

4/6/2006

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Report on the visit of Shri P.C. Sharma, Member and Shri Chaman Lal, Special Rapporteur, NHRC to Jails in Karnataka from 20 to 25 February 2006.

Shri P.C. Sharma, Member visited the Central Prison, Parappana Agrahar, Bangalore on 25 February 2006. He was accompanied by Shri Chaman Lal, Special Rapporteur, NHRC. Before the Member's visit, the Special Rapporteur had carried out detailed studies of the infrastructure and functioning of the Central Jail, Bangalore (20th Feb.), Open Air Jail Koramangla (21 Feb.), Taluk Sub Jail Chickaballapur (21 Feb.) and District Jail Mangalore (22 Feb.) followed by discussion with the Addl. D.G. Police-cum-IG Prisons and DIG Prisons HQ, Karnataka on 23 & 24th February 2006.

CENTRAL PRISON PARAPPANA AGRAHAR, BANGALORE

Shri B.S. Abbai, DIG Prisons assisted by Shri V.S. Raja, Chief Supdt., Central Prison Bangalore briefed the Member about the working of the Central Prison. The Central Prison, Bangalore is operating from a new building which was commissioned in 1997 with the transfer of 200 convicts from the older location in the city. It became fully operational from the new building in August 2001.

JAIL PROFILE

Spread over an area of 126 Acre, the Prison has a built up area of 39 Acres. The sanctioned capacity of the Prison is 2100 – 2000 male and 100 female. The Prison is divided into 10 Barracks with 2 being used as work sheds. One barrack accommodates Prayer Halls for Hindus, Muslims and

Christians, Prison school Library, a room for the adolescent UTPs and a room for short-term convicts.

Prison population on the day of the visit i.e. 25 February was 4376 – 1530 convicts, 2833 UTPs, 10 Detenués and 3 civil prisoners. This indicates overcrowding of 108.38%. The daily average strength of the previous month (January 2006) was 4401. The Chief Supdt. informed that 4400 can be taken as the normal strength of this prison which means 109% overcrowding. UTPs numbering 2832 constitute 64.7% of the total prison population. Convicts include 898 lifers with 12 females.

SANITATION AND HYGIENE AND WATER SUPPLY

Availability of a total of 255 toilets gives a toilet to prisoner ratio of 1:17 for the average strength of 4400. This is far below the acceptable level of 1:10 against the ideal of 1:6. Actual position is found to be still worse. The visit to the Barracks revealed that ONE toilet is being shared by 25 to 30 prisoners which speaks very poorly of the state of sanitation.

Bathing facilities are considered satisfactory despite the fact that bathing platform (not bathrooms) to prisoners ratio comes to 1:23. It may be mentioned that while some prisoners complained about the inadequacy of toilet facilities, no complaints were received regarding bathing facilities.

The supply of water by Bangalore Urban Water Supply and Sewerage Board (BWSSB) supplemented by bore-wells numbering 15 adequately meets the requirement of water for drinking, bathing and washing purposes. No one complained of the shortage of water. However, some educated and

articulate convict prisoners requested that periodic testing of water for its potability must be ensured.

Reliable supply of electricity is ensured with the help of two standby Generators – one of 320 KVA and another of 50KVA capacity.

FOOD

Separate scales of food have been laid down for labouring convicts and detenues and non-labouring convicts and UTPs. The daily expenditure on food (Rs. 18.33 per head) is very low and raises a doubt about its implementation. Although, no complaints were received regarding quantity and quality of food, DG Prisons Karnataka is requested to look into the matter personally and satisfy himself about the supply of food as per the laid down scale without any compromise on quality. A special dish costing Rs. 3 per head is supplied on festival days numbering 9 which include 3 National Holidays and sacred days of Hindus, Muslims and Christians.

CLOTHING, BEDDING AND OTHER ITEMS

Prisoners are not entitled to receive toothpaste or toothpowder and Bathing soap and footwear. The Government may consider supplying at least toothpowder and bathing soap as has been started in some other States. Sanitary Napkins are being provided as per requirement to female inmates under a Government order although the item has not been formally included in the prescribed scale.

Each convict prisoner is entitled to receive two sets of clothing consisting of one Shirt, one Nicker or Payjama for 8 months. Prisoners

working regularly in the Factory Section or Prison Garden are entitled to receive three pairs for one year. While the scale was found to be satisfactory, most of the prisoners indicated preference for Payjama over Nicker. DGP may like to examine it in detail by consulting inmates in other prisons.

PRISON HOSPITAL

Dr. M.V. Vijay Kumar briefed the team about the medical facilities provided at the Central Prison, Bangalore. The Prison has a 100-bedded hospital working from a well designed and carefully constructed building. It is authorized four Medical Officers including one Psychiatrist. Presently, 1 male and 3 female Doctors are posted. Besides a few prisoners are working in Hospital and have acquired reasonably good proficiency of assisting the Medical Officers. The Team felt that they should be categorized as skilled and semi-skilled on the basis of proficiency acquired and the length of attachment and paid wages accordingly.

The Hospital is authorized 14 Paramedical personnel – 2 Pharmacists, 4 Staff Nurses, 1 Matron, 4 Warders Nursing, 1 Sr. & 1 Jr. X-ray Technician and 1 Jr. Lab. Technician. It is presently holding only 2 Pharmacists, 3 Warders and 3 Staff Nurses. One Police Constable trained in operating X-ray Machine has been provided on attachment. Health Deptt. is in the process of recruiting a regular X-ray Technician. Vacant post of Lab. Technician needs to be filled.

5

(50)

A convict prisoner Dr. Basavary undergoing life imprisonment in dowry case is a Surgeon by profession. He has been attached to the Hospital and his surgical skill is being usefully utilized for minor surgical interventions made under local anaesthesia. The team was pleased to meet Dr. Basavary in the Hospital complex.

The daily OPD average is a round 350 prisoners. Special attention is being given to detection, segregation and treatment of TB cases. 12 patients are currently undergoing treatment for TB patients under DOTS. As many as 10 inmates are suffering from HIV/AIDS with one case of full-blown AIDS. They have been properly segregated and are receiving treatment. Three Ambulances – 2 Maruti and 1 DCM are available in serviceable condition.

Medical Officer Incharge Prison Hospital has, on the request of the team, identified 9 cases (all male) of serious illness that could be considered for premature release. The Special Rapporteur examined their particulars and found that only two of them can be considered for sympathetic attention on grounds of age and the sentence completed. They are: convict 523 R. Veeraiyan s/o Rama aged 72 and convict 522 Moushin Khan, aged 75. However, resort to the provision of premature release really not necessary, as they will be completing their sentence in six months time. Both of them were convicted in the same case SC No.25/97.

The Member visited the Mental Ward of the Hospital. It was holding 83 male and 7 female patients under treatment. Psychiatrist Dr. Rajani P. told that 43 of them have undergone hospitalization as indoor patients at

49

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NIMHANS for short periods. 7 prisoners – 3 convict and 4 UTPs are undergoing treatment at NIMHANS at present. The mandatory requirement of sending regular reports to the Court concerned in respect of the following Under-trial prisoners undergoing treatment at NIMHANS since the date shown against each was explained to the Chief Supdt.:

1. UTP 3630 Alla Baksh: 16.5.05.
2. UTP 3457 Mahabaleshwar: 23.6.03.
3. UTP 9637 Ram Gopal: 5.12.05.
4. UTP 3621 Mohan: 4.2.06.

The following cases deserve specific mention and detailed examination:

1. Darnish s/o George was acquitted on 30.9.05 in a case of murder (SC 10/02) under the provisions of Section 84 IPC. The Trial Court ordered his detention in Central Jail “enabling him to take regular treatment for major mental disorder at NIMHANS” for treatment purposes. The Court requested the State Government “to deal with the matter in accordance with the procedure prescribed u/s 336 to 339 Cr.PC read with provisions of Mental Health Act 1987”. Darnish has been in the jail hospital since 1.10.05 and taking treatment as OPD patient at NIMHANS.
2. Potappa s/o Kendappa was acquitted of an offence u/s 449, 323 and 302 IPC on 9.12.05 in SC No. 74/04 on the ground of insanity at the time of commission of the crime. The Principal Sessions Judge, Shimoga, while acquitting him, ordered his

detention in Bangalore Jail for "safe custody till the State Government takes action in the matter and decides where the accused should be kept pending action u/s 338 and 339 Cr.PC". The State Government was required to report action taken within 4 months. Potappa was accordingly admitted to Central Prison, Bangalore on 29.12.05 on transfer from Shimoga.

