

**REPORT ON THE VISIT OF JUSTICE SHRI Y. BHASKAR
RAO, MEMBER AND SHRI CHAMAN LAL, SPECIAL
RAPPORTEUR, NHRC TO JAILS IN CHHATTISGARH
FROM 10 – 15 FEBRUARY, 2006**

Justice Shri Y. Bhaskar Rao, Member and Shri Chaman Lal, Special Rapporteur, NHRC visited the Central Jail, Raipur on 14 February, 2006. Before this, the Special Rapporteur had carried out a detailed study of the Central Jail, Raipur (11 Feb.), District Jail, Durg (12 February), Sub-Jail, Sanjari Balod (13 Feb.) and held a detailed discussion with the D.G. Prisons, Chhattisgarh on the infrastructure, administration and management of Jail Department. The Special Rapporteur found the presence of Shri P.D. Verma, DIG Prisons throughout the visit very useful. Observations and suggestions of the team are given below:

CENTRAL JAIL, RAIPUR

DIG Prisons Shri P.D. Verma and Dr. Shyam Raj Singh, Supdt., Central Jail received the Member and briefed him about the salient features of the jail. This was followed by a round of the jail which included visit to convict barrack No.3, UTP barrack No.5, single cells, factory section, kitchen, hospital, interview gallery and the women section.

The Central Jail, Raipur established in 1885 is spread over an area of 19 acres. The jail is divided into 5 sectors with a total of 26 barracks and 45 cells. It has a sanctioned capacity of 1130 – 1050

male and 80 female prisoners. Jail population on the day of the visit i.e. 14 Feb. 2006 was 2095 with the following break-up.

Prisoners	Male	Female	Total
Convicts	1396	88	1484
UTPs	574	36	610
Others (detenue)	1	-	1
Total	1971	124	2095

In addition, 18 children – 8 boys and 10 girls were also found staying with their mother prisoners.

The overcrowding on the day of the visit was 85.4%. Daily average strength of the previous month (January) was 2176.55. The Supdt. stated that 2200 can be taken as the normal strength of this jail. This shows an alarming overcrowding of 94.7%.

UTPs numbering 610 constitute 29.11% of the total population of the jail. Since lifers and other convicts sentenced to imprisonment for more than three years are required to be lodged in Central Jails, the proportion of undertrial prisoners in Central Jail is bound to be smaller than what will be found in District Jails and Sub-Jails. The convicts numbering 1484 include 1039 lifers – 980 male and 59 female. Only 40 high security prisoners, all male, are lodged in separate cells and all others accommodated in barracks.

SANITATION AND WATER SUPPLY

A total of 369 toilets including 22 in female section give a toilet to prisoner ratio of 1:6 for an average strength of 2200. Taking the average female strength as 120, the toilet to prisoner ratio in the female section comes to 1:5 which is very satisfactory. While availability of 60 bathrooms gives a very low bathroom to prisoner ratio of 1:37, the arrangements of bathing platforms provided in the open were actually found to be satisfactory as was confirmed by a number of prisoners. The supply of water for drinking, bathing and washing purposes made through 4 submersible pumps, 1 mono block pump set with an overhead tank of 45000 litre capacity is also satisfactory and no complaints were received from any prisoner on this count. Syntax and overhead tank facilities have been provided to all the barracks to ensure uninterrupted supply of water for drinking, bathing and washing purposes.

FOOD

Food is being supplied as per the scale laid down in the Jail Manual. The average daily expenditure comes to Rs. 18-20 per head per day. On being asked, the prisoners expressed satisfaction with the quantity and quality of food. Member visited the kitchen and appreciated that LPG is being used as fuel in all jails including sub-jails in Chhattisgarh. He suggested that for proper cleaning of the cooking utensils, side taps should be provided to drain out the water while cleaning.

RECREATION AND EDUCATION FACILITIES

Education of prisoners is receiving a good deal of attention. 1 to VIII class education is being imparted in a school inside the jail. During the year 2004-05, a total of 109 prisoners had attended 1 to VIII class and 5 prisoners passed class VIII examination. In the same year, 25 prisoners took exams. in class 10 and above. As many as 156 prisoners took final examination from primary to MA final in 2006, 2 prisoners appeared in BA final, 6 in M.A. previous and 5 in MA final examination.

A well equipped library is serving the educated and literate prisoners. News papers and magazines are being provided in sufficient numbers. 5 colour and 20 black and white TVs have been installed in barracks for prisoners' entertainment. However, the team noticed the absence of this facility in the cell section where high security prisoners involved in naxal cases are kept. DIG Prisons informed that this omission has already been pointed out by the DG Prisons, Chhattisgarh who has ordered installation of a TV in the verandah outside the cells for regulated use of TV facility by these prisoners.

STAFF

47 posts in a total authorisation of 213 posts (22%) are lying vacant. Key vacancies are:

	Authorisation	Holding	Vacancies
1. Asstt. Jailer	12	6	6
2. Welfare Officer	1	-	1
3. Law Officer	1	-	1
4. Sr. Probation Officer	1	-	1
5. Carpentry Instructor	1	-	1
6. Blacksmith Instructor	1	-	1
7. Weaving instructor	1	-	1
8. Chief Head Warder	1	-	1
9. Warder	126	106	20
10. X-Ray Machine Operator	1	-	1

HOSPITAL

The Central Jail, Raipur has a 40-bedded hospital. 35 beds were found occupied on the day of the visit. The daily OPD average is 115 patients. The hospital is authorised 3 male and one lady medical officer, and one TB Specialist. Posts of Lady Medical Officer, T.B Specialist, 2 Compounders, one Lab. technicians, one male nurse, one radiographer and one staff nurse are lying vacant. However, under the orders of the High Court, Chhattisgarh, one lady doctor, and one staff nurse have been attached since November, 2005. 4 prisoners are working in the hospital and have acquired good

proficiency in work and deserve to be treated as skilled workers for the purpose of payment of wages.

21 (17 male and 4 female) prisoners are suffering from mental illness. The team saw all of them and interacted with some. None of the cases is acute enough requiring hospitalisation in a mental hospital. They are being regularly produced before the Psychiatrist at the Medical College, Raipur and treated under his directions. All of them get milk as supplementary diet.

The case of UTP 4235 Gyasuddin s/o Fathe Mohd. deserves special mention. He was admitted on 10.9.93 as an undertrial prisoner in a case u/s 457 and 380 IPC. He developed mental illness and stayed in mental hospital, Gwalior from 27.12.93 to 10.4.99. In fact, he is a mentally retarded person with his mental age rated as 4 ½ years. The team could not comprehend why he is also being administered drugs meant for mental illness. His case needs a thorough scrutiny from legal angle. He is not at all likely ever to be in a position to defend himself. His trial suspended on the ground of his incapacity to defend himself will therefore remain suspended indefinitely. The maximum punishment for an offence u/s 457/380 IPC is 14 years, which is rarely awarded in full. Even if one takes 14 years in his case he has already completed nearly 12 ½ years. His trial needs to be quashed. He has nowhere to go to and there is no one who can claim his custody and look after him. One wonders whether this fact can justify his indefinite confinement in a Jail. The Social

Welfare Department of the Govt. should look into this case for its proper disposal.

The Medical Officer has identified 5 cases of critically ill persons who deserve to be considered for pre-mature release on grounds of old age and poor health. The team saw all of them. Their particulars are given below:

1. Shanicher s/o Dogra, aged 65 is undergoing life imprisonment since 9.9.94. He is suffering from TB and a number of geriatric ailments.
2. Dashrath s/o Bolu, 45 years is undergoing life imprisonment since 20.4.96. He is totally incapacitated because of paralysis of both legs. He is to be helped to toilet by other prisoner.
3. Sheetal s/o Phool Singh, 72 years is undergoing life imprisonment since 29.7.99. He is suffering from high blood pressure, partial paralysis and old age afflictions.
4. Bhagwan Das s/o Ram Prasad, the oldest prisoner, aged 86 years, is undergoing life imprisonment since 8.2.03. He is suffering from blood pressure, heart ailments, and geriatric problems.
5. Ram Das s/o Pardeshi, aged 50 years is undergoing life imprisonment since 13.3.03. He is suffering from cancer (tongue) and his general condition is a cause of concern.

