

Report of Shri Chaman Lal on his visit to the Model Jail Chandigarh on
10.2.2005

As directed by the Commission, I visited the Model Jail, Chandigarh on 10 February 2005 to study the functioning of the jail with focus on the human rights situation of the inmates. I was accompanied by Shri P.S. Shergil, Addl. I.G., Union Territory of Chandigarh who is holding the charge of Supdt. Jail also. Later Shri Amitabh Dhillan, IPS, SP (Security) and I.G. Prisons Chandigarh also joined and remained present during the round of the jail campus and subsequent discussion.

Jail Profile

The Model Jail Chandigarh established in June 1972 with sanctioned capacity of 1000 – 960 male and 40 female prisoners is the only jail covering the entire jurisdiction of UT of Chandigarh. The jail infrastructure designed to meet the custodial and correctional requirements is holding 9 barracks and 37 cells for keeping prisoners. The actual jail population on the day of the visit i.e. 10 February was 503 which included 24 female prisoners. Besides this, 3 children – 1 male and 2 female in the age group of 4-5 ½ years were also found staying with their mother prisoners. The daily average strength of the previous month was 525. The Additional IG stated that 550 can be taken as the average population of this jail. Obviously, overcrowding is not a problem at this jail. Convicts numbering 107 include 48 male and 4 female lifers. UTPs – 378 male and 18 female constitute 78.7% of the total jail population.

The jail building meets most of the requirements of a Central jail with capacity of 1000 inmates. However, the accommodation in the female

section is not adequate for the sanctioned strength of 40 prisoners. As such a proposal for construction of an additional ward has been submitted to the Government. A separate high security ward is another pressing requirement of this jail. There is also a need for a separate Administrative Block.

Sanitation & Hygiene

Availability of 112 toilets and 86 Bathrooms gives a toilet to prisoner ratio of 1:8.9 and Bathroom to prisoner ratio of 1:11.6 which is considered satisfactory. The general standard of cleanliness and personal hygiene is found to be very good.

The drinking water facility-backed by two water storage tanks with capacity of 60,000 gallons and 10,000 Ltr. respectively is found to be adequate. Aqua-guard filters have been installed in all barracks and two water-coolers have also been installed for the prisoners. Round the clock, electric supply is ensured by providing two standby Generators having capacity of 100 KVA and 30 KVA respectively.

Food

The food scale laid down in the Punjab Jail Manual, has been adopted by the UT Government for its prisoners. The scale fully meets the nutritional needs of prisoners. The daily expenditure on food comes to Rs. 16 per head. Prisoners' Panchayat is involved in drawing of rations from the Store, selection of menu and cooking of food. No complaints were received regarding quantity and quality of food served in the jail. The children staying with women prisoners are provided 400 ML milk as additional diet. A separate Diet scale for children needs to be fixed after determining their

nutritional requirements by consulting experts. The old anomaly of classification of prisoners as per the socio-economic background and habits of superior mode of living sanctioned under the Punjab Jail Manual is also found in operation in this jail. 5 convicts (all male) and 12 UTPs including one female have been accorded B class status and enjoy higher standards of accommodation, food, bedding and clothing. UTPs have been accorded higher category under the court orders. Convicts are accorded this status by the IG Prisons.

Clothing and Bedding

Convicts are being provided clothing and bedding as per the scale laid down in the Punjab Jail Manual. While the scale is adequate and replacements are issued in time, a general complaint about the poor quality of the jacket/coat issued for winter months was received from the inmates. Considering the extreme cold climate of Chandigarh, this grievance needs to be addressed. Toothpaste/powder is an authorized item for B class convicts only. Others are denied this elementary facility. Sanitary napkins are not included in the scale as part of the essential personal needs of women prisoners. Nor has any administrative order been issued to remove this glaring omission in the existing scale.