Both the above-mentioned persons have been kept in Jail for the purpose of safe custody pending their admission to a Mental Hospital in accordance with the provisions of the Mental Health Act. As they are not prisoners, neither convicts nor UTPs, their status is that of a non-criminal mentally ill person. The Team holds that they can be kept in the Jail Hospital only for the time required for their shifting to a Mental Hospital. Their continued detention in Jail is unjustified. The State Government should immediately shift them to NIMHANS.

The team saw UTP 3623 Pundalik Mallappa Magdum, an en route prisoner from the Central Prison Belgaum, in terminal stage of carcinoma of ® AE fold with secondaries in the neck. He was to be admitted to the Kidwai Institute of Oncology. The M.O. described his condition as hopeless. The Member felt that he could be considered for release on bail in order to provide him the comfort of dying at his home. (DIG Prisons Shri Abbai informed the Special Rapporteur about the death of this person on 21.3.06).

STAFF

There are 145 vacancies in various ranks in a sanctioned strength of 455. The staffing position at supervisory and functional level is tabulated below:

Name of the Post	Sanctioned	Held	Vacant
DIG (Prisons)	1	1	0
Chief Supdt.	1	1	0
Asstt. Supdt.	4	3	1
Chief Jailer/Jailer	14	13	1
Chief Warder	11	10	1
Head Warder	43	40	3
Warder	299	187	112

Available staff is not sufficient to meet the current requirements. DIG (Prison) informed that a proposal for the sanction of the following additional staff is under consideration of the Government:

- 1. Jailers - 4
- 2. Chief Warder - 8
- 3. Head Warder - 38
- 4. Warder - 244

EDUCATION, RECREATION AND WELFARE

Adult Education classes for prisoners are being conducted regularly by 3 teachers provided on deputation from the Public Instruction Department. The average daily attendance (50) is considered rather low. Indira Gandhi National Open University (IGNOU), Karnataka Open University has also provided facilities for conduct of examination.

However, records show that not many prisoners are availing of these facilities. There is no sign of any effort to motivate prisoners to improve their educational qualifications. The Intel Group has started running Computer Classes also.

Recreation facilities need upgradation. As many as 16 male and 2 female Barracks are without the elementary facility of TV. The facilities for Games indoor as well as outdoor are considered adequate. Cultural programmes such as Dance, Drama & Music etc. are occasionally arranged. Yoga and Medication classes are also being conducted from time to time.

WORKS PROGRAMME

Prisoners are being imparted vocational training and gainful employment in a number of trades such as carpentry, tailoring, printing press, soap and phenyl making, carpet-making etc. Female prisoners are being provided vocational training for work in Beauty-Parlour, Fabric Painting, Soft toys making and candle making. Prisoners are also involved in fisheries, piggeries, cattle rearing – production of organic manure and gardening.

The Female Section is also running a Bakery which produces quality bread and biscuits for internal consumption. Prisoners are also engaged for kitchen and maintenance job.

92 prisoners are shown working in prison agriculture, gardening, 40 employed on sanitation job and 19 on cleaning. 113 prisoners help in kitchen. 9 prisoners are doing barber's job.

All the prisoners working in Factory Section or on general jobs are paid wages on rates revised w.e.f. 20.2.1999 on the recommendations of the Wage Fixation Body constituted in compliance with the directions of the Supreme Court. Wages are paid at the following rates:

- Nil for 3 months which is treated as training period.
- Semi-skilled - Rs. 10
- Skilled - Rs. 15

The Member visited the Printing Press, Carpentry, Smithy, Tailoring and Weaving Sections. The Special Rapporteur visited all the Branches of the Factory Section and actually saw 185 prisoners as against 280 shown in the works statements. Following observations were made:

- ✓ • Most of the prisoners engaged in these jobs are not aware of the wage rate.
- ✓ • Hardly any prisoner was found to be having any idea of his accumulated earnings.
- ✓ • A number of prisoners rated as accomplished by the respective Instructors are being treated as semi-skilled workers.

The procedure for elevation from semi-skilled to skilled category need to be streamlined and made transparent. In the Printing Section, a number of workers have qualified for upgradation. The four willing UTPs were found

working in the Weaving Section. 15 power machines have been added in the Tailoring Section and 4 prisoners imparted training.

Wages have been paid up to January 2006 in Factory Section, up to Sept.05 in the Kitchen Section and March 05 in the General Section.

The team observed that the prisoners engaged in making Ragiballs in kitchen are doing the most strenuous and extraordinarily hard job. They deserve to be paid wages at higher rates. The system of payment of wages also needs to be reviewed. Most of the prisoners do not get wages as per their full entitlement at the time of release. Very few bother to come back for collection of the balance amount due to them which could not be paid at the time of release. That is why Rs. 2,26,756 is lying in Central Prison, Bangalore as undisbursed wages. Efforts should be made to clear the dues of the prisoners at the time of their release.

Considering the total number of RI convicts and the infrastructural facilities available, the scope of Works programme in the Factory Section can and should be increased.

DEATH IN JAIL

The Special Rapporteur scrutinized the incidence of death in the Central Prison, Bangalore from 1.1.04 to the date of visit i.e. 25 February 2006. As per Jail records, 59 prisoners died – 24 convicts and 35 UTPs during this period. The records of the C.D Cell of the Commission, however, mention 56 deaths. No intimation was received by the Commission in respect of death of 749 Virupaksha s/o Ningappa on 9.8.05

12

and C-14712 Ahmed Khan S/o Mohd. Khan on 27 June 2005. On detailed examination, the Special Rapporteur found that the Chief Suptd., Central Prison Bangalore had intimated these deaths to the Secretary General, NHRC by Fax on the day of death itself. Copies of the Fax Messages were also collected. These have been sent to the C.D. Cell for further necessary action. As such the Jail Authorities are not to blame for this discrepancy.

Death of UTP 9763 Lakshmi on 14.8.05 was not intimated to the Commission. No document could be furnished in support of the claim that this information was sent to the Commission. This calls for an explanation.

The submission of detailed reports to the Commission, after the first intimation is sent, is found to be very slow. Detailed report is awaited in all the 59 cases mentioned above. In fact, details have not been received from this jail in respect of deaths occurring after 22 February 2003. The Special Rapporteur could not get a convincing reply to his query whether Magisterial inquiry is being ordered in every case of death in prison as directed by the Commission. One the whole, the issue of death in Prison is not receiving proper attention. Additional DGP-cum-IG Prisons, Karnataka was requested to examine the issue in detail and ensure strict compliance with the Commission's directions. Home Secretary may be requested to issue suitable instructions to the DMs.

PROBLEMS OF CONVICTS

Parole - Parole is granted as per rule 191 of Karnataka Prison Rule 1974. The Special Rapporteur had in 1998 pointed out harshness of this

provision which provides that the prisoner applying for ordinary parole shall execute a Bond for Rs. 3000 with two satisfactory sureties for a sum of Rs. 3000 each, or in lieu of such sureties, he shall deposit an amount of Rs. 6000 in cash giving an undertaking that he will return to the Prison before the expiry of the period of his temporary release. While it is heartening to note that as a result of an amendment to the said rule in February notified by the Government vide HD/10/PRA/99 Bangalore dated 20 February 2004, the amount of the deposit has been reduced from Rs. 6000 to Rs. 3000, a large number of prisoners still remain deprived of parole facility on account of poverty. The Team felt that the Government should consider reducing this amount further to say Rs. 1000. It goes without saying that the grant of parole has to be governed by other conditions regarding the conduct of the prisoner in Jail and his undertaking about satisfactory conduct during the period of parole and other conditions.

A statement furnished by the Chief Supdt. shows that parole was granted to 189 male and 3 female prisoners in 2003. It was rejected in 21 cases (all male). In the year 2004, ordinary parole was granted to 154 and extraordinary parole to 70 prisoners. 42 cases were rejected. The figures for 2005 are 194, 126 and 46 respectively. In the year 2006 (till 25 Feb.06) ordinary parole was granted to 29 and extraordinary parole to 25 prisoners. 4 cases were rejected, 93 cases of ordinary and 26 of extraordinary parole were pending with the District Authorities and 17 at the Prison HQ.

Rejection rate of parole applications is found to be reasonable. The only complaint heard from the convicts was their inability to deposit Rs. 3000 while applying for parole. The Team observed that because of the

harshness of this provision, most of the poor prisoners remain deprived of the facility of parole.

