considered appropriate for the Sub Jail, the medical cover at the Central Jails and the District Jails needs to be upgraded. A Central Jail must have three Medical Officers and A District jail two Medical Officers. Arrangements should also be made for periodical visits of a Psychiatrist to these jails in view of the increasing incidence of mental illness among the prisoners.

While basic needs of food, water, clothing and bedding are being met satisfactorily and the revision of Diet scale recommended by an expert committee is under consideration, the recreational facilities are rather poor and need improvement. Arrangements for outdoor games should be made wherever space is not a constraint. T.V sets should be installed in each barrack.

Andhra Pradesh has been consistently ranking IV/Vth among the States in terms of the no. of deaths in jail. The number has been rising steadily for the past 5 years. 76 prisoners died in jails in AP in 2001-02, 112 in 2002-03, 114 in 2003-04 and 87 in the current year (till 31.12.04). The examination of relevant records revealed that the instructions issued by the NHRC regarding mandatory PME and

magisterial inquiry into every case of death of a prisoner are not being followed strictly. A number of lapses in this regard have been noticed in the Central Jail Cherlapalli. While intimation about death in jail is invariably received at the Commission within 24 hours of occurrence, detailed reports are inordinately delayed.

The plight of women prisoners especially UTPs presents a prominent weakness of the jail administration in A.P. Women UTPs are lodged only at the Central and District Jails. Earlier, Sub jails were also keeping women UTPs in separate enclosures guarded by a female Warder engaged on contract/daily wage basis. This was stopped some time back when the contingency paid staff was replaced by Home Guards. As female Home Guards are not available at most places, the women UTPs had to be moved out from Sub Jails and lodged at the District Jail/Central Jail. This is causing obvious hardship to the women prisoners in terms of court appearance and the visit of their families to meet them.

The Legal Aid system meant to serve the poor prisoners also needs a critical evaluation to see whether it is functioning effectively. A number of UTPs were found having been provided no legal aid. Some of those who had been provided legal aid were not happy with the performance of the legal counsel. The procedure for providing legal aid to the indigent prisoners is found to be time-consuming. It takes on an average more than a month for the order passed by the competent authority to reach the Counsel. Some suggestions have been made by the DG Prisons, A.P. to the Home (Prison) Deptt. to streamline the procedure and make it effective. This situation is all

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the more anomalous when the Government is seriously trying to introduce a number of progressive measures to improve the lot of the prisoners.

The issue of Premature Release of Lifers being ordered only under the provisions of Art. 161 of the Constitution calls for a critical examination. As no orders are being issued u/s 433 Cr.PC, the provision of section 433(A) introduced to give effect to an important judgement of the Supreme Court are being circumvented en masse by taking recourse to the constitutional provision. The NHRC Guidelines on this vital issue have not been given any effect so far.

Chal

(Chaman Lal) 10/1/05
Special Rapporteur
18.1.2005