Education, Recreation and Welfare

A Branch of IGNOU was opened in Chandigarh in 2001. The study center was started in 2002. In Session 2002-03, 33 out of a total of 48 students passed examination in various courses. In 2003-04, 47 students were enrolled but could not appear in the examination because of suspension of the activity following the jailbreak in January. The incident of jailbreak

leading to the tightening of security has resulted in acute shortage of staff at the functional level and also caused disruptions in educational programme sponsored by IGNOU, health related activities i.e. Yoga and Meditation, vocational training for women and cultural activities inside the jail. The present functioning of the jail totally negates its claim as a Model jail.

The prison has a well-stocked Library having about 1200 Books. Convict Nigerian Dr. Gabriel complained that no books have been added to the Library after 2003. 30 Newspapers in English and Punjabi are being supplied to the prisoners daily. Prisoners are provided indoor game facility and arrangements are also available for playing volleyball. Badminton facility provided earlier had to be withdrawn as it was abused by some prisoners. Under the orders of the Punjab and Haryana High Court, TV facility restricted to 5 religious Cable Channels has been provided. It is unfortunate that educational and cultural activities stopped in the wake of the jailbreak, have not yet been restored. Yoga and Meditation classes an admirable feature of this jail also remain suspended.

Health Care

Dr. Rajesh Anand, M.O explained the functioning of the health set up of the jail. Model Jail Chandigarh is sanctioned one Dr. and two paramedical personnel. Only OPD services are available. The daily OPD average is around 40. In-patients services have not been developed so far and prisoners requiring hospitalization are sent to the General Hospital sector-16 Chandigarh. It is heartening to note that 8 Specialists including one lady Specialist visit the jail as per the following Roaster:

Dental	- Weekly
Medicine	- Fortnightly
Orthopedic	- weekly
E.N.T.	- Fortnightly
Skin	- Fortnightly
Eye	- Fortnightly
Psychiatry	- Fortnightly
Lady Gynaecologist	- Weekly

Five prisoners have been detected as TB cases and are receiving treatment under DOTS. Although Ambulance services are not available, emergency cases are being handled satisfactorily by requisitioning Police Control Room and Ambulance services.

Two convicts and two UTPs are suffering from mental disorder. The convict Vikramjit Singh is under treatment at Mental Hospital, Amritsar. One convict and two UTPs are being treated by the visiting Psychiatrist. Periodical reports on the status and progress are being sent to the courts concerned.

Gurnam Singh s/o Fakira aged 65 is suffering from Coronary Artery disease and requires to undergo CART/Revascularization as per Deptt. of Cardiology, PGI Chandigarh. He is a lifer and has become eligible for premature release as per the norms being followed by the UT Chandigarh at present.

Death in Jail

The incidence of death in jail was examined in detail from 1.1.2002 onwards. A total of 11 deaths have taken place in this prison since 1.1.2002, all occurring in General Hospital. Intimation was sent to NHRC within the prescribed time in all cases. Post-mortem examination was conducted in all

the cases. The information collected from the Commission's CD Cell shows that 4 out of these 11 cases have been closed after receipt and examination of the detailed reports. Detailed reports are pending in seven cases. However, the additional IG informed that detailed reports have been sent in 5 more cases. Detailed reports are pending only in the following two cases:

1. Death of Khushal Chand on 10.11.04
2. Death of Udayveer Singh on 24.12.04.

Staff

Although the Model Jail, Chandigarh was set up as a Central jail, the sanctioned staff is far below the norms of a Central jail given in the Punjab Jail Manual. While the Central jail should have a sanctioned strength of one Supdt., 2 Dy. Supdt., 7 Asstt. Supdts., 1 Welfare Officer, 37 Head Warders and 153 Warders, the Model Jail Chandigarh is authorized a staff of one Supdt., one Dy. Supdt., three Asstt. Supdt., one Welfare Officer, seven Head Warders and 94 Warders only. There is a strong case for the augmentation of sanctioned staff as per the norms. It has become all the more necessary after the sensational incident of jailbreak on 21st January 2004 resulting in the escape of three hardcore terrorists involved in the assassination of Shri Beant Singh, former CM of Punjab. The R.S. Gupta Committee, which inquired into this incident, has made specific recommendations for staff augmentation which are under consideration of the Government.