Premature Release of Prisoners undergoing life imprisonment :-

The Team was surprised to find that premature release of lifers is being ordered only under the constitutional provision of 161 of the Constitution. Releases are ordered only on special occasions like Independence Day and Republic Day. Information submitted by the Chief Supdt. shows that 106 premature releases were ordered on 26th January 2005, 57 on 15th August 2005 and 61 on 26th January 2006. This included 64 lifers. The eligibility for premature release for a lifer is 10 years actual incarceration for male and 5 years for female prisoners. Premature release is not being ordered u/s 432 of Cr.P.C which provides for actual imprisonment of 14 years without remission in respect of life convicts undergoing life imprisonment for an offence for which death is one of the punishments provided by Law. The effect of section 433A introduced in 1978 following a ruling of the Apex Court seems to have been nullified by recourse to the constitutional provision of Art 161 as a matter of routine.

It is because of the above that Central Prison, Bangalore was found holding no lifer who has completed 14 years or even 12 years imprisonment. The only exceptions are 4 lifers belonging to Maharashtra State whose release is to be governed by the practice being followed in Maharashtra. They are;

1. 9535 Nagesh s/o Giriappa who has actually completed imprisonment of 13 years, 2 months and 23 days on the day of visit.
2. 8140 Yogesh s/o Devagowda who has completed 11 years 3 months and 22 days.
3. 4006 Sridhar s/o Padma Pujari who has completed 12 years zero month and 10 days.
4. 609 Raju s/o Shankarsalian who has completed 11 years 3 months and 3 days.

522 convict Mohsin Khan has completed 8½ years of his 10 year sentence under NDPS Act. He said that he is waiting for the outcome of the appeal filed 2½ years back. His medical examination report has also been submitted to the High Court.

The case of ex-army convict prisoner 12304 M. Sampat Raj deserves a specific mention. This prisoner ex-Hawaladar (MT) of 14 Infantry Division was sentenced to life imprisonment by a General Court Marshal held at Dehradun on 19.8.92 and sent to Central Prison, Bangalore. While considering premature release along with others after he completed 10 years, reference was made to the Army authorities by wireless message on 5.8.2002 for obtaining 'No Objection'. The Office of the Adjutant General, Army HQ rightly pointed out that as per section 433A of Cr.P.C the said convict could be considered for premature release only after completing 14 years of actual imprisonment. Convict Sampat Rai was accordingly denied the benefit of premature release granted to all other lifers who had completed 10 years incarceration. This clear discrimination can be

explained by the fact that premature release of an Ex-Army personnel convicted by a Court Martial has got to be cleared by the Army authorities who are, in the interest of uniformity, following the 14 year rule. The team saw this ex-Army prisoner who will be actually completing 14 years on 25.5.2006. The Chief Supdt. again wrote to the Army authorities on 24.11.05 intimating that he would be completing 14 years on 25.5.2006 and his conduct in the Prison has been satisfactory. The Office of the Adjutant General wrote back on 7 December 2005 asking the Chief Supdt. Central Prison Bangalore to forward a report in respect of the convict in the first week of March 2006 so that his case can be considered for review of his premature release. The DIG Prisons has to take personal interest to ensure that his case is put up to the competent authority after clearance from Army authorities is received so that he gets the normal benefit after having been deprived of the special benefit admissible to all other lifers in Karnataka.

The case of UTP Venkatesh s/o Kaverappa deserves specific mention. He was admitted on 11.1.2000 under the orders of the Third Addl. Distt. and Sessions Judge Bangalore. The order says that "this man is committed to Prison pending the disposal of the said Appeal". The warrant mentions References S.C. 150/99 and A 848/2000 without giving any more details and background of his production in court. Special Rapporteur spoke to this man. He stated that he was acquitted in a dowry death case after undergoing imprisonment for one year and 19 days. The State filed an appeal in the High Court. It is quite likely that the High Court, while entertaining the appeal, has ordered his arrest. However, the warrant issued by the Addl. Distt. & Sessions Judge gives no reference of such order. What is more tragic is the fact that while appeals filed by the accused persons against

27

conviction are decided on an average within 3 years the appeal against his acquittal has been pending for about 6 years. The fact that this man was put in prison pending disposal of his appeal demanded disposal of his case on priority basis. The DIG Prisons informed that a number of representations made by him have brought him no relief. The Team felt that this is a fit case for being brought to the notice of the Registrar of Karnataka High Court for obtaining full facts and deciding further action.

UNDER-TRIAL PRISONERS

The Chief Supdt. furnished the following statement of UTPs (as of 19 February 2006):

Detention Period	Number		Total
	Male	Female	
Up to 3 months	648	37	685
3 to 6 months	1183	33	1216
6 to 12 months	602	26	628
1 to 2 years	187	5	192
2 to 3 years	115	03	118
3 to 5 years	51	-	51
Up to 5 years	05	-	05
Total	2791	104	2895

The Special Rapporteur reviewed the cases of all the UTPs who have completed 3 years in the Prison on 20 February. Following observations are made:

1. One Balkrishnan and 9 others are in this jail for more than 5 years. They were arrested on 13.12.99 and transferred from Tumkur Sub Jail to Central Prison on 29.8.2000. One accused in this case has been on bail. They are being tried u/s 20, 21, 28&29 under NDPS Act by a Special Court. They complained that their trial had started very late in November 2004. Out of a total of 52 witnesses, only 3 have been examined so far. They alleged that the NCB authorities of Chennai are not taking interest in producing witnesses before the Court.
2. 20 UTPs (3497 Baddrudin s/o Kuddubudin and others) are facing prosecution in the Stamp Duty case whose main accused Abdul Karim Telgi is detained in Pune Jail. They submitted that they were arrested in October 2002. The CBI has filed the chargesheet on 27.4.05 in the Special Court set up just outside the Central Prison, Bangalore. Their trial has not yet commenced.
3. Two male and 4 female UTPs involved in Dandupalya Gang case are lodged in this jail. They are involved in 3 cases of September 2001, 2 of May 2003 and one of July 2004. A Special Court located inside the jail campus is trying these cases on day-to-day basis.
4. UTP 6591 Anil Kumar Sharma s/o Ramadhar Sharma, in this jail since 14.2.03, is facing trial in a murder case. He complained that he has missed 3 out of a total of 9 Peshis. Although he was taken to the Court he was actually not

produced. Only 1 out of a total of 23 witnesses have been examined so far.

5. UTP 6609 Manja s/o Late Siddalingiah is in this jail since 14.2.03 in a murder case. He stated that the Court of Additional Rural District and Sessions Judge Bangalore has been without a Presiding Officer for one and a half year. Only six witnesses out of a total of 33 have been examined so far.
6. UTP 6587 Wazir Ahmed Saliq s/o Abdul Rashid and his son Mujannialah Ahmed Saliq are in this jail since 22.2.02 as accused in the Stamp case. The CBI has filed charge-sheets about six months back but trial has not commenced because of transfer of the Special Judge whose replacement is awaited. Wazir Ahmed underwent open Heart Surgery during this period at Government expenses. They requested their case should be considered on day to day basis.
7. UTP 6062 Muni Ray s/o Channarayappa and 6063 Khader Basha s/o Habib Khan are in this jail since 25.1.03[†] as UTPs in a case u/s 457/380. They complained that only one witness has so far been examined in this case.
8. UTP 5503 D.N. Narendra s/o D.H. Narsimiah is in this jail since 4.1.03 in a case of murder. His case is pending because the co-accused is absconding. Attachment of property has now been ordered.
9. 26 accused of the Bomb Blast cases are in this jail since 23 July 2000. They are involved in 4 cases involving 719 witnesses. 16 of them were earlier in Hyderabad and were transferred to

this jail on 22nd November 2005. They requested that their cases should be run on day-to-day basis.

10. UTP Shamun is in this jail since 30.12.03 in an NDPS case. He said that the case is pending at the judgement stage for the past 7 months.

Availability of police escort for court production purposes is less than 50%. The DIG Prisons informed that only 30.25% of UTPs were produced in 2005. The figure for Jan.2006 is 45%. The UTP situation is unusually pathetic in this prison.

Video linkage between the Central Prison and Courts introduced on 28.5.2003 has been functioning efficiently. In the year 2005, a total of 22,277 remand cases were produced and 1038 disposed of. In the first two months of 2006 (Jan & Feb) 4132 cases were produced and 473 disposed of. Besides dealing with remand cases, the facility is being used for recording the statement of the accused under 313 Cr.PC. 135 cases were handled in January 2006 and 105 in February 2006.