The team saw 8 more patients suffering from diseases like heart ailments, respiratory disorder, thyroid, and anaemia. Only one of them, namely female prisoner Balmati w/o Dharmu, 65 years has completed 9 ½ years of life imprisonment and can be considered for pre-mature release.

24 prisoners were found undergoing treatment for TB on the day of the visit. All TB cases are being treated under DOTS under the revised National TB Control Programme (RNTCP). They are getting daily extra diet of 2 eggs and 500 ml. milk. In case of release of prisoners before completion of treatment, medicines for one week are supplied along with a photocopy of RNTCP card and the patient is instructed to report to the District Hospital. The following information will be found very significant:

In the year 2003-04, 72 prisoners were treated in this jail for TB. 43 of them were cured, 10 were released before completing treatment and 12 transferred to other jails. 7 prisoners died of TB. In 2004-05, 50 prisoners were treated for TB, 29 were cured, 8 were released before completion and 10 transferred to other jails. 3 prisoners died. During the period 1.4.05 to 10.2.06, 49 prisoners took treatment under DOTS, 6 were cured, 2 released, 11 transferred, 6 died and 24 are under treatment. The incidence of death due to TB appears to be very high. However, most of these cases were received on transfer from other jails at advanced stage of TB. The team felt that the issue of death of prisoners due to TB in Chhattisgarh Jails needs an in-depth examination by the State Health Department.

DEATH IN JAILS

The Special Rapporteur examined the jail records relating to death of prisoners in this jail from 1.1.2003 onwards and tallied the information with the statement obtained from the Commission's C.D. Cell. It is heartening to remark that no discrepancy was found. However, the submission of detailed reports to the Commission is rather slow. Reports are awaited in 4 cases of 2003, 6 of 2004 and 15 of 2005 (prior to 30 Sep.2005). The list of pending cases was furnished to the Supdt. for speeding up submission of detailed reports..

WORKS PROGRAMME

Facilities for vocational training and gainful employment of convicts are available in as many as 17 units of prison industry, such as carpentry, blacksmithy, tailoring, weaving, carpet making, printing press etc. Presently, 13 units are functional. The Member visited 4 units. The Special Rapporteur separately visited all the 13.

A total of 373 male and 38 female convicts are currently being employed in these units. Wages are being paid at the rate of Rs. 15/- per day for skilled and Rs. 10/- for semi-skilled category fixed by Wage Fixation body constituted in compliance with the directions of the Supreme Court. On detailed interaction with the workers, the Special Rapporteur found that a majority of them were not aware of the rates at which they are receiving wages. Hardly any prisoner was

found having even a rough idea of his accumulated earning from these wages. Some of the prisoners described as professionally competent in their respective trades by the unit instructor are still being treated as semi skilled. Obviously, the system of up-gradation from semi-skilled to skilled category needs to be rationalised. Presently, the matter is seen to have been left entirely to the discretion of the Instructors, some of whom do not seem interested in the welfare of workers. There is need for transparency and openness in disbursement of wages. Although as per the statement of the Jail Supdt., passbooks are being maintained, these are not being shown to the owners. A number of prisoners could not collect their dues before they were released. A huge amount of Rs. 4,91,432 is lying undisbursed as wages due to the prisoners who have been released.

A commendable initiative of the Prison Department is the opening of a petrol pump and ice cream parlour, which has become an attractive feature of Raipur city. 50% of the profit made from this is spent on the welfare of the prisoners. On 26 January and 15 August 2005, selected released prisoners were provided sewing machines, agriculture implements and tool kits of blacksmithy and carpentry trades out of this fund.

A number of prisoners are being deployed on maintenance jobs also. 59 prisoners are working in kitchen. Convict Vishwanath, lifer since 1998, does not know the rates at which wages are being paid to him. The following information regarding production, sale, wages

and profit relating to the jail factory section gives a very good account of the functioning of this Institution:

Sl.No	Year	Production	Sale	Wages	Profits
1.	2002-03	Rs.3021967	Rs.2588458	Rs. 838096	Rs.302197
2.	2003-04	Rs.4258343	Rs.4019553	Rs. 893364	Rs.425834
3.	2004-05	Rs.5221882	Rs.4902159	Rs.1108196	Rs.522188

Wages have been paid upto December 2005 in factory section and also for maintenance job.

PROBLEMS OF CONVICTS

Delay in settlement of appeals:

The team was shocked to learn that disposal of an appeal against life imprisonment in the High Court, Chhattisgarh takes on an average 10 years. 97 appeals filed from inside the jail are pending for over 8 years. Lifer Shankar Lal s/o Ram Barose submitted to the Member that his appeal is pending in the High Court since 9.5.97. As many as 43 lifers whose appeals have been admitted were granted bail but could not avail of because of their failure to produce surety. The following among them have completed nearly 12 years of their imprisonment awaiting the result of their appeal:

1. Conv. 8209 Jerome Ekka s/o Pascal Ekka undergoing life imprisonment since 13.7.93.
2. Conv. 580 Jawahar s/o Kumar undergoing life imprisonment since 28.2.94.
3. Convt. 910 Dukhu s/o Patti Ram undergoing life imprisonment since 30 July, 94.
4. Convt. 1111 Raj Kumar s/o Bishnu Ram has been undergoing imprisonment since 8.9.94.
5. Convt. 2041 Gotrah s/o Budhu undergoing life imprisonment since 11.3.95.

GRANT OF PAROLE

A number of convicts complained that despite earning eligibility, their applications for grant of parole were rejected because of unfavourable police reports. As per the information submitted by the Supdt., Central Jail, 186 applications for first parole were forwarded to various District Magistrates during the last three years. Parole was granted in 43 cases and rejected in 79. 64 cases are pending. As regards subsequent parole, the disposal is very satisfactory. All the 40 cases referred to DG Prisons ended in acceptance of the request. It is also learnt that rate of sanction of parole varies from district to district and invariably on the attitude of the District Magistrate. DG Prisons is requested to examine the matter closely to see whether undue strictness is being exercised in some Districts, as alleged by prisoners and take remedial action.

Conv. 7465 Bandi Jani Yadav had applied for parole in January 2005. His case was forwarded to D.M. Durg on 13.1.05. Rejection was received vide DM Durg letter No. 116/2005 dated 4.1.2006. This does not speak well of the handling of parole issue.

PRE-MATURE RELEASE

It is found that the Govt. of Chhattisgarh is strictly following the provisions of Section 433A Cr.PC and releasing lifers only after they have actually completed 14 years of imprisonment without remission. However, all the releases are being ordered only on special occasions like Independence Day, Republic Day every year.

Conv. 5465 Laxman Das s/o Mangal Das appeared before the Member. He expressed his grievance regarding denial of relief of pre-mature release to him. He has completed more than 19 years of imprisonment whereas several others have been released after completing 14 years. Examination of his case by the Special Rapporteur revealed that he was convicted by the Sessions Court Chandernagore Maharashtra on 3.2.92 and was received at Raipur on transfer from the Central Jail, Nagpur on 24.6.97. His pre-mature release is to be governed by the yardsticks followed in Maharashtra. Accordingly, his case was referred to the Govt. of Maharashtra on 26.6.05 after he completed 14 years and became eligible as per the norms followed in Chhattisgarh. Maharashtra Govt. replied on 22.12.05 saying that the prisoner would become eligible for release after he completes 24 years including all remissions.