What makes the situation still worse is that both the posts of Supdt. and Dy. Supdt. are presently lying vacant since the incumbents are facing criminal trial in the jailbreak case. The Dy. Supdt., Welfare Officer, one

Asstt. Supdt. and two Warders have been dismissed from service. The Supdt. jail is under suspension and is facing departmental inquiry. The Additional IG Prisons UT is officiating as Supdt. Jail and has just two Asstt. Supdt. to assist him in this onerous job. Until the authorization is increased to meet the additional requirements, vacancies of Welfare Officer and Asstt. Supdt. need to be filled.

It is shocking to know that the jail staff has not been put through any training for many years. Directly recruited Asstt. Supdts. are put on job without any formal training in law & regulations. Earlier the new staff used to be trained at the Punjab Police Jail Institution at Patiala. It is now proposed to develop its own infrastructure for training of jail staff for UT.

Work Programme

Convict prisoners are being provided vocational training and gainful employment in 5 factory units namely carpentry, canning, welding, polishing and saw sections. The staffing pattern includes 3 posts of Technical Masters in carpentry, welding and polishing skills. A total of 33 convict prisoners are currently employed in these units. I visited the Factory section and interacted with the workers. Wages are paid in accordance with the Supreme Court directions given in State of Gujarat and others vs. Hon'ble High Court of Gujarat criminal Appeal No. 308 of 1986. However, instead of constituting its own Wage Fixation Body, the rates revised by Punjab Government and notified by their letter No. 11/318/98/43/4193 dated 8.11.2000 have been adopted. Daily wages are being paid @ Rs. 12 to skilled, Rs. 10 to semi-skilled and Rs. 8 to Trainees.

In Carpentry Section where 16 prisoners are working, 8 are receiving wages as skilled and 8 as unskilled workers. Prisoner Sandeep Singh has been working in this unit for about 16-17 months. He is considered proficient by the Instructor, but is being treated as an unskilled worker. Convict Vinod Kumar is working in the canning section and receiving wages as an unskilled worker. He is a lifer who has completed 11½ years of imprisonment. He was received on transfer from Bhatinda on 17.10.04. He said he has been working in the Canning section for about 11 years. It is unfair to treat him as an unskilled worker. It is his right to be treated as a skilled worker and paid accordingly.

27 prisoners are working in the Jail Kitchen. All, except the 'Numberdar', are paid daily wage of Rs. 10/-. Considering the strenuous nature of the kitchen job, prisoners can be categorized as cooks and helpers and paid Rs. 12 and Rs. 10 respectively as is the practice in most States.

Three prisoners are working as Barber and paid daily wage of Rs. 10. They are found proficient in their work. Their performance can be evaluated to upgrade them to the skilled category. One prisoner does ironing of clothes. He is trained and efficient in his job but is receiving daily wage of Rs. 8 only.

Wages are paid regularly and dues have been cleared up to January 2005. It was heartening to note that the prisoners know the rate at which wages are being paid to them and also have a fairly correct idea of their accumulated earnings. The system of upgradation from trainee to semi-skilled and semi-skilled to skilled category needs to be streamlined and made transparent.

Female Section

Women prisoners are kept in a separate enclosure within the main campus. It has a sanctioned capacity of 40 inmates. It was holding 24 prisoners – 6 convicts and 18 UTPs besides 3 children on the day of the visit. Dr. Neena Chaudhry from General Hospital Sector-16 was present at the time of visit. The staffing pattern includes one post of Head Warder (female) and 2 posts of Warders (female). One additional Female Warder is provided on contract basis. There is no post of Matron. Female section although guarded by Female Warder is supervised by male staff which is objectionable. At least one matron needs to be provided. Toilet and Bathroom facilities in the Female section are inadequate. At least 2 more toilet seats and one bathroom need to be added. Two UTPs complained that the tea served to them in the court Lock-up is invariably cold.