WOMEN SECTION

The Women Section of the Prison is functioning from a separate building complete in all respects to function as an independent Women Jail if access to it is provided without having to pass through of the main gate of the prison. The sanctioned capacity of the Women Section is 1000. On the day of the visit, the number of female prisoners was 157 - 58 convicts and 99 UTPs, besides 12 children. The Prison has 4 Barracks and 4 Cells. The female staff comprising 4 Head Warders and 12 Warders is supervised by

one Asstt. Male Supdt. nominated for a period of six months. There is a separate kitchen run on LPG.

The post of female teacher is lying vacant. Women prisoners are provided vocational training in tailoring, toy-making, craft-making, fabric-painting candle-making and Bakery. A Bakery run in the Female Section by six female convicts is producing quality bread and biscuits. Prison Ministry of India has been imparting vocational training in candle making, Doll making and ornamental waxwork. Sister Adel informed the Special Rapporteur that they are also running a course of 3 months duration in Home Nursing for a batch of 20 prisoners. They are also involved in running de-addiction classes and provide legal aid by arranging visit of 2 lawyers every Saturday. The team found that almost all the prisoners working in tailoring, knitting, Bakery are paid @ Rs. 10 per day which is the rate meant for unskilled works.

One of the Barracks in the Female Section has been converted into a Female Hospital. Besides 3 Lady Doctors of the Central Prison, two female Nursing Assistants are also available. It is heartening that no lady prisoner was found suffering from T.B or mental illness.

The Member spoke to convict Padmawati sentenced to life imprisonment for murdering her husband with the help of her paramour who is also a lifer lodged in this jail. She said that she has been disowned by her parents who do not allow her children to visit her. She was apparently confident that she will be released after she completes five years incarceration.

The Member spoke to a number of long staying UTPs. The Special Rapporteur examined the cases of all the female UTPs who have been in prison for more than one year and made following observations:

1. UTP Manju Bhatti and 4 others have been in this Prison since 14.2.04 for an offence under NDPS Act. The trial has not commenced although charge-sheet was filed within the stipulated period.
2. UTPs Ruttamma and Gangamma are in this Prison since 16.6.04 as accused in a murder case. Their trial has not yet started although the challan was filed within stipulated period.
3. UTP Kantamma in this prison since 18.12.04 is facing trial in a murder case. She could not avail of the bail granted 5 months back because of her failure to furnish sureties.
4. UTP Munira Beghum is in this prison since 7.5.2004. She is a heart patient and was granted bail one year back. She could not be released for want of sureties. Her case may be brought to the notice of the DLSA.

Recreational arrangements in Women Jail need improvement. One of the 4 Barracks is without TV facility. Some prisoners requested for supply of a Magazine 'Grihshobha' or 'Sudha'.

JAIL ADALATS

Jail Adalats are being held regularly since August 2004. A total of 7 Jail Adalats were held during the period from 14.8.2004 to 17.12.2005. 938

cases were considered and 241 prisoners were released after conviction. DIG Prisons informed that two Jail Adalats would be held in March 2006.

INTERVIEW

The Chief Supdt. informed that the daily average of interviews is around 500. It was found to be precisely 401 during the previous month. There are only 20 windows provided in the interview gallery. While not more than 3 prisoners should be brought to each window at a time, the number was found to be ranging from 8 to 10. Interview arrangements certainly need improvement by providing additional windows.

BOARD OF VISITORS

Karnataka Prison Rules provide for a Board of Visitors headed by the District Magistrate and having official as well as non-official Members. The system is found to have become dysfunctional because of the expiry of the term of non-official members and inordinate delay in notification of their replacements. Records show that neither the Board nor individual members have visited the Prison during last two years. The system needs to be revived.

VISITS BY JUDICIAL AUTHORITIES

Only the 4 visits were made by the Judicial Authorities in the past one year. Six visits were made by non-judicial authorities during this period. The team felt that problems of UTPs can be solved to a good extent if the

judicial authorities visit the jail regularly as per the provisions of Jail Manual.

STAFF QUARTERS

The type-wise availability and additional requirement of staff quarters is given below:

Type of Quarters	Availability	Additional Requirement
A Type	3	8
B Type	12	7
C Type	248	173
D Type	4	-

NGO INVOLVEMENT

A number of NGOs are helping the Jail Administration in matters related to education, vocational training, legal aid and welfare of prisoners. Prison Ministry of India conducts vocational training for male and female prisoners and Home Nursing Training Course for female inmates.

Lions Club has conducted Eyes Testing camps with the assistance of expert Opthologists and provided spectacles to treated prisoners. Intel technology Pvt. Ltd. Bangalore has been planting trees in the jail campus on the eve of Gandhi Jayanti. Prison Fellowship India Bangalore is running a residential school for the children of prisoners.

St. Marx Cathedral Bangalore has conducted medical examination of inmates with free supply of drugs.

Vakthi Vikasana Kendra is conducting Art of Living Programmes.

Social Service Wing of Oxford Dental College Bangalore arranges Weekly Dental Camps.

OPEN AIR JAIL KORAMANGLA

The Special Rapporteur, NHRC visited the Open Air Jail Koramangla on 21 February 2006. He was accompanied by Shri B.S. Abbai, DIG (Prisons). Acting Supdt. Shri P.M. Venkatarayappa and Jailer Shri S.R. Huchoverappa briefed the Special Rapporteur about the functioning of the jail.

This Open Air Jail was established in 1972 as a reformative scheme aimed at imparting training to inmates in agriculture and horticulture and rehabilitating them as law-abiding citizens. It has an authorized capacity of 100. Long-term convicts especially the lifers are selected on the grounds of their fitness and willingness for work and after they have completed $\frac{1}{4}$ of their sentence. The lifers are eligible only after they have completed 5 years imprisonment excluding remission. Selections are made by the IG Prisons on the recommendations of a Committee headed by DIG Prisons, Karnataka with Supdt. Jail, Factory Manager and Medical Officer/Psychiatrist of the jail as Members. Prisoners involved in offences against the State u/s 121, 121(A) IPC, and u/s 392, 402 & 376 IPC are not eligible for admission to Open Air Jail.

The Jail was found holding only 29 inmates on the day of the visit. Examination revealed that full capacity i.e. 100 was being utilized till 1995. In the year 2000, it dropped to 65 and since 2003, it has remained around 30. Under-utilization of a reformatory scheme carefully designed long back and run with good efficiency for several years should be a matter of concern for the State authorities. The Supdt. attributes under utilization to water shortage and drought like conditions in the area. Whereas water could be struck at 5-10 ft. level in 1970s and widespread development of the surrounding area has resulted in the depletion of ground water and one has to dig over 600 ft. to strike water. The open wells numbering 10 have gone defunct. The functioning of the 3 existing bore-wells is also restricted because of power cuts. At the same time, one can see a number of grape orchards maintained by private owners in excellent conditions in the adjoining area.

The round of the campus revealed signs of utter neglect. The wire fencing of the boundary wall was found very loose and hanging at most points defeating the very purpose for which it was provided.

Open Air Jail is spread over in an area of 113 acre with 100 acres under cultivation. Presently ragi, horse gram and maize are grown besides maintaining mango (180) coconut (2000) & jackfruit (40) trees. Out of a total of 2000 coconut trees, only 1200 are yielding fruits. Banana plantation has almost vanished. Grapes are not being grown.

Shri Shyamanna, Asstt. Horticulture Officer deputed to the Open Air Jail on regular basis informed that a proposal for taking up plantation of

cashew, Tamarind, jackfruit, curry-leaf, jataropa, amla and similar medicinal and aromatic plants in 10 acre area is under consideration of the Government.

The Supdt. informed that production in the Garden Section was Rs. 1,86,35 in 2005-06 against Rs. 5,27,617 in 2004-05. Production of milk in the Dairy Section has also come down from 2,20,370 in 2003-04 to Rs. 1,30,312 in 2004-05 to 1,59,870 in 2005-06.

Open Air Jail has a sanctioned staff totaling 38 which includes one Asstt. Supdt., two Jailers, one Asstt. Agriculture Officer, one Horticulture Officer, one Pharmacist, one Agricultural Asstt, one Chief Warder, four Head Warders and 11 Warders. One post of Jailer, one post of Agricultural Asstt. and six posts of Warders are lying vacant. Available staff is sufficient in relation to the current commitments.