The benefit of pre-mature release is not admissible to persons convicted u/s 304-B, 395 and 396 IPC. Central Jail Raipur is holding 4 lifers including Laxman Das s/o Mangal Das mentioned above who have completed more than 14 years imprisonment. They are: 8994 Unnit Ram s/o Kanjori, 8992 Laxman s/o Shoba and 8993 Mangal Singh s/o Phool Singh. They are undergoing life imprisonment for conviction u/s 396/397 all in the same case decided on 17.10.98 by Additional Sessions Judge Durg. There is no other lifer in this jail except these four who have completed 14 years of imprisonment.

The use of the Constitutional provision under Article 161 of the Constitution to order to pre-mature release is made very sparingly. As per the information submitted by the Supdt. Central Jail, 7 lifers were released – 2 on 8 July 2004, 2 on 4 August, 2004, one each on 9 August, 11 November and 26 November, 2004. Four of them had completed 10 years and 2 more than 9 years. In only one case 7556 Jordhan s/o Sudaran was released after completing 4 years and 2 months imprisonment.

PROBLEMS OF UNDERTRIAL PRISONERS

The Supdt. Central Jail, Raipur furnished the following information regarding the period of stay of UTPs:

Period of detention	Male	Female	Total
Upto 3 months	51	8	59
3 to 6 months	366	26	392
6 to 12 months	90	6	96
1 year to 2 years	39	5	44
2 years to 3 years	13	1	14
3 years to 5 years	-	-	-
Above 5 years	1	-	1

The Member interacted with a number of long staying UTPs. The Special Rapporteur spoke individually to all the undertrial prisoners who have completed more than 2 years. Following complaints were heard:

UTP 5690 Francis Lima s/o Pawal Lima was admitted on 20.12.04 as an undertrial prisoner under NDPS Act. He submitted that the trial is at a standstill for more than 6 months awaiting notification of a Judge by the High Court to try NDPS cases necessitated by the transfer of the last incumbent. Similar complaints were made by UTP 883 Manoj Sharma s/o Shankar Sharma admitted on 16.5.04 and UTP 6064 Bishamber s/o Gareeb admitted on 22.1.05, UTP Smt. Neera Verma d/o Ram Naresh Verma admitted on 16.5.04, UTP Smt. Laxmi Bai w/o Ram Naidu admitted on 25.1.04 and UTP Kumari Pratima d/o Almeen Naik admitted on 19.12.04.

The Special Rapporteur examined the matter in detail and found that as of 11 Feb. 2006, 49 UTPs were facing trial under NDPS Act. UTP 688 G. Srinu s/o Suryanarain, admitted on 14.5.03, has the longest stay. 4 others have completed 2 years. 36 of them have completed 90 days. All these cases are pending because of delay in notification of the High Court to try the NDPS cases.

UTP 5462 Rajesh s/o Ranjan Kumar was admitted on 30.11.2004 for an offence under 25 Arms Act. He submitted that trial is at a standstill for 3 months because of the non-appearance of the last witness.

UTP 1906 Sheikh Sajid/Sheikh Bashir was admitted on 6.7.04 as an undertrial prisoner u/s 392, 34 IPC. He said that charge was framed after 19 months in his case.

UTP 772 Manoj s/o Hemraj was admitted on 19.5.03 as an UTP in a case u/s 457/380 IPC. He expressed his grievances before the Member sounding bitter that he has already completed imprisonment of 3 years normally awarded in such cases.

UTP 975 Paras s/o Duklu was admitted on 1.6.05 as a UTP in a case u/s 25 Arms Act. He said that during the last 19 peshis when he was taken for court production, he was actually produced before the court only twice. He further submitted that he was granted bail but could not arrange sureties to secure his release.

UTP 2766 Avdesh s/o Banshi Lal was admitted on 14.9.03 as an undertrial prisoner in a case u/s 392/34 IPC. He appeared ignorant/confused about who is to defend him in the court. The Member asked the Supdt. Central Jail to bring this case to the notice of the DLSA.

As many as 32 UTPs have been granted bail, some of them more than a year back, but they could not produce surety and continue to languish in the jail. UTP 3198 Narsingh s/o Kangal admitted on 25.6.04, UTP 975 Parsu s/o Duklu Singh admitted on 1.6.05, UTP 2962 Hore Lal s/o Kashi Ram admitted on 13.8.04 and UTP 60 Rajan s/o Ram Chander Verma admitted on 3.4.05 made similar grievances before the Member.

WOMEN JAIL

The women section of the Central Jail, Raipur is operating from a separate building situated outside the main jail complex. Assistant Jailor Madhu Singh incharge Jail briefed the NHRC team about the functioning of the jail.

Against the sanctioned capacity of 80 prisoners, 124 prisoners (88 convicts and 36 undertrial prisoners) were found on the day of the visit. In addition 18 children, 11 in the age group of 1 to 3 years, 5 in 3 to 6 years and 2 in 6 to 10 years were also found staying with their mother prisoners. Convicts include 39 lifers.

Dr. Mrs. Neena Thakkar along with staff nurse C.W Nand is looking after the health care since 5.6.04. She was attached on full time basis since 24.11.05 under orders of the High Court dated 6.10.05. Before that, she used to make 3 visits every week.

Women jail is being looked after by one Assistant Jailer and 20 warders. Smt. Phulo Rajput, female warder who has completed 18 years is acting as Head warder. Absence of a regular female Head warder which is a glaring deficiency in the staffing pattern.

Women prisoners are lodged in four barracks. These are three cells which are not being used presently. Four toilets inside the barracks and 18 outside, and 16 bathrooms present a satisfactory state of sanitation.

Women convicts are engaged in embroidery and tailoring work and 42 women are regularly working and getting wages at the rate of Rs. 15 per day. Training in midwifery was imparted to 10 convicts in July, 2005 for which they received an honorarium of Rs. 600.

The Horticulture Society has imparted training to women prisoners in juice making, pickle making and fruit preservation.

It is worth noting that no woman prisoner lifer has been released after the creation of Chhattisgarh. Dr. Mrs. Neena mentioned the prisoners who have completed 10 years of imprisonment deserve consideration for pre-mature release on medical grounds:

- 1) Nanki w/o Raju 39 years admitted on 18.10.94. She is suffering from leprosy.
- 2) Leela w/o Jaipal, 50 years, admitted on 1.11.95. She has right arm amputated.

- 3) Maina w/o Dhanwa, 35 years admitted on 31.10.95 is suffering from Epilepsy and is handicapped.
- 4) Balmati w/o Dharmu admitted on 12.1.97 is suffering from parkinson disease.

The Special Rapporteur spoke to all the undertrial prisoners numbering 5 who have completed more than one year. 3 of them are involved in NDPS cases. UTP Mrs. Ashi Shah w/o P.J. George admitted on 12.2.2002 in a case of cheating is being defended by a Govt. pleader. She submitted that she was granted bail 15 days after her arrest but could not furnish a surety of Rs. 20,000/-. Maria d/o Fardeen admitted on 13.4.04 in a murder case submitted that evidence in her case is over and the case is pending at argument stage. Meera Sharma admitted on 16.5.04 in a case under NDPS Act submitted that her case (along with 3 male accused) is at a standstill after recording of the statement of the accused because court notification is awaited.

Pralima d/o Almia admitted on 19.12.04 submitted that the challan in her case was filed within 3 months but the trial has not yet commenced.

Laxmi Bai w/o Ram Naidu admitted on 26.1.05 submitted that the trial stands suspended for non-appearance of only one witness was left for evidence.