Convicts

I interacted with a number of convicts in barracks and at the workplace. All expressed satisfaction with the living conditions including health care. However, many of them expressed resentment over the suspension of educational and cultural activities as a result of the burrail jailbreak. They wanted IGNOU facility to be restored at the earliest. Following complaints were received:

A. Parole

The system of parole is governed by the Punjab Good Conduct Prisoners (Temporary) Release Act 1962. Parole provisions governed by the Punjab Good Conduct Prisoners (Temporary Release) Act 1962, are fairly liberal. However, decision is taken relying totally on the report of the

District administration. In the year 2002, 60 prisoners had availed of parole. The figure was 88 for 2003 and 59 for 2004. The following prisoners complained about denial of parole:

1. Con. Munna has been in jail since 18.3.98, applied three times.
2. Con. Sahib Alam is in jail since 21.11.95.
3. Ganga Sahni in jail since April 1999. He was sanctioned parole in 2003 but could not furnish surety.
4. Sham Lal in jail since 25.6.96, applied twice.
5. Pritpal Singh undergoing 10 years imprisonment in NDPS Act since 1997. He has applied four times.

Sandeep Singh s/o Gurdeep Singh was sentenced to 9 month imprisonment in six cases of theft. He thinks these sentences are to run concurrently. He says the Government lawyer provided to him has misplaced the copies of judgement. He has completed 16 months out of a total imprisonment of 4 ½ years. His application for grant of duplicate copy of judgements may be processed through the Legal Aid Cell.

B. Premature Release

Premature release of prisoners is being ordered as per the provisions of the Punjab Jail Manual. Guidelines are available for considering the cases of premature release of lifers under the powers of the State Government u/s 432 Cr.PC and the powers of the President under Art. 72 of the Constitution. However, orders are generally issued u/s 432 Cr. PC. The Guidelines issued by the NHRC on the subject are yet to be given effect.

There was only one release order in 2002, one in 2003 and 4 in 2004. Only two cases of lifers are due for consideration of premature release was detected at present.

Convict Sanjeev Kumar s/o Anand Prasad Jha is a lifer since 14.12.89. He has never availed of parole. His premature release is being delayed because of his inability to furnish surety. There is nobody to come forward to furnish surety for his release. His case needs to be brought to the notice of the District Legal Service Authority.

Convict Gurnam Singh was admitted on 3.2.91. He was sentenced to life imprisonment with a fine of Rs. 500 or further R.I. of one year in default of payment of fine. His case has now become due for premature release. A report has been called from DM Chandigarh. On receipt of the reports, the case will be forwarded to the Union Territory of Chandigarh Administration.

Under-trial Prisoners

The Supdt. furnished the following statement on UTPs:

Duration	Male	Female	Total
Up to 3 months	86	6	92
3 to 6 months	74	3	77
6 to 12 months	62	2	64
1 to 2 years	54	3	57
2 to 3 years	42	1	43
3 to 5 years	54	3	57
Above 5 years	6	0	6
Total			396

I spoke individually to all the UTPs who have completed three years. They were assembled at one place for this purpose. Following grievances were heard:

1. Bittu s/o Beer Singh was admitted on 2.12.98 and is facing trial u/s 395, 376 and 342 IPC along with 3 others. They are regularly attending Court and have their own lawyers to defend them. He informed that only 4/5 witnesses out of a total of 30 have been examined so far and the trial is adjourned every time for long periods.
2. Vinod Kumar s/o Sher Singh was admitted on 24.2.01 and is facing trial u/s 18 NDPS Act. He stated that all prosecution witnesses have been examined in his case and his statement u/s 313 Cr.P.C was also be recorded some 18 months back. After arguments were over 4 dates were announced for pronouncement of judgement. However, the prosecution has taken up one additional witness who was earlier not considered necessary. He feels aggrieved by this decision and has filed a petition in the High Court.
3. Chabbi Rai s/o Laxman Rai was admitted on 28.12.2000 in an NDPS case. He was first provided Manjit Singh, Government Pleader who did not do anything for about an year. Then he was provided another Lawyer Mr. Bajaj who also did not attend to his case for about 1 ½ years. Some six months back, he was informed by the Court that Government Pleader N.K. Nanda has been appointed to defend him.
4. Mohan Lal s/o Beer Singh is in custody since 27.7.99 as an undertrial in a murder case. He complained that the Government pleader provided to him is not regular in attending to this case.

5. Prem Kumar Yadav s/o Chandra Dev and Inderjit s/o Sudarshan were admitted to this jail on 22.10.2001. They are facing trial in a case u/s 366/394 IPC. The case is pending at the arguments stage.
6. Jinder s/o Bishan Das was admitted on 6.9.2000. He is facing trial in the court of ASJ, Chandigarh u/s 302/34 IPC. Three other accused in this case were released on bail on 6.9.2000. He was provided a Government lawyer. He did not apply for bail because he cannot furnish surety.
7. Pankaj s/o Prem Singh and Rvinder Kumar s/o Bhola Ram were admitted on 4.1.2003. They are facing trial u/s 302/34 IPC in the court of ASJ, Chandigarh. Although the charges were framed after about 4 ½ month of their arrest, recording of evidence has not yet started.
8. Ram Karan s/o Jagpal was admitted on 14.3.2000. He is facing trial in a case u/s 454/380/394/302 IPC. He has been provided a Government Lawyer. He says that only 2-3 witnesses have been examined and the progress of trial is very slow.
9. Krishan Lal s/o Anant Ram together with his wife Usha Rani was admitted on 26.5.2001 and is being prosecuted for killing his mother. The case is pending at the argument stage.
10. Sher Bahadur Nepali s/o Bhote Nepali and two others were admitted on 2.4.2001. They are facing trial in a case u/s 307/302/34 IPC in the court of the Sessions Judge, Chandigarh. They complained that their case is moving very slowly.
11. Ajit Singh s/o Udaiveer Singh and 3 others were admitted on 17.5.2001. They are facing trial u/s 147/148/149/307/302 IPC in the court of the ASJ, Chandigarh. They have stated that all

evidence were over about 15 months back and the case is pending for arugments.

12. Ishwar Chand s/o Thambu Ram and 3 others were admitted in July/August 2001. They are facing trial in the court of the ASJ, Chandigarh u/s 363/366/376/506/120 IPC. They complained that the trial is adjourned for long period and the progress is very slow.
13. Rajbir Singh s/o Fatch Singh and 2 others were admitted on 24.9.2001 in the case u/s 302/201/342/506/34 IPC. Only two witnesses have been examined out of a total of 24 in 3 years since the case was challaned.
14. Pal Singh s/o Sunehra and Sanjay s/o Ram Singh admitted in October 2001 and is facing trial in the court of ASJ, Chandigarh u/s 341/376/506 IPC. They complained that no witness has been examined during the last 6 months.
15. Sallahudin s/o Nizammudin and Mohd. Ramzan s/o Mohd. Rahim were admitted on 25/28 February 2001. They are facing trial in the court of ASJ, Chandigarh u/s 302, 307, 398, 449, 341 IPC. They complained that the recording of evidence is very slow. Only 4 witnesses have been examined out of a total of 28 so far. Trial is adjourned for long periods. Sometime the case gets adjourned without their production before the Magistrate although they are taken to the court regularly.
16. Rajesh Sayal was admitted on 3.11.99. He is being prosecuted in 5 cases of cheating in different courts. He complained that only one witness has been examined in over 120 hearings till now.
17. Balwinder Singh s/o Mehar Singh was admitted in an NDPS case on 19.3.02. He complained of delay of the framing of charges.