Prisoners are housed in sheds which are neat and clean. A proposal for construction of Barracks under Modernisation Plan is under consideration. 6 toilets, 4 urinals and 2 bathing platforms present a satisfactory state of sanitation for the existing strength. Water supply for drinking, bathing and washing purposes is satisfactory. Food is supplied as per the scale laid down in the Jail Manual and per head daily expenditure of food was stated as Rs. 21/-.

Each inmate is supplied 3 pairs of uniform (1 shirt & 1 Nicker) for 8 months against the normal scale of 2 pairs in other jails. They expressed preference for pyjama over Nicker. As they are required to work in the

field, the scale of 2 pairs of Shirt & Pyjama and one pair of Shirt and Nicker can be considered by the IG Prison.

Health care is being provided by one Pharmacist Prem Kumar posted on deputation from Health & Family Welfare Deptt. He has the means and facilities to provide First Aid and primary treatment. For further treatment, patients are required to be referred to PHC Ahuti (1 km. away) or C.H.C. at Deonalli (5 km. away). 6-7 patients are referred to P.H.C and 1-2 to C.H.C. every month. Ambulance facility is available. Karnataka Shubha Samachar Mandali (KSM) Health Centre Kothnur Bangalore provides fortnightly medical check-up visiting facility. Drugs are supplied by 'Ed' Hospital Bangalore and also from the Central Jail. The Supdt. has sufficient financial powers to purchase medicines in emergency.

None of the prisoners is suffering from T.B, HIV/AIDS or any other serious disease. Inmates were found thoroughly satisfied with these arrangements.

There has been no case of death in Open Jail since 2000 when the present Jailer was posted. There has been only one case of escape since then. One lifer Krishnagowda escaped in 2002 after having completed 8 ½ years of imprisonment.

Special Rapporteur addressed all the 29 lifers present on the day of the visit. Only 3 of them have completed 3 years at the Open Jail. None of them has completed 10 years of total imprisonment. All of them were found aware of the wage rate and had a fairly good idea of their accumulated

earnings. They are paid @ Rs. 20 per day and are engaged throughout the month including holidays. Wages have not been paid after March 2005 for want of funds. Special allotment of Rs. 1.50 lakh would be required to clear the dues. They do not favour opening of Bank Account as they anticipate difficulty in withdrawing money when they need. However, they would be happy if individual Pass Books are maintained and shown regularly to them. No canteen facility is available. This glaring omission can be removed if the institution is run to capacity. The inmates are provided milk from the Jail Dairy at Rs. 9 per Ltr. against the prevailing market rate of Rs. 13 per Ltr.

Inmates at the Open Jail earn remission @ 10 days every month as against 6 to 8 days per month in other jails.

There are 10 illiterate prisoners among the inmates. Literacy classes can be started by employing one of the educated prisoners. Convict Ramakrishnayya is willing to undertake this job which can be considered as a skilled job for payment of wages. As an alternative, he can be paid an honorarium of the suitable amount out of the profit earned. IG Prisons may like to consider this suggestion.

Interview facilities are satisfactory. Prisoners are allowed to meet their visitors in the open. There are 5 prisoners who have not had any visitors since they came here as their friends/family members cannot afford to travel to this place. Government may consider allowing visitors coming from far off places to stay for 2-3 days at the Open Air Jail and provide suitable accommodation for that. This will be a meaningful step in promoting lifer's return to their family.

Most of the prisoners have been availing of parole facility admissible once in six months for 30 days which can be extended to 90 days by I.G. (Prisons). Surprisingly, neither the prisoners, nor the Supdt. or the Jailer were aware of the amendment to Rule 191 of KPR which has reduced the amount of cash deposit with application for parole from Rs. 6000 to Rs. 3000 if the prisoner cannot provide two sureties. It seems information about this important relief introduced at the instance of the NHRC has not percolated down.

C/803 Manjanna submitted that he had applied for parole two times from Central Jail, Bangalore. His application was rejected every time. He has been in Open Jail for about 1½ year. He was advised to send fresh application.

C/772 Chander Shekhar submitted that his case for parole was recommended by the Jail Superintendent but he was not granted parole because no report was received from Police authorities. It is worth examining why the provision of the amended rule 191 KPR was not used in this case. This provision says that non-receipt of no report from the Executive Magistrate and the Police within the stipulated time will be deemed as a favourable report for the grant of parole.

C/793 Nagaraja alias Darigowda s/o Earegowda submitted that his appeal against life imprisonment awarded by the District and Sessions Judge, Hassan (SC No. 75/97) is pending in the High Court since 1999.

TALUK SUB JAIL CHICKABALLAPUR

Accompanied by Shri B.S. Abbai, DIG(Prisons), the Special Rapporteur, NHRC visited Taluk Sub Jail Chickaballapur on 21 February 2006. Shri K.P. Shiva Kumar, Chief Warder-cum-Supdt. explained the working of the Sub Jail. Upgraded from a Police Lock-up in 1976, Sub Jail Chickaballapur is located in the premises of the Office of the Police Circle Inspector (C.I). Constructed in 1919, it has a total area of 1644 sq. ft. with built up area of 1394 sq. ft. It has two Cells of 8' x 10' size meant to accommodate 5 inmates each and two bigger Cells 8'x15' size meant to accommodate 8 prisoners each. While the authorized capacity is 16, the Sub Jail can accommodate up to a maximum of 25 inmates. The number of prisoners on the day of the visit i.e. 21 February was 32 – 1 convict and 31 UTPs. While a Sub Jail can hold convicts sentenced to imprisonment of not existing 15 days, convict 629 Adnarayappa s/o Shri Ramappa was sentenced to 4 years and was, therefore, awaiting transfer to Central Jail, Bangalore. This Jail is a Taluk Sub Jail of District Kollar which also has a District HQ Sub Jail Kollar and special Sub Jail KJF. A new Sub Jail being constructed at Taluk Chintamani is awaiting sanction of staff.

STAFF

Staff has been provided in full as per the sanctioned strength of 1 Chief Warder-cum-Supdt., 2 Head Warders and 4 Warders (total 7). Against the authorized capacity of 16, the Sub Jail was holding 32 which gives an overcrowding of 100%. The average strength at this Sub Jail ranges from 25 to 30.

SANITATION AND WATER SUPPLY

Availability of 4 attached toilets gives a toilet to prisoner ratio of 1:6. Prisoners were found satisfied with the toilet and bathing facilities as well as water supply.

DEATH IN JAIL

There has been no case of death in this jail.

Special Rapporteur visited all the Cells and addressed the inmates and heard complaints. He pointed out the necessity for providing Fans in the Cells. Temperature in summer months shoots to 40 degree centigrade in this area. He was not convinced with the argument that a ceiling fan in the generally over-crowded Cells, which have low ceiling, could be a hazard for inmates with suicidal tendency. Even if this risk is accepted for argument sake, wall mounted fans can be provided in these Cells. It is cruel not to provide this elementary facility to prisoners.

Most of the prisoners are found literate. 19 prisoners said that they read the Newspaper (two local papers) regularly and requested that one Magazine (Tarang) may also be supplied. This is a very reasonable request which costs very little and deserves to be granted.

HEALTH CARE

Sub Jail Chickaballapur has no medical facilities of its own. One Medical Officer from Sub Divisional General Hospital visits the jail once every month along with Civil Judge/JMFC. However, no record of medical

check-up is being maintained. The Special Rapporteur found from the concerning file that Medical Officer made 4 visits to Sub Jail on 24th February, 26th April, 25th July and 27th October in the year 2005 and only one visit this year on 6.2.06. No records showing the number of prisoners checked and ailments could be produced. This cannot be taken as a satisfactory execution of the claimed arrangement that a Medical Officer from Sub Divisional General Hospital visits the Sub Jail once every month.

Special Rapporteur scrutinized the nominal role of UTPs numbering 31. He spoke individually to 12 prisoners who have completed six months in the Sub Jail. They confirmed that they are being regularly produced before Court on Peshi days. It is heartening that availability of Police escort for production of UTPs in Court is 99%. No UTP has ever missed any Peshi. Five UTPs namely 258 Ganga Raju s/o Subbanna admitted on 24.10.05, 301 Sri Rama s/o Venkatara Vanappa admitted on 3.12.05, 307 Gurappa s/o Gurrappa alias Vaddi admitted on 11.12.05, 309 Bovi Eshwara s/o Dodda Narasimhappa admitted on 13.12.05 and 351 Azaz Khan s/o Amir Jan admitted on 12.1.06 prisoners submitted that they have been granted bail but could not produce surety.