While the Jail Manual allows Women Prisoners to keep their children upto the age of 6 years, 2 over age children were found in the

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prison. UTP Yashoda w/o Vidya Prakash was found keep all her children numbering three, viz. Gori Shankar (2 years), Harishankar (8 years) and Gomti (10 years) together. The Supdt and also the DIG (Prisons) were under the impression that the Court had allowed the UTP to keep over aged children also with her. However, on examination, the Special Rapporteur found that the Special Railway Magistrate had ordered on warrant that all the three children could be allowed to stay in the jail. However, when the case was committed to the Sessions Court on 25.1.2006 as case No.75/06, the warrant made no such order. Under the circumstances, the over-age children, namely, Harishankar (8 years) and Gomti (10 years) are being kept in jail contrary to the provisions of the Jail Manual.

BOARD OF VISITORS

A Board of Visitors headed by Collector, Raipur with Chief Medical Officer as an official Member and 2 non-official members was constituted vide Prison HQ letter No. 273/Warrant/J.HQ/2004 dated 2.11.04.in November, 2004. The Board has not been visiting regularly as per the provisions of the Jail Manual. However, the visits by judicial and non-judicial authorities are a regular feature during the last year. There have been six visits by judicial authorities including one by a Judge of the Bilaspur High Court on 27.12.04. State Human Rights Commission and the State Minority Commission have also visited the Jail. DG Prisons and DIG Prisons, Chhattisgarh have been visiting the jail regularly.

NGOs INVOLVEMENT

A number of concerned citizens and some charity organisations have been visiting jails on special occasions and conducting religious/cultural programmes. They have also donated TVs, sport items and been distributing sweets on festivals. However, there is no regular and systematic attachment of any NGO with jail activities relating to education, legal aid, and welfare of prisoners.

JAIL ADALAT

Introduced in 2001 the Jail Adalat had held 115 sittings and disposed of 46 cases that year. No Jail Adalats were held in 2002 and 2003. The system has been restarted in 2004 and a total of 123 sittings have been held in 2004 and 115 cases decided. In 2005 only 31 sittings were held and 18 cases disposed.

INTERVIEW

The Team saw the modern Interview Gallery and appreciated the arrangements. Considering the daily average of interviews (90), the number at the windows (15) can be kept as 2 or 3 at a time instead of 4/5 that was noticed. There is need to extend the gallery. The Jail also needs an interview shed for the visitors which, the team was told, has been proposed in the 5-year Modernisation Plan.

STAFF QUARTERS

The shortage of staff quarters is shown in the following statement:

Type	Required	Available	Shortage
D.1	1	Nil	1
F	10	2	8
G	24	10	14
H	166	2	164
I	12	89	41, I type Qrs are in dilapidated condition. It is proposed to construct V-Type Qrs.
Total	213	103	110 including surplus 77. I Type which are in dilapidated condition.

DISTRICT JAIL, DURG

Accompanied by Shri P.D. Verma, DIG Prisons, Chhattisgarh, the Special Rapporteur visited the District Jail called the Circle Jail, Durg on 12.2.2006. Shri Santosh Kumar Mishra, Supdt. briefed him on Jail infrastructure and its functioning. Established in 1980, the District Jail is divided into 8 sectors having 15 barracks and 14 cells. 2 barracks and 3 cells comprise the female section of the prison. Superintendent, Central Jail, Durg exercises administrative control over the District Jail, Rajnandgaon and sub-jails, Bemetra, Dongargarh and Balod.

District Jail, Durg has a built-in capacity of 396 – 364 male and 32 female. This includes additional capacity of 60 created in 2004 after the formation of Chhattisgarh State. The actual strength on the day of the visit i.e. 12.2.2006 was 795 – 94 convicts, 700 UTPs and 1 civil prisoner, which shows overcrowding of 100.7%. Women numbering 46 constituted 5.8% of the total jail population. Besides the above, 5 children – one boy and four girls less than 6 years in age were also staying with mother prisoners. The convicts numbering 94 included 26 lifers. Although a District Jail is normally meant to hold convicts sentenced upto 3 years, the Jail is holding 45 convicts serving sentence from 7 years onwards. As many as 26 lifers were also found held in this prison. The DIG Prisons informed that District Jail, Durg is being considered for up-gradation to central Jail w.e.f. 1.4.2006. UTPs numbering 700 constituted 87.9% of the total prison population.

Daily average strength of January 2006 was 875.83. The Superintendent informed that 875 can be taken as the average population of this jail which shows an overcrowding of 120.9%.

SANITATION AND WATER SUPPLY

Availability of 60 toilets gives a toilet to prisoner ratio 1:15 for average population of 875 and this needs to be brought down to at least 10 if not 8 by providing more toilets. The general standard of sanitation is poor. Sector I having 5 barracks holding 251 prisoners has a latrine block of 10 toilets. The toilets were found dirty and uncleaned. Bathing platforms are available in sufficient numbers. There is no provision in the Jail Manual for the supply of bathing soap. Soap is provided only for washing purposes. The prisoners are provided toothpaste but not the bathing soap.

6 toilets and 2 bathrooms are ensuring a satisfactory standard of sanitation in the female section.

Satisfactory water supply for drinking, bathing and washing purposes is being ensured through an overhead tank of 4500 litres capacity fed by 2 submersible pumps of 5 HP each. Water is also being supplied by the Municipal Corporation for one hour every morning.

FOOD

Food is being supplied as per the scale laid down in the Jail Manual. The prisoners were found happy with the quantity and quality of food. However, they requested for improvement in breakfast. The breakfast consists of 90 grams chapattis or 115 grams rice with no provision of even simple salt. DG Prisons was requested to consider setting up of a bakery unit at this place when the jail is upgraded to Central Jail level. Special food (Halva and Puri) is served to prisoners on as many as 14 occasions, which include 3 national holidays and important festivals of Hindus, Muslims, Sikhs, Christians, and Buddhists. The daily expenditure on food comes to Rs. 17 per day, which raises doubt about the fulfillment of the prescribed scale without compromising on quality. DG Prisons was requested to get this examined.

HOSPITAL

Dr. S.N. Chobbey, Medical Officer incharge briefed the Special Rapporteur about the 10-bedded hospital provided at District Jail, Durg. However, the visit to Hospital revealed actual availability of only 3 beds. The daily average OPD is 45, which goes upto 76-80 in summer months. The Hospital is authorised one Medical Officer and one Compounder. Under the directions of the High Court, Chhattisgarh, One lady Medical Officer and one Staff nurse have been attached by the Department of Health and Family Welfare, Chhattisgarh since January 20, 2006.

Availability of police escort for hospital purposes is found to be less than one per cent. Visits of Specialists in various disciplines are being arranged by the District Hospital. Lion Club of Durg conducted eye camp on 18.12.05. 32 male and 60 female prisoners were checked and specks were provided to 32 prisoners.

Treatments of TB patients is receiving good attention under DOTS. 12 prisoners were treated in 2003, 7 in 2004 and 7 in 2005. 4 prisoners are undergoing treatment at present. One person is being treated for leprosy also. 2 mentally ill undertrial prisoners are receiving OPD treatment from the Medical College, Raipur. The mandatory requirement of sending regular reports on their conditions to the court concerned was explained to the Jail Supdt. Specialists from the District Hospital including Civil Surgeon visit Jail periodically.

DEATH IN JAIL

Death register is not being maintained. A total of 7 prisoners died in District Jail, Durg during the period 1.1.03 to 12.2.06. The information collected from the C.D. Cell of the Commission shows that intimation was received in 5 cases only. The following deaths have not been reported to the Commission:

1. Death of convict Ishwar Gonda s/o Lakhan: He died on 10.1.03. Jail Supdt. sent information to the D.M. vide letter No.

1200/Warrant/2003/Durg dated 13.1.03. It seems that the D.M. did not forward this information to the Commission. However in this case there was delay in reporting the matter to the DM also.

2. UTP Ashok Gond s/o Dau Ram: He died on 9.8.05. Jail authorities informed the D.M. Durg vide No.463/Warrant/2005/DRG dated 9.8.05. Here also it appears that the DM did not forward the report to the Commission. Out of 5 cases reported to the Commission, detailed reports are awaited in four cases. The particulars were got noted down by the Jail Supdt.