Only one witness has been examined out of a total of 14. He said that sometime he is not being actually produced before the Magistrate.

I visited the Adolescent Ward which was shown holding 28 prisoners. 24 were actually present. I found that 8 of them have completed six months with three languishing for more than one year. Following complaints were heard:

1. Jeewan Lal admitted on 1.2.2002 is undergoing trial in NDPS case in a Juvenile Court. He said that only one or two witnesses have been examined in the last two years.
2. Jasbir Singh was admitted on 1.11.2003. He is facing prosecution in six cases of house-breaking. He needs legal aid.
3. Ram Lal was admitted on 4.2.03 in a case of murder along with two adult accused. He needs legal aid.
4. Subhash admitted on 26.9.03 in a case of rape complained that the Government pleader provided by the court rarely contacts him.

The number of long staying UTPs is relatively much larger in Chandigarh jail than what has been seen in jails in Punjab and Haryana. I don't think any systematic review of the UTP situation is being done.

Jail Adalats

Jail Adalats are being held by the Chief Judicial Magistrate, Chandigarh. 16 such Adalats were held in 2002 resulting in release of 112 prisoners. In 2003, 12 Adalats were held and 94 prisoners were released. The jailbreak seems to have affected this activity also as only 7 Adalats were held in 2004 and 69 prisoners were released.

Board of Visitors

The Jail Manual provides for a Board of visitors comprising the official and non-official Members. Vide Government letter No. 10066-H111(5)-2001/9533 dated 17.10.01, 11 non-official members were nominated for a period of two years. Their term expired in October 2003. Additional IG informed that the Board is being reconstituted.

Visits by Judicial Authorities

District and Sessions Judge and Additional Sessions Judge, Chandigarh have been visiting the jail regularly. There have been seven visits of Judicial authorities during the last one year.

NGOs Involvement

The involvement of the NGOs in education, recreation and other welfare activities of the prisoners is practically Nil.

Conclusion

Chandigarh Jail is being administered efficiently but with a firm hand by an over-cautious staff that has not yet recovered from the trauma of the sensational jailbreak of 2004 involving the killers of the former CM of Punjab. Its claim to be called a Model Jail remains suspended for the time being. With actual population averaging around 55% of the provided capacity, this jail has always been free from the problem of overcrowding. Over the years, it evolved a liberal system of administration and achieved a fine balance between custodial and treatment aspects of prison management. The infamous jailbreak gave a serious blow to this approach and led to the

tightening of security measures. A High Powered Committee has looked into this incident and given its recommendations for revamping the jail administration.

While staffing pattern of this jail needs to be upgraded to that of a Central jail, what I consider more important is the proper constitution of the Prison HQs. The existing arrangement of making SP security or even DM Chandigarh, the ex-officio IG Prisons needs to be discarded for proper management and administration of the jail and handling of multifarious issues involving prisoners and staff. The Jail Deptt. must have an independent IG Prisons in whatever scale and rank the Government considers necessary.

The incidence of jailbreak, in my opinion, cannot be attributed to administration of liberal ideas which had made this jail a Model Jail. A detailed examination of the incident would leave no one in doubt that the escape was made possible by negligence and even connivance of a section of staff. It is unfair that a number of law-abiding prisoners of good conduct are made to suffer a strict regime introduced after the incident. However, living conditions in this jail are still better than what can be seen in many other jails in this region.

It is strongly recommend that educational activities established under the arrangements of the IGNOU should be restored immediately and the time-tested measures of Yoga, Meditation and Cultural programmes should be restarted.

As regards the jail infrastructure and the functioning of the jail, the scope and reach of the jail industry need to be expanded. The position of UTPs also needs a thorough examination. The Legal Service Authority

needs to be requested to review the old cases whose number is very high and take measures for their speedy disposal.

Chal

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(Chaman Lal)
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