INTERVIEW FACILITIES

There is no separate room for holding interviews, which are being conducted at the Prison Gate itself. The daily average of interviews is 2. Prisoners are happy with the arrangements.

NGO INVOLVEMENT

The Supdt. informed that Prison Ministry of India and students of St. Joseph College used to Sub Jail regularly. 2 to 4 sisters of the Prison Ministry of India used to visit the Sub Jail on every 2nd Saturday for counseling the prisoners and involving them in cultural activities besides working for their rehabilitation. The students of St. Joseph College were involved in conducting entertainment programmes. These admirable initiatives of the civil society were stopped w.e.f. 25.10.05 on receipt of instructions from the Prison HQ that no NGO or other functionaries should be allowed in the prison without prior permission. The Chief Warder-cum-Supdt. wrote to the Prison Ministry and St. Joseph College telling them that they should apply to the Prison HQ. The Special Rapporteur felt that this was a totally mindless interpretation of the HQ instructions. Instead of asking these bodies to apply to the Prison HQ, the Supdt. should have obtained permission from the Prison HQ for continued involvement of these dedicated personnel in the affairs of the Prison. It is hoped that the Addl. D.G. (Prisons) will straightaway order continued involvement of these organisations that have been doing commendable work for the welfare of the prisoners.

STAFF QUARTERS

No staff quarters are available. The entire staff is living in rented accommodation and paying huge amount from their meagre pay. The Supdt. is paying a rent of Rs. 1200 per month while getting Rs. 330 as HRA. Warders are paying Rs. 800 to 1000 per month and getting 285 (Head warders) and 250 (Warders). Sub Jail Chickaballapur is to be shifted from its present location of land measuring 3 acre has been acquired at a place 2½

km away and construction is proposed in 2006-07. Construction of the new jail building which has the necessary provision of staff quarters needs to be expedited.

DISTRICT PRISON MANGALORE

Special Rapporteur visited the District Prison, Mangalore on 22 February. Shri G. Govindappa, Supdt. briefed him about the functioning of the Prison and took him around the Campus which included visit to all the Barracks, Kitchen and the Women Section.

JAIL PROFILE

Established in 1859 Mangalore Prison acquired the status of District Prison in 1974. It is now being upgraded to Central Prison and the new building is under construction. Spread over an area of 8.5 acre with 4 acre of built up area, District Prison Mangalore consists of 6 Barracks and 12 Cells. One of the cells has become unfit for use. Four Cells constitute the Women Section of this Prison.

District Prison Mangalore has an authorized capacity of 150 – 146 male and 4 female inmates. Prison population on the day of the visit i.e. 22 February was 238 – 21 convict and 217 UTPs which shows an overcrowding of 58.7%. Daily average strength of the previous month i.e. January 2006 was 235. The Supdt. stated that the normal strength of this Prison is 220 which means an overcrowding of 46.7%.

Female prisoners numbering 6 – 1 convict and 5 UTPs constitute 2.5% of the total population.

Although District Jails in Karnataka are authorized to keep convict sentenced to imprisonment up to six months, the Prison was holding 8 long-term convict including 4 lifers. The Supdt. explained that they were en-route prisoners going for court appearance/medical treatment.

SANITATION AND WATER SUPPLY

Besides 17 toilets available inside the Barracks for emergency use, 12 toilets have been provided outside. The toilet to prisoner ratio of 1:18 needs to be improved. Availability of 7 Bathrooms gives a ratio of 1:30 which is not satisfactory. Supply of water for drinking, bathing and washing purposes is, however, satisfactory and no complaints were received on that count.

FOOD

LPG is being used as fuel for cooking purposes. The daily average expenditure on food provided as per the scale given in the Manual comes to Rs. 18.93. Prisoners were found happy with the quantity and quality of food.

HOSPITAL AND MEDICAL FACILITIES

District Jail Mangalore has no Hospital building. It is authorized one Medical Officer and one Pharmacist. The post of Pharmacist is lying vacant at present. Medical Officer Incharge Dr. Gopesh Kumar Nayak was away on deputation to NIMHANS for short training of 15 days.

Daily average of OPD as per records is 20. The Jail is holding 4 TB patients who have not been segregated. The explanation offered by the Jailer that the disease is non-spreadable was totally unacceptable and indicated a callous attitude. The Prison was also holding one prisoner UTP Virendra Mandosa suffering from HIV/AIDS who has been segregated. Only a few days back, one prisoner UTP Maurice Pinto of this prison died of AIDS in Boring Hospital Bangalore on 7.2.06.

It was shocking to know that TB and HIV/AIDS patients are not receiving any special diet. What shocked the Special Rapporteur most was that the Supdt. and Jailer seemed unaware of the provision of admissibility of special diet to such patients.

Prisoners requiring examination and treatment beyond the competence of the Prison Hospital are referred to the District Hospital. Records show that on an average, 3 to 4 patients are referred every day. However, the Police escort is provided only on Sunday when no Specialist is found on duty and only fever cases are attended. As such the actual availability of police escort for hospital purposes is NIL and for days the prisoners do not receive any treatment, although on paper the referral arrangements exist.

EDUCATION, RECREATION AND WELFARE

Very little interest is being taken in prisoners' education. The sanctioned post of teacher is lying vacant. Prison Library is poorly

equipped. Only 2 English and 4 Karnataka Newspapers are being subscribed for prisoners' use. Earlier 3 Magazines (Tarang, Sudha and Mayur) were also being supplied. The supply of Magazines was stopped 3 years back. Such a pathetic condition obtaining at a Distt. Jail not far off from the Prison HQs does not go well with the forceful claims of the Deptt. made through its recently started NEWSLETTER about their concern for the welfare of prisoners.

Facilities for indoor games like Chess and Carrom have been provided. The arrangements for outdoor games such as volleyball provided earlier were stopped about six months back.

STAFF

District Jail, Mangalore is authorized a total staff of 34 including 1 Asstt. Supdt., 2 Jailers, 1 Chief Warder, 3 Head Warders and 19 Warders. One post of Jailer and 6 posts of Warders are lying vacant. Even if all the sanctioned posts are filled, the available staff would not be enough for running the jail efficiently. Surprisingly, in this jail, functional staff is working on four shift basis instead of three shifts seen elsewhere. Prison HQs does not seem to have taken note of this anomaly. It is, therefore, necessary to fill up all the vacant posts. As regards the upgradation of the Prison to Central Prison, a proposal has been sent to the Government for augmentation of staff by sanctioning 206 additional posts including one Supdt. Central Prison, 2 Asstt. Supdt., 4 Jailers, 5 Chief Warders, 27 Head Warders and 133 Warders. It is proposed to upgrade the Jails Hospital by sanctioning additional posts of 1 Asstt. Surgeon and 1 Pharmacist. It is hoped that the upgradation will be effected only after the additional staff is made available.

DEATH IN JAIL

There have been 3 incidents of death in this Jail during the last three years. While no prisoner died in 2003, one death occurred in 2004 and two in 2005. These cases were reported to NHRC in time although detailed reports are still awaited in all the cases.

One UTP Maurice Pinto of this Prison died of AIDS at Boring Hospital Bangalore on 7.2.06. The Commission was informed by the Chief Supdt., Central Jail, Bangalore.

Scrutiny of death cases by the Special Rapporteur revealed that where as post-mortem examination is being conducted in each case, Magisterial inquiry is not ordered. The first inquest held by the Asstt. Commissioner who visits the Jail along with police after receiving intimation is being treated as the Magisterial inquiry. This is not in conformity with the Commission's directions. The matter was discussed with the IG (Prisons).

WOMEN PRISON

Women prison is functioning from a separate enclosure. All the 6 female prisoners – 1 convict and 5 UTPs were seen by the Special Rapporteur. Women Section is being looked after by female staff comprising one Head Warder and two Warders with overall supervision by a male Chief Warder which is objectionable. The Prison must have at least one female Chief Warder to obviate the necessity of involving male supervisory staff.

The available accommodation is sufficient for the average number which does not exceed 10. In fact, one Cell out of 4 Cells is being used by the Warders.

Female inmates were found happy with daily supply of one Newspaper but requested for a Magazine (Mangla) which should be granted. Monthly visit of a Lady Doctor from the Government Hospital is also considered necessary.