The matter relating to death of prisoners needs more attention by the Supdt. and better supervision from the Prison HQs.

EDUCATION, RECREATION AND WELFARE

Vocational training in electrician and electronic trades is being imparted to prisoners, largely UTPs. Government Polytechnic, Durg and St. Thomas College are providing vocational training to prisoners in electrician and electronic trades. Special Rapporteur was happy to interact with Mr. Bala from St. Thomas Ashram who has been visiting this jail 5 days a week for the last 2 years. One convict and 7 undertrial prisoners were found receiving vocational training on the day of the visit. 14 undertrial prisoners are being imparted elementary computer training. 13 UTPs are receiving training in radio/TV repair.

6-month training in pathology is also being imparted to one convict and 5 UTPs. 14 UTPs are being imparted training in computer.

9 newspapers and one magazine are subscribed for the prisoners' use. Convict Parmeshwar Verma is taking education classes for the last 2 years without receiving any wages. He can be considered as a skilled worker and paid accordingly.

TV facilities have been provided in all the barracks.

CONVICTS

Although the Jail is holding 86 male convicts, there is no separate convict barrack. Convicts are kept in groups of 4/5 in each UTP barrack. It is obvious that their services are being utilised for controlling the undertrial prisoners, which is objectionable.

WORKS PROGRAMME

Prisoners are being provided vocational training and gainful employment in three trades, namely carpentry, tailoring and screen-printing. A total of 26 convicts and 15 UTPs are employed. The Special Rapporteur actually saw 23 convicts and 15 UTP at work place. 2 convicts are employed on training jobs. 58 convicts and 10 UTPs are employed on various maintenance jobs.

Wages have been revised in October, 2004 and prisoners are paid at the rate of Rs. 15 for skilled and 12 for semi-skilled category. However all the convicts in this jail have been paid at the rate of Rs. 12 per day after the revision of the scale effected in October, 2004 doing away with their classification. This needs to be rectified. Full arrears should be paid should be paid to all the workers.

Most of the prisoners had no idea of the wage rate. Purshotam s/o Devi Khelavan, a lifer was a tailor before he was sentenced. He has been working in the tailoring section for 7 years but does not know the rate of wage payment. Raju s/o Purshotam lifer working in carpentry section for over 3 years is an accomplished carpenter. He does not know the wage rate applicable to him. In the carpentry section, the Instructor informed that out of 7 convicts, 3 can be considered as accomplished carpenters. However, none of them is getting wages at the higher rate.

The most shocking revelation was that the undertrial prisoners numbering 15 working in carpentry, tailoring and screen- printing sections are not receiving any remuneration. Vide Govt. letter No. F.7-21/TW03 (Three-J) dated 15.9.04, willing UTPs have been allowed to work in Jail industries. Actually UTPs have been employed since June, 2005. Denial of wages to them amounts to extracting forced labour from them. Work is first to be allotted to all the convicts undergoing rigorous imprisonment. Only if there is surplus work undertrial prisoners can be employed but they have to be paid remuneration.

Wages to convicts are being paid regularly, and cleared upto 31.1.2006. 8 convicts do not have passbooks.

Following the directions given by the Supreme Court in Gujarat Vs. High Court of Gujarat (1998) 7 SCC 392, deduction at a rather

high rate of 50 % is made from the prisoners' wages for payment to the victims' families. A total of Rs. 17,08,109 has been deducted from the prisoners' wages. Rs. 8,82,172 has been paid to 371 victims leaving a balance of Rs. 8,25,937.

Profit from jail industry increased from Rs. 13,593 in 2003-04 to Rs. 37,813 in 2004-05.

On the day of the visit, a sum of Rs.2,49,556 was lying undisbursed as wages to 470 prisoners who have left after being released. Rs. 4496 were lying undisbursed as wages to 10 prisoners whose bank accounts are yet to be opened.

The system of payment of wages needs a thorough review.

STAFF

14 posts are lying vacant in a total authorisation of 47. The following are considered as key vacancies:

1. Assistant Jailer : 1
2. Warders : 8 Only 21 warders are held against the authorisation of 29.

The prison needs at least 48 warders including 10 for hospital duties. Actual availability has been raised to 34 by attaching 13 from outside.

CONDITIONS OF UNDERTRIALS

The Supdt., District Jail, Durg furnished the following statement of undertrial prisoners:

Detention period	Male	Female	Total
Up to 6 months	492	36	528
6 months to 1 year	114	9	123
1 year to 2 years	50	2	52
2 to 3 years	3	-	3
3 to 5 years	3	-	3

The availability of escort for court production comes to 75%. However, the Supdt. admitted that since full requirement for police escort is not met and preference is given to Sessions courts with the result that the undertrial prisoners of lower courts suffer.

The Special Rapporteur spoke to all the male UTPs numbering 74 who have completed 2 years in prison and heard the following complaints:

1. Upender Singh S/o Ambika Singh and Aseem Singh s/o Verendra Singh were admitted in August 2001 as undertrial prisoners in a case u/s 364A, 365 IPC. Trial is going on in 5th Additional Session Court Durg. There are more than 10 accused in this case. The trial started in 2001 and after recording statements of 13 witnesses, it was stayed by the High Court sometime in 2003. The stay was vacated on 13.12.05. They requested for regular recording of evidence in their case now.

2. Ram Swarup s/o Makhan was admitted on 11.1.03 in a case u/s 420 IPC. Evidence of 7 out of a total of 8 witnesses has been recorded. The case is pending for appearance of one witness, namely Ram Kumar Tiwari.
3. Raghvendra Tiwari s/o Kishan Kant was admitted on 25.5.03 in a case u/s 304B. The case is pending for the last one year because of non-production of the last prosecution witness, the I.O. A.P. Sharna.
4. Radhey Sham s/o Kailash was admitted on 27.2.04 in a case u/s 302 IPC along with 3 co-accused persons. He stated that evidence of 35 out of a total of 36 witnesses has been recorded. The case is pending for non-appearance of the Town Inspector Khursipal;
5. Inder @ Inderdev s/o Ram Vilas admitted on 1.5.04 in a case u/s 302/201 IPC and Tirath Ram s/o Suku Lal admitted on 4.5.04 in a case u/s 420 IPC submitted that although they are taken to the court on Peshi day, they are actually not produced. Similar complaint was made by Shri Ram Kishan s/o Vasudev admitted on 5.10.04 in a case u/s 409 IPC. He said the evidence of 11 witnesses was recorded till September and thereafter he has not been produced before the court. Tulu Ram s/o Duklu admitted on 5.7.04 in a case u/s 380 IPC and Sonu s/o Dharam Pal admitted on 16.6.04 made the same complaint.
6. Yawar Hussain s/o Mabeen Khan admitted on 10.8.04 in a case u/s 304B/34 IPC. He says that the charge was framed on 28.12.04 but not a single witness out of a total of 20 has been produced till now.

7 undertrial prisoners could not avail of the bail granted by the court because of their inability to produce surety. This includes 3 adolescent prisoners aged 20 years. The Special Rapporteur visited barracks No.3 and 4 where adolescent prisoners numbering 103 are

held. UTP Mohit Yadav s/o Sabtosh Yadav was admitted on 10.5.04 in a case u/s 302/376 IPC and will be completing 2 years.

WOMEN SECTION

Women prisoners are held in a separate enclosure guarded entirely by female staff. 4 convicts and 22 undertrial prisoners were found held on the day of the visit. The staffing pattern includes only 4 posts of female warders. Because of non-availability of Woman Head Warder, senior-most female warder Usha Srivastava acts as incharge. Although two barracks are available, all the 46 inmates were found lodged in one barrack as the other barrack was being provided electrical fittings.

The Special Rapporteur spoke to all the 4 convicts and UTPs numbering 5 who have completed more than one year. Arunadhi Keri was arrested along with her son in a Dowry death case on 27.1.05. She said that the case is pending because of non-production of the I.O. and the Medical Officer.

The Special Rapporteur interacted with President Manorma Singh and counsellor Kiran of Berojgar Mahila Seva Samiti who are working with prisoners. They are imparting vocational training to Women prisoners in tailoring and embroidery. 13 prisoners were actually seen at the work site on the day of the visit. The computer class is also being run for women prisoners. The Nehru Yuva Kendra is providing a lady Instructor.

NGOs INVOLVEMENT

A number of NGOs are involved in education, vocational training and welfare of prisoners. Rotary club and Lions club are holding health camps from time to time. St. Thomas Ashram is imparting training in pathology and electronics. CARE India is conducting HIV/AIDS awareness programmes. Shri Anup Kumar Patra, Coordinator briefed the Special Rapporteur about the activities of the NGO which has conducted a 3-day training in 2 batches.

JAIL ADALAT

Jail Adalats are being held regularly since 7.8.04 with the last Adalat held on 4.2.06. A total of 48 cases were disposed of by Jail Adalat.

BOARD OF VISITORS

A Board of visitors was constituted with Collector as President, CMO, Durg as an official member and S/Shri Kashinath Sharma and Rajesh Tamrakar as non-official members vide Prison HQs order dated 2.11.04. However, there has been no formal visit of the Board. Shri Kashinath Sharma visited the Jail on 4.1.05 and 13.2.05. 2 visits were made, one in 2005 and another on 28.12.05 by Shri Amar Singh as non-official member. It is worth examining whether Shri Amar Singh is an authorised non-official member since the notification of 2.11.04 does not mention his name.

There has been 2 visits by District and Sessions Judge, 4 by CJM, one by State Human Rights Commission, one by State Women Commission besides the periodical visits of DG and DIG Prisons.

SUB-JAIL, SANJARI, BALOD

The Special Rapporteur visited Sub-Jail, Sanjari, Balod, District Durg on 13.2.06. He was accompanied by DIG Prisons Shri P.D. Verma. Shri B.L. Ratre. Block Medical Officer and ex-officio Supdt. Sub-Jail, Dr. G.D. Bhagel, Asstt. Medical Officer (part time) were also present during the visit. Deputy Jailer Shri B. Dhruv briefed the Special Rapporteur about the functioning of the jail.

Sub-Jail, Balod was started on 20.2.1991 in a newly constructed building spread over an area of 8 acres with an authorised capacity of 50 - 43 male and 7 female. The capacity was increased to 70 in 2004-05. On the day of visit, the jail was holding 83 prisoners – 9 convicts, one civil prisoner, and 73 undertrial prisoners.

The jail is divided into 5 barracks and 3 cells. One barrack is earmarked for female prisoners. The average strength of January 2003 was 73. Deputy Jailer informed that the average strength of this jail can be taken as 75 although a maximum of 110 has also been recorded. This gives an overcrowding of 50%.

50

Utilisation of available accommodation is not rational. Barrack No.3 has 11 prisoners, Barrack No.2 has 35 and No.1 has 37. Barrack No.4 is not being utilised for over one year.

Availability of 14 toilets excluding 4 toilets provided inside the barracks for night use gives a toilet to prisoner ratio of 1:5 for an average strength of 70. Availability of six bathrooms is also taken as a satisfactory arrangement. Supply of water arranged through 3 tube wells, one inside and 2 outside the jail campus, is dependable and no complaints were received.

Prisoners were found happy with the quantity and quality of food but they complained about the breakfast, which consists of 90 gms or chapattis and 115 gms of rice with no vegetable, dal or even pickle.

STAFF

The Sub-Jail is sanctioned staff of one Deputy Jailer, 3 Head warders, 19 warders, one teacher, one driver, 2 sweepers and one compounders (total 28). The posts of computer teacher and driver are lying vacant.

MEDICAL FACILITIES

Part time Assistant Medical Officer assisted by a Homoeopathic compounder is looking after the health care of prisoners. The daily

OPD average is 23. Common ailments are: fever, cough, and scabies. Medicines are available in sufficient quantity. The Medical Officer gets an honorarium of Rs. 250. Monthly average of his visits from August 2005 to January 2006 comes to 5. DIG Prisons informed that he is supposed to make at least 2 visits every week. A separate register showing the visit of the Medical Officer and the names of the patients examined should be maintained to facilitate inspection.

The Sub-Jail has a Matador vehicle lying under repair and with no driver. As no specialists are available at Balod, cases requiring medical attention have to be referred to the District Hospital, Durg. Ambulance service is, therefore, essential

DEATH IN JAIL

One UTP No. 832 Kayamal Singh s/o Manrakham died on 22.12.03 at Govt. Hospital, Balod. No intimation was sent to the NHRC. The ex-officio Supdt. Dr. B.L. Ratre as well as the Deputy Jailer incharge B. Dhruv seem unaware of the requirement of sending the intimation to the Commission. This has to be taken as a failure on the part of Supdt., District Jail, Durg and the DM, Durg.

The ex-officio Supdt. as well as Deputy Jailer incharge of Sub-Jail were not aware of the revised instructions of the NHRC regarding videography of the Post Mortem Examination. DG Prisons, Chhattisgarh was requested to ensure that these instructions are again repeated upto the Sub-Jail level in the State.

EDUCATION, RECREATION AND WELFARE

Only 3 newspapers and one magazine are being provided for prisoners' use. Panchayat Department is arranging cultural activities such as dance, music, etc. No NGO is involved in prison activities.

UNDERTRIAL PRISONERS

Special Rapporteur scrutinised the nominal role of undertrial prisoners numbering 73. Only 2 UTPs have done more than one year. The Special Rapporteur spoke to all those who have completed more than 6 months in the prison on the day of the visit. UTPs include 10 young offenders including 3 languishing for four months after being arrested u/s 109 Cr.PC. As many as 7 UTPs are in jail under preventive section i.e. 109, 110, 107, 116 and 150 Cr.PC. It confirms Commission's feeling that a major cause of overcrowding in jails is the liberal use of powers of arrest by the police and helpful attitude of the Executive Magistrates.

Following complaints were heard:

UTP 569 Biju s/o C. Kuttupan and UTP 570 Varun Kumar are in this jail since 30.10.01 facing trial in a case u/s 302/34 IPC. They complained about slow pace of their case. 2 other accused in this case were granted bail by the High Court. The evidence of all the 34 prosecution witnesses has been recorded. Prosecution has applied for evidence of 2 more witnesses. The trial is going on and these persons are being produced regularly before the court.

UTP 326 Sundru Ram s/o Hajuram said that he is 90 years old (he does look above 90 years). He is in this jail since 26.7.05 as an undertrial in a case u/s 491, 420, 467 and 468 IPC. He is not sure whether challan has been filed or not. However, he was categorical that the trial has not begun. The Supdt. Dr. B.R. Ratre was requested to bring this case to the notice of the Sub-Divisional Member of the District Legal Authority.

586 Dorha Ram s/o Vishvanath was admitted on 26.9.05 u/s 151 IPC and 109 Cr.PC. He complained and the Deputy Jailer admitted that he has not been produced before the court even once for want of police escort.

748 Ajai Pandey s/o Bhagwati Prasad was admitted on 15.12.05 u/s 41/1, 379 IPC. He said that has missed 3 peshis on 20 January, 30 January and 10 February for want of escort.

634 Yashwant Kumar s/o Manurakhan admitted on 6.10.95 u/s 394/34 IPC as has missed 3 peshis.

732 Santosh Kumar s/o Raj admitted on 11.12.05 u/s 379, 41(1) IPC has missed 2 peshis.

787 Rajesh Kumar s/o Jagannath submitted that he was arrested on 8.1.06 in a case u/s 25/27 Arms Act. He is a poor person from Bastar and has been provided with a Govt. lawyer. Bail was ordered

with surety of Rs. 5000 within 10 days of his arrest but he cannot furnish surety. He requested the bail amount to be reduced to Rs. 3000, which is quite reasonable.