The Special Rapporteur scrutinized the cases of UTPs. Only one of them 3184 Jyoti Nayak involved in a murder case has completed a little over 8 months in the Prison. She has engaged her own lawyer. Although the case has been committed to Sessions the trial has not commenced.

4235 UTP Salma was admitted on 8.2.06 under ITP Act. She hails from West Bengal. She needs legal aid. She wanted her family to be informed. The Supdt. was requested to arrange to send a letter written in Bangla to her family.

WORKS PROGRAMME

Works Programme will be started only after the prison is upgraded as Central Prison and long-term prisoners are held.

PAROLE

No case of parole is required to be handled at District Jail.

CONDITIONS OF UNDER-TRIAL PRISONERS

The Supdt. presented the following state of UTPs:

Detention Period	<u>Number</u>		Total
	Male	Female	
Up to 3 months	79	3	82
3 – 6 months	46	1	47
6-12 months	52	1	53
1-2 years	20	-	20
2-3 years	13	-	13
3-5 years	3	-	3
Above 5 years	Nil	-	Nil
Total:	213	5	218

Special Rapporteur spoke to all the Under-trial numbering 36 who have completed more than one year in prison and heard the following complaints:

1162 Pandurangapa was admitted on 18.3.04 as a UTP in a case u/s 370, 224, 109 read with 149 IPC. Although the charge sheet framed about 8 months back, the trial has not yet started. Similar complaint was made by 1211 Ravi Gowda admitted on 31.3.04 in a case u/s 457/380 IPC.

1370 Alphonse Nazarat was admitted on 26.5.04 in a murder case. His case is going on in District Sessions Court, Uduppi. Only 4 out of a total of 22 witnesses have been examined so far. He stated that he was getting long dates (3 months) and was not produced before Court on three occasions. Now his remand is being extended by 45 days every time.

2248 Roshan Kutino was admitted on 10.11.04 in a case under section 395 IPC. His case is in progress in the Fast Track Court Mangalore. He said his case is pending for evidence of 5 police witnesses.

2443 Ashok @ Mudda was admitted on 7.1.05 in a murder case. All the other co-accused numbering 9 have been released on bail. Charge was framed about 7 months back but the trial was not commenced.

1918 Narain Rai is shown to be in this Prison since 6.09.04 as a UTP in a case u/s 420, 376 IPC. He told the Special Rapporteur that he is in detention since 16.11.02 and was transferred from Udupi to District Jail Mangalore on 6.9.04. He further submitted that he is facing trial in one more case -CC3871/00 u/s 120(B), 420 read with 34 IPC in the Court of JFCM Uduppi. The jail records of District Prison Mangalore are silent on this point. He complained that he has not been produced in the court in that case.

It was found that because of poor documentation, actual period of detention is recorded wrongly in many cases. The period spent by the UTP in other jails before arriving here on transfer, is not being recorded in the UTP statement. What is still worse is that UTPs are not having history tickets which is a mandatory requirement under the Jail Manual.

As many as 19 UTPs were granted bail but could not avail it because their failure to produce sureties. 1918 Narain Rai was granted bail three years back but is still languishing in jail for this reason.

It is heartening that the availability of Police escort for court production is almost 100%.

BOARD OF VISITORS

A Board of Visitors provided under Karnataka Prison Rules and Prison Manual was constituted on 7.6.04 with Deputy Commissioner, Mangalore as Chairman and Mayor, Sessions Judge, Deputy Director C&I, Deputy Director, PWD, District Surgeon, Local MLA as official Members and Shri D. Devdas Hegde as non-official Member. The previous Board had made 3 visits in 2003 and 2 visits in 2004 on 20.3.04 and 7.6.04. Jail records show that there has been no visit of the Board after that. The composition of the Board includes no woman member which is a mandatory requirement as per the Prison Rules.

JAIL ADALATS

No Jail Adalat has been held in this jail. A legal aid camp was organized by the Prison Ministry of India, Mangalore on 23.5.05 which was attended by the District and Sessions Judge also.

NGO INVOLVEMENT

Involvement of the NGO Sector in prison activities relating to prisoners' welfare is found to be good. Prison Ministry of India, Mangalore Unit has been actively involved in providing free legal aid and arranging celebrations on festivals of all faiths including National festivals. M.V. Shetty College of Social Works, Mangalore conducted an AIDS Awareness Programme on 14.11.05. Yenepoya Medical College Mangalore organized a

Dental Camp on 3.4.05. Fr. Muller Medical College Hospital Mangalore conducted a Skin Camp on 8.3.05. Jan Jagriti Vedicka Mangalore in collaboration with Sri Dharamasthal conducted a Drug Awareness Programme on 15.1.06.

DISCUSSION WITH ADDITIONAL DGP-CUM-IG PRISONS

The following issues were discussed in the meeting with Shri DPS Negi, Addl. DGP-cum-IG Prisons, Karnataka. Shri N. Jayaramaiah DIG Prisons was also present.

PRISON INFRASTRUCTURE

1. Karnataka State has a total of 97 prisons with an authorised capacity of 9271 – 8828 male and 443 female prisoners. Prisons are categorized as six Central Prisons, six District Prisons, 7 District HQ Sub-Jails, 2 Special Sub-Jails, 31 Taluka Sub Jails with Jail staff, 42 Taluka Sub-Jails under the control of Revenue Department, one Open Air Jail, one Juvenile Jail and one Borstal School. District HQ Sub-Jails are required to be up-graded to District Prisons.
2. The existing anomaly of 42 Taluka Sub-Jails under the Control of Revenue Department not seen in any other State needs to be rectified by bringing all these Sub-Jails under the Control of Prison Department.

OVERCROWDING

As of 31 January, 2006, the Prison population of Karnataka was 12007 against authorised capacity of 9271 which shows an overcrowding of 29.51 %. The daily average strength of the previous month i.e. December, 2005 was 12562 which shows an overcrowding of 35.49%. Although overcrowding in Jails in Karnataka is less than the national figure of 40%, some of the jails are experiencing alarmingly high overcrowding because of uneven distribution which cannot be helped. The following prisons/jails are normally having more than double the authorised capacity:

Central Prison, Bangalore; Taluk Sub-Jails, Ramanagram; Taluk Sub-Jails, Hospet; Taluk Sub-Jail, Yadgir; Central Prison, Mysore; District Prison, Bidar; District Prison, Shimoga; District HQ Sub-Jail, Chitragura (more than 5 times the authorised capacity of 39); District HQ-Sub Jail, Kolar (3 times the authorised capacity of 82) District HQ. Sub-Jail, Mandya (4 times its authorised capacity of 72)); District HQ Sub-Jail Tumkur (nearly 4 times, its authorised capacity of 72), Special Sub-Jail, Davangre (6 times, its authorised capacity of 45).

Under the Modernisation Plan (2002-07) with 75% Central share, a total of Rs. 53.90 crore has been allocated to Karnataka for (a) construction of new jails; (b) Up-gradation, renovation and repair of existing jails; (c) Improvement in sanitation and water supply; (d) construction of staff and quarters.

The State Govt. deserves to be complimented for efficient utilisation of the grant every year including the current financial year 2005-06. The grant is being utilised to up-grade the District Jail, Mangalore to Central

Prison and construct 11 new jails at Madikeri, Tumkur, Chitradurga, C.R. Nagar, Udupi, Bagalkote, Haveri, Koppal, Chintamani, Saksleshpur and Ramanagram. This would facilitate up-gradation of six District HQ Sub-jails to District Prison level. Jails at Karwar and Dharwad are being renovated. Besides, 25 jails are being provided repairs and expansion. Successful completion of these works will increase the authorised capacity by 3313 and will take care of the overcrowding which will be reduced to a marginal level of 5 to 10%.

STAFF

Out of a total of 1932 sanctioned posts in different ranks of the Prison Department, as many as 410 posts are lying vacant. 373 posts are to be filled by direct recruitment/promotion by the Department and 37 posts are to be filled by deputation from other Departments. Jailors and warders are considered key posts not to be left vacant. The Govt. has recently (14.2.06) accorded permission to fill up 11 posts of jailers and 215 posts of warders by direct recruitment. This action needs to be expedited.

The proposal for sanction of additional staff for newly constructed 12 jails including Central Jail, Mangalore has been pending consideration with the Govt. since August, 2003. Since the construction of buildings is nearly complete, the State Govt. is requested to accord sanction for the additional staff so that the new Jails can be commissioned and congestion reduced.