Similar request was received from 680 Bikhani s/o Gulab admitted on 5.11.05 u/s 25/27 Arms Act. He requests the bail amount to be reduced from Rs. 5000 to Rs. 3000. The Supdt. was requested to bring these cases to the notice of the DLSA.

A substantial proportion of the inmates were found to be literate. They were happy with the supply of 3 newspapers but requested for a Hindi magazine, preferably India Today. DIG Prisons promised to provide. Literacy class can be started with the help of some of the literate inmates who were found willing to undertake this work.

BOARD OF VISITORS

Although a Board of Visitors has been constituted for this jail with SDM, Balod as Chairman, Block Medical Officer as Official Member and S/Shri Dhummil and Devi Lal Chaudhary as non-official members, it has not made any formal visit so far. However, Shri Devi Lal Chaudhary has visited on 26.1.05. The former ADJ Mr. Timbhi Ankur used to visit Jail regularly every month. Since his transfer 5 months back, there has been no visit by any judicial authority.

WORKS PROGRAMME

As convicts sentenced to imprisonment not exceeding six months can be kept in Sub-Jails, it is not necessary to set-up jail industry. 5 UTPs are working in kitchen without receiving remuneration. Deputy Jailer could not explain why this job is not being given to convicts numbering 9. There is sufficient land available to start cultivation of vegetables.

Discussion with DG Prisons, Chhattisgarh

Chhattisgarh carved out of Madhya Pradesh on 1 November, 2000 has 16 districts. It is now having 4 Central Jails, 6 District Jails and 17 Sub-Jails. As such, 6 Districts are being served by Sub-Jails. There is need to up-grade the following Sub-Jails to District Jails:

1. Kanker
2. Mahasamund
3. Dhamtari
4. Janjgir Champa,
5. Dantewada
6. Kawardha

D.G. Prisons informed that the State Govt. has decided to up-grade the District Jail, Durg to Central Jail and Sub-Jail Dantewada to District Jail w.e.f. 1.4.2006.

STAFFING PATTERN

The requirement of the staff for each jail needs to be worked out in accordance with the current commitments. 2 Central Jails, 3

District Jails and 8 Sub-Jails of Chhattisgarh are seriously affected by Naxalite problem and over 400 naxal militants are under detention in these jails. The existing staffing pattern based on normal security norms cannot cope with this challenge. Although some augmentation in staff has been effected and total strength in various posts increased from 975 to 1258 after the creation of Chhattisgarh, the requirement of staff at the functional level – Head Warders and Warders giving due attention to the requirement of female sections needs to be assessed afresh.

Pending reorganisation, the following key vacancies need to be filled to provide Jail Department full complement of the authorised staff:

Supdt. Central Jail -	2 - There are 2 vacancies against the authorisation of 4. Raipur and Bilaspur Jails are not having regular Supdts. as per Authorisation.
Supdt., District Jail:	2 Against authorisation of 6,
Medical Officers:	6 Against authorisation of 12 (50% vacancies).
Medical Officer (TB Specialist)	: 1
Lady Medical Officer	: 1
Asstt. Medical Officer (part time)	: 9 Against authorisation of 17
Senibr Jailer	: 4 (all the sanctioned posts are vacant)

Welfare Officer	:	3	(all the sanctioned posts are vacant.
Asstt. Jailer	:	23	Against authorisation of 50 (a proposal for recruitment of 15 through State Public Service Commission is pending consideration of the Govt.
Lab. Technician	:	3	Against authorisation of 4.
Matron	:	2	Against authorisation of 4.
Head Warde	:	24	against authorisation of 115.
Warder	:	157	against authorisation of 733 (DG Prisoners informed that permission to recruit Warders has been received).
Nurse:	:	4	(all the sanctioned posts are vacant)
X-Ray Machine			
Operator:	:	1	(The sole sanctioned post is vacant)

OVERCROWDING

The total capacity of jails numbering 27 in Chhattisgarh is 5198. As of 31.12.05, the jail population was 9821 which shows overcrowding of 88.9%. Since the population is unevenly distributed, alarmingly high overcrowding is experienced at the following places:

1. Central Jail, Bilaspur	:	194%
2. Central Jail, Jagdalpur	:	145%
3. District Jail, Durg	:	108 %
4. District Jail, Korba	:	158%
5. Sub-Jail Janjgir	:	123%
6. Sub-Jail, Baloda Bazar	:	254%
7. Sub-Jail, Dhamtari	:	116%
8. Sub-Jail, Dantewade	:	428%
9. Sub-Jail, Surajpur	:	218%
10. Sub-Jail, Ramanujgaon	:	106%
11, Sub-Jail, Manedragarh	:	126%

D.G. Prisons informed that additional capacity of 5100 is being created under the following schemes:

Under modernisation plan funded by the Govt. of India with 25% State share, Central Jails Jagdalpur and Ambikapur are being provided additional capacity of 500 each. Additional capacity of 300 is being created in Central Jail, Bilaspur. 5 Sub-jails of 50 capacity each are being constructed under the Modernisation Plan at Sakti, Sarangarh, Mungeri, Partapur and Khairagarh.

Under the State Plan, 2 Sub Jails of 50 capacity are under construction at Bijapur and Kavardha. Construction of 8 new Sub-jails of 100 capacity each under the State Plan is proposed at Kondagaon (Jagdalpur), Bhatapara (Raipur), Kargi Road (Bilaspur), Bhanupartapur (Kankar), Ghargora (Jashpur), Dharanjaiagarh (Jashpur), Kasdol (Raipur) and Saraipali (Mahasamund). In addition 53 new barracks of 50 capacity each are proposed for construction in different jails of the State.

As against the planned increase of 5100, the on-going projects aim at providing additional capacity of 1750 only with 1550 of this is under Modernisation Plan 2002-03 to 2006-07.

Funds to the tune of Rs. 7.47 crore were released under the Modernisation Grant in the year 2002-03. Next year i.e. 2003-04 an equal grant of Rs. 7.47 crore was received. However, because of unsatisfactory utilisation of the modernisation grant, the Govt. of

India did not release annual share in 2004-05. In 2005-06 also till the date of discussion (13 Feb. 06), no grant was released by Govt. of India. However, the Special Rapporteur was subsequently informed by the DIG Prisons on 22 March, 2006 that Govt. of India has released Rs. 8.50 crore with assurance to release additional grant of Rs. 2.50 crore after the completion of works now in progress under the modernisation plan in the State is confirmed. It is hoped that the State Govt. will be promptly releasing the matching grant to ensure effectively utilisation the Modernisation Grant.

WOMEN JAIL

Chhattisgarh does not have an exclusively women jail. However, separate women sections have been provided in all the four Central Jails and 2 District Jails, namely Durg and Raigarh. Considering the geographical terrain of the State and the security implications, the existing women section of Raipur Central Jail which is working from a separate building adjacent to the main jail can be considered for up-gradation to a women jail by providing appropriate staff and infrastructure.

OPEN JAIL

There used to be an Open Jail in Chhattisgarh region of Madhya Pradesh located at Masgoan Bastar. However, this was closed on 14 November, 2000. Considering the security scenario in Chhattisgarh, establishment of an Open Jail is not recommended at present.

HEALTH CARE

The Health cover of Chhattisgarh jails has received appreciable up-gradation after the creation of the new State. 4 Central Jails and 6 District Jails have been sanctioned regular doctors including one TB Specialist and one lady Medical Officer at Central Jail, Raipur. Presently only Central Jail, Bilaspur, Jagdalpur and District Jail Rajnandgaon are having full time doctors. Central Jail, Ambikapur has been provided a Medical Officer on adhoc basis. The High Court of Chhattisgarh has ordered attachment of one lady medical officer and one nurse each at all the Central Jails. Similar orders are expected

other Central Jails at Jagdalpur and Ambikapur are not having any male nurse in the staffing pattern. This anomaly needs to be rectified. The proposal sent by the DG Prisons, Chhattisgarh to fill up six vacant posts of medical officer and one each of lady medical officer and TB Specialist deserves immediate attention by the Govt.

Although 31 compounders are sanctioned in the jail set-up, only 5 are actually available. None of the 17 Sub-Jails dependant only on the services of a compounder each is having a compounder at present. The arrangement of a part time Assistant medical officer on an honorarium of Rs. 250 only (increased from Rs. 100 to Rs. 250 recently) can not be expected to work efficiently without assistance of a compounder.

JAIL WORKS PROGRAMME

Well established jail works programmes having a number of trades such as tailoring, carpentry, embroidery, blacksmithy, weaving, printing etc. are being run in all the Central Jails. Computer training is being imparted in a big way to prisoners in jails. Efforts are on to start carpentry and tailoring sections in the District Jails also. The production in jail industries increased from 53 lakhs in 2002-2003 to 60 lakh in 2003-04 to 112 lakh in 2004-05. DG Prisons was hopeful that this figure will touch Rs. 200 lakh in 2005-06.

Presently only the Central Jail, Raipur is running power looms in the factory section. . A proposal has been sent to the Government to provide 5 power looms each in Central Jail, Jagdalpur, Ambikapur and Bilaspur and one each in all the 6 District Jails. Acceptance of this proposal will help in expanding the Rehabilitation Scheme, which is a commendable feature of Jail administration in Chhattisgarh.

Following the suggestions (not directions) of the Supreme Court in Gujarat Vs. High Court of Gujarat (1998) 7 SCC 392 Govt. of Madhya Pradesh had framed rules for deducting a part of prisoners' wages for payment to the victims' families. Deductions are being made from the wages for all kinds of work in the factory section as well as maintenance jobs. The deduction rate (50%) seems rather high. This is bound to affect the prisoners' motivation for work. Moreover, the fact that a substantial proportion of crime is victimless

needs appreciation. The deductions started in January 2000 have resulted in accumulation of huge amounts in various jails. At District Jail, Durg, an amount of Rs. 8,25,937 as victims' money is lying undisbursed. At Raipur an amount of Rs. 73,33,294 is also lying undisbursed. The Member Justice Y. Bhaskar Rao had also remarked in his visit to the Central Jail that it would be reasonable to divide the prisoners' wages in three equal parts: One part for prisoner's personal use while in jail, one for disbursement at the time of release and one for the victim's family. The State Government may like to consider this suggestion.

While commending the jail set-up of Chhattisgarh for regular payment of wages to prisoners, the Special Rapporteur pointed out to the DG Prisons the need for openness and transparency in the matter. A majority of prisoners were found unaware of the wage rate revised by Chhattisgarh Govt in October, 2004 in accordance with the directions of the Supreme Court. Hardly any prisoner was found having any idea of his accumulated earnings. DG Prisons was also requested to streamline the decision-making for elevation from semi-skilled to skilled category by laying down some objective yardsticks and a fair and transparent procedure.

VIDEO CONFERENCE

The plight of the undertrial prisoners in Chhattisgarh is particularly pathetic. Over all availability of police escort to the extent of 75% only is affecting the speed of cases of undertrials in

lower courts. This problem has been solved in some States such as Delhi, Gujarat, Maharashtra, Andhra Pradesh and Karnataka by providing Video linkage between major jails and their courts. A proposal sent to the Govt. by the DG Prisons in this connection deserves immediate attention.

TRAINING INSTITUTION

The newly created State of Chhattisgarh needs its own training Institution for jail personnel so that dependence on Madhya Pradesh in this regard may be given up. A proposal sent to the Govt. by the DG Prisons for establishment of a training institution needs urgent attention. Presently one month training to newly appointed warders is being provided in an ad-hoc manner at the Central Jail itself. The newly recruited warders are not being put through basic course of 5-months duration which is a must before they are deployed in jails in a State afflicted with naxal problems.

HOUSING FACILITIES FOR JAIL PERSONNEL

Most of the jails in Chhattisgarh are without the essential facility of staff quarters. This is causing financial hardship to jail personnel who are forced to live in hired houses and also affecting their efficiency. Position of Staff Quarters is shown below:

Type	Requirement as per sanctioned strength	Availability	Deficiency	Construction in progress under Modernisation Plan (2002-07)	Net shortage
B Type	1	-	1	-	1
D Type	1	-	1	-	1
E Type	6	2	4	-	4
F Type	38	15	23	23	-
G Type	151	53	98	57	41
H Type	464	127	337	171	166
I Type	562	483	79	79	-
Total	1223	680	543	330	213

CONCLUDING REMAKRS

Visit to one Central Jail, one District Jail and one Sub-Jail followed by a detailed discussion with the DG Prisons has enabled the NHRC Team to make a broad assessment of the strengths and weaknesses of Jail administration in the State and appreciate its difficulties. While the visit has revealed that basic needs of the prisoners, such as water, Food, clothing, bedding and recreation are being met satisfactorily, lack of accommodation is found to be the major problem. Although Chhattisgarh is experiencing an overall overcrowding of 88.9% against the All-India figure of about 40%, the extent of overcrowding is actually much higher, (even more than 200 % at some places) in 11 jails including 3 Central and 2 District jails

out of a total of 27 jails in the State. It is, however, noticed that some steps have been taken to reduce the congestion in jails by constructing new jails and creating additional capacity under the modernisation grant. Unfortunately, the flow of funds from the Govt. of India has slowed down because of poor utilisation of grant by the State.

It is a matter of satisfaction that overall proportion of UTPs in Chhattisgarh is less than 60% (56.17% as of 31.12.04) against the All India figure of 70.08% as per the analysis carried out by the Commission. The DG Prisons informed that the percentage has further fallen as a result of series of measures taken by the Department to improve the rate of production of UTP in courts.

Health Care facilities available at Jails have certainly been upgraded after the creation of the new State. The High Court of Chhattisgarh has also helped by ordering attachment of a lady Medical Officer and a nurse to the Central Jails. Still the situation is not satisfactory because of vacancies of doctors (8 in a sanctioned strength of 14) and Compounders (26 in a sanctioned strength of 31). The incidence of death due to TB is seen to be high in Chhattisgarh Jails.

Education and vocational training of prisoners are found to be the strong points of the Jail Administration in Chhattisgarh. Work Programmes are being executed in a number of trades in the Central Jails and District Jails. Wages are paid regularly although there is room for openness and transparency in the matter. The progressive idea of compensating the victims' families out of wages earned by

convicted prisoners has also been implemented although deduction of 50% of wages for this purpose is considered rather high. The fact that a huge amount under this head is lying undisbursed indicates the need for a review of the rate of deduction. While the employment of willing UTPs in Jail factories is appreciated, denial of wages to them is highly objectionable and needs to be rectified.

The admission of parole and release of prisoners on probation based entirely on the police reports calls for monitoring-cum-evaluation of the system in order to ensure that the intended purpose of the progressive measure is fully achieved.

The Govt. of Chhattisgarh deserves to be commended for strictly adhering to the provisions of Sec. 433A Cr.PC in the matter of pre-mature release of prisoners and judicious use of the Constitutional provision of Article 161 of the Constitution. The State Government is requested to streamline the procedure for pre-mature release in accordance with the guidelines issued by the NHRC vide No. 233/10/97-98 dated 8.11.99. The State Government is also requested to adopt the Model Jail Manual prepared by the BPRD and sent to all the States by the Ministry of Home Affairs. This will remove a number of deficiencies and anomalies presently noticed in the working of the Jail Department in Chhattisgarh.

C Lal

(Chaman Lal)

Special Rapporteur

7.4.06