HEALTH CARE AND MEDICAL FACILITIES

Regular Medical Officers are sanctioned only at the Central Prisons and District Prisons. The only exception is Dharwad Sub-jail where one Assistant Surgeon is authorised for the Sub-Jail and Juvenile Jail combined. Central Prisons, Bangalore and Belgaom are authorised 2 Asstt. Surgeons and 2 Pharmacists. Central Prisons, Mysore is authorised 2 Asstt. Surgeons and one Pharmacist each. Central Prisons Gulbarga is authorised 2 Asstt. Surgeons and 2 Pharmacists. Central Prison, Bellary and Bijapur are authorised one Asstt. Surgeon and one Pharmacist each.

While all the six District Prisons are authorised one Assistant Surgeon and one Pharmacist each; Sub-jails do not have any sanctioned medical staff. Even District HQ Sub-Jails and Special Sub-Jails are without any medical set-up of their own. Only one Sub-jail, Dharwad has been sanctioned one Assistant Surgeon and one Pharmacist for providing health care to the Sub-Jail and Juvenile jail.

It would be clear from the above that the staffing pattern of medical set-up needs to be nationalised. Considering the prison population, the Central Prisons must have at least 3 Assistant Surgeons and 3 Pharmacists and each District Prison should have 2 Asstt. Surgeon and 2 Pharmacists. Besides, X-Ray and Lab. facilities should be provided at the Central Prisons and important District Prisons. Addl. DGP-cum-IG Prisons informed that a proposal for up-gradation of the staffing pattern for prison hospitals is also under the consideration of the Govt.

Pending the authorisation of additional staff, the following vacancies in the health set-up need to be filled immediately:

1. Assistant Surgeon : 3 posts - 2 at Central Prison, Belgaum and one at Mysore in an authorised strength of 18. (There is only one MO each at Central Prison Belgaum and Mysore.
2. Psychiatrist : 2 posts in an authorised sanction posts of 3
3. Matron Male Nurse) : 3 in an authorised sanction of 5.
4. Junior Lab. Technicians: 2 in an authorised sanction of 6.
5. Pharmacists : 3 in an authorised sanction of 17.
6. X-Ray. Technicians : 4 . All the sanctioned posts are lying vacant.

OPEN AIR JAIL

Open Air Jail, Koramangala is running at less than 1/3rd of its authorised capacity. Under-utilisation of a progressive measure tried and tested over the last 30 years should be a matter of concern for the Jail Department and State Govt. While other States are expanding this facility, Karnataka is allowing it to waste. Production in both agriculture/horticulture and dairy sections is steadily falling with no effective remedial measures initiated so far.

WOMEN PRISON

Karnataka is one of the few major States (the only one in South India) which does not have an exclusively women prison. Besides the Krishna Iyer Committee, the Parliamentary Committee on Women Empowerment headed

by Mrs. Margret Alwa has been emphasizing this need. Although separate enclosure has been ear-marked for female prisoners in all the Central and District Jails, the female guarding staff is not sufficient in strength and the objectionable practice of supervision by male staff is continuing. Addl. DGP-cum-IG Prisons informed that a proposal has been submitted to the Govt. for establishing six women prisons at six Central Prisons and for sanction/creation of required female staff. Construction of a separate female jail at premises of Borstal school, Dharwad is included in the perspective plan 2002-07.

SYSTEM OF PAROLE

The provision of depositing the cash amount of Rs. 3000/- in lieu of sureties needs to be reviewed although on Commission's recommendation the amount was reduced from Rs. 6000 to Rs. 3000. This is considered necessary because a number of poor prisoners who cannot furnish sureties remain deprived of the facility of parole.

DEATH IN JAIL

Instructions of the Commission regarding death in jail are not being adhered to strictly in Karnataka. While post-mortem examination is being conducted in every case of death in jail and the revised instructions about videography of the post-mortem examination are also being followed, magisterial inquiries are not being ordered by the DCs concerned regularly in every case. Addl. DGP-cum-IG Prisons was requested to examine the matter in detail and reiterate the Commission's instructions to the DCs through Home Department.

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PRE-MATURE RELEASE OF LIFERS

Persons undergoing life imprisonment are being released pre-maturely only under the Constitutional provision of Article 161. The standard provision of Sec. 433 Cr.PC with provision of section 433A is not being used. Orders are issued only on special occasions such as Independence Day and Republic Day. NHRC has issued guidelines on the subject vide No. 233/10/97-98 (FC) dated 8.11.1999 and 26 September 2003. What shocked the Special Rapporteur most was that in the note prepared for the meeting, it was mentioned that the practice followed in Karnataka is based on the recommendations of the Commission. It only reveals that this important matter has received no attention from the Prison HQ. Addl. DGP-cum-IG Prisons, Karnataka was requested to study the Commission's instructions and intimate the State's response to the Commission.

WORKS PROGRAMME

Facilities of vocational training and gainful employment at the Central Prisons are an admirable feature of Prison Administration in Karnataka. Considering the availability of infrastructure, the number of skilled prisoners and the quality of finished products, there is ample scope for the expansion of these facilities. While wages have been revised in 1999 following the Supreme Court's directions in Gujarat Vs. High Court of Gujarat 1998 (7 SCC) 392, the suggestion of the Court to deduct a part of prisoners' wages for payment to victims' families is yet to be implemented. This has been done in a number of States including Tamil Nadu. Additional DGP-cum IG

Prisons was advised to study the Tamil Nadu System and propose its adoption to the Government.

CONCLUDING REMARKS

Study of one Central Prison, one District Prison, one Sub Jail and the Open Air Jail, Koramangla in Karnataka presents an overall satisfactory picture of Prison Administration and Management. It has helped the NHRC team in making a broad assessment of the strengths and weaknesses of the jail set up and identifying the areas for improvement.

While a number of new Jails have come up after independence, the jail infrastructure in Karnataka needs upgradation to provide proper District Prisons at all the District HQs and do away with the anomaly of having 42 Taluka Sub Jails under the control of revenue authorities. Although, the overall overcrowding in Karnataka is less than the national average of 40%, a number of jails particularly the Sub Jails are experiencing very high overcrowding with consequent adverse effect on the standard of sanitation and hygiene. It is, however, appreciated that effective measures are in progress to solve this problem by constructing new jails and creating additional capacities in existing ones with efficient utilization of the modernization grant coming from the Government of India.

The actual availability of Medical Officers for Prison Hospitals has increased in the last 5-6 years. A distinct improvement is noticed in the care of mentally ill prisoners. However, the Health care facilities provided at various jails are still inadequate. Only the Central Prisons and District

Prisons have regular Jail Doctors. District HQ, Sub Jails which are functioning as District Prisons are without this essential facility. The arrangement of visiting Doctors for Sub Jails needs closer supervision. The State Government is requested to give immediate and favourable attention to a proposal for upgradation of health care facilities at Central and District Prisons submitted by the Prison Department.

While basic needs of the prisoners such as food, water and clothing are being addressed thoroughly, not much regard is being given to their needs of entertainment & education. Even the supply of Newspapers and Magazines is highly restricted. The subordinate jail staff is found lacking in sensitivity towards such needs of prisoners.

Although intimation about the incidence of death in jail is being sent to the NHRC promptly, the Commission's instructions regarding the detailed probe into each case of death are not being forwarded strictly in Karnataka. Similarly, the Commission's guidelines about premature release of life convicts have not yet been given effect. The ongoing practice of releasing a male lifer after 10 years and female after 5 years of actual incarceration by using the constitutional provision of Art 161 in a routine way needs a thorough review.

Excellent facilities for vocational training and gainful engagement have been developed for the convict prisoners at Central Jails. There is good scope to expand these facilities further and make them effective in ensuring rehabilitation of the released prisoners. Small factory units can be started at

the District Prisons also with opportunities for the engagement of willing UTPs.

The UTP situation has shown some improvement with introduction of video-linkage facilities and holding of Jail Adalats. Production of UTPs in Lower Courts is still not satisfactory.

Although some involvement of the civil society in the affairs of prisons is noticed from the occasional visits of the members of religious, philanthropic and academic bodies, the extent of NGO involvement in matters like counseling, legal aid, education and health care of prisoners needs to be expanded.

The time-tested system of Board of visitors is seen to have gone defunct. It needs to be revived by nominating committed and dedicated persons as non-official members.

Clal

21.4.06

(Chaman Lal)
Special Rapporteur