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Central Prison I,II & III at Puzhal, Chennai – review of activities by Dr. Lakshmidhar Mishra, IAS (Retd), Special Rapporteur, N HRC on 4.07.08

The Madras Central Prison was earlier located over an area of 14 acres near Central Railway Station. Being in the heart of the metropolis this was easily accessible but at the same time was exposed to a lot of pollution (from dust, fumes & toxic substances as also vehicular pollution) and, therefore, did not provide a very congenial & healthy environment for the inmates of the Prison. A need, therefore, was perceived in 2003 to shift the location to a more open space in the outskirts of the metropolis which will be airy and which will provide better avenues for future expansion and growth of the correctional institution. It speaks volumes of the imagination and vision of those who visualized the need for this change and who translated their vision to action in an incredibly short span of time (2003-2006). The present complex at Puzhal, Chennai 20 kms from Madras Central Railway Station was built in a sprawling area of 211.92 acres in a pollution free and pleasing environment. The decision to construct new complex was taken by GO NO 957, Home Deptt. dated 27.9.03 and a sum of Rs. 77.09 crores was sanctioned for this purpose. The construction work was entrusted to Police Housing Corporation the same year. The work has since been completed in all respects and the complex is operational w.e.f. 18.12.06.

The complex is intended to house 1250 remand prisoners (UTPs), 1250 convict prisoners and 500 women prisoners of Chennai, Kanchipuram and Thiruvallur districts.

The elegance of architectural design and good quality of construction is evenly matched by adequacy of space and a sylvan surrounding all around which is also open & breezy. The visit to Tamilnadu in the first week of July,08 and inspection review of activities of the Central Prison I,II&III, Puzhal, Chennai took place keeping the human rights dimension of correctional services and administration in view and, in particular, as reflected in the following judgements of the Supreme Court:

1. ADM Jabalpur vs Shivakant Shukla.
2. Nalabari Behera vs. State of Orissa.
3. Francis Corallie vs Administrator, UT of Delhi.
4. Kashmira Singh vs State of Punjab
5. Vidyasagar vs. State of Punjab
6. Godikanti vs. Public Prosecutor
7. Hussainara Khatoon vs. State of Bihar
8. Sunil Batra vs Delhi Administration
9. Prem Shankar vs. Delhi Administration.
10. Sunil Gupta vs State of MP
11. Citizens for democracy vs State of Assam
12. Abdul Rehman Antuley vs. R.S. Nayak
13. State of Maharashtra vs. Manubhai Pragaji Vashi

14. Suk Das vs. Arunachal Pradesh
15. R. D. Upadhyay vs State of A.P

The human rights dimension emanating from these seminal judgements may be summarized as under:

- Prisoners are kept in prison as a punishment and not for punishment.
- Regardless of the crime a man/woman may commit he/she is a human being entitled to be treated with dignity and decency, kindness & compassion.
- The main reason as to why most inmates in a prison disrespect their keepers is on account of the fact that they themselves are not treated as human beings.
- Detention takes away the right of freedom of movement outside the jail but that should not take away the liberty to move, mix, talk and share company with co-prisoners; it should not be at the cost of social communication.
- The remand prisoners (UTPs) who are deemed to be innocent until convicted on being sent to prison cannot be allowed to be contaminated by being kept with convicts or even with habitual and injurious prisoners of international gangs. Their segregation is an absolute necessity.

- Keeping a prisoner continuously in fetters day and night dehumanises a prisoner and reduces him from the level of a human being to that of an animals.
- The right of a prisoner to contact family members cannot be taken away but its existence may be restricted in the interest of security.
- The rights of a mother and child (up to 6 years) to be together cannot be taken away. While allowing a child to be with his/her mother up to 6 years of age, the State must take full responsibility to ensure health, medical care, immunization, nutrition and education of such children.
- Prohibition of torture is absolute and may not be suspended, no matter how heinous is the crime for which some one has been arrested.
- The arrestee should be subjected to a proper medical examination by a qualified and trained medical officer within 24 hrs after being sent to prison and every 48 hours thereafter during his/her detention in custody.

The visit to Central Prison at Puzhal I,II, III took place for a thorough review of its performance keeping the above human rights dimension in view. Prior to the visit and sufficiently in advance a detailed questionnaire was designed by me covering various aspects of the prison administration and was sent to Principal Secretary, Home, DG Prison and Superintendents of

Central Prison at Puzhal I, II & III. The response to the questionnaire was discussed for over 2 hours soon after arrival in the office of the Suptd & DIG Prisons. The review covered a wide ground such as:

- Adequacy and effectiveness of physical infrastructure;
- Adequacy and effectiveness of social infrastructure;
- Problem of congestion and overcrowding of the space available in the prison;
- Issues related to the right to food, right to water, right to health, right to personal hygiene, right to sanitation, lighting, ventilation, protective clothing, linen, diet, medical care including specialized treatment of respiratory, cardio vascular and terminal ailments etc;
- Issues related to right to work and occupational therapy;
- After care and rehabilitation of released prisoners;
- Special problems of children (0-6 age group) staying with convict mothers;
- Terms and conditions of service of custodial staff and measures for their human resource development;

- Issues relating to premature release, parole, furlough, interviews with relatives;
- Issues relating to trial & bail;
- Literacy programmes inside the prison for the benefit of inmates;
- Avenues of recreation (including games, sports, bhajan, yoga & pranayam) for inmates; and
- Record keeping.

Administrative infrastructure:

ADG Prison

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DIG Headquarters

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Range DIGs (4)

at Madurai, Chennai, Coimbatore & Trichi

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Superintendents in charge of Central Prisons at Chennai I,II,III (Puzhal), Vellore, Salem, Coimbatore, Cuddalore, Trichi, Madurai, Palayankottai, Pudukottai (10).

Tamilnadu has 31 districts. Of the remaining, 21 district i.e. after excluding 10 districts as above, in 4 districts, the jails are headed by Addl. Superintendents and in the remaining 17 districts, the jails are called sub-jails headed by Asst Jailors.

- There is a proposal for upgradation of these sub-jails to district jail which is yet to materialize.
- There are 3 special prisons for women such as Vellore, Chennai and Trichi. These special prisons are headed by a Superintendent.
- Additionally there are 6 special sub jails at Salem, Trichi and Tirunelveli of which only 3 are running and the remaining 3 have been temporarily closed.
- There are also 100 sub jails for male and 8 sub jails at taluk headquarters and 2 open air jails at Coimbatore and Salem.
- The prison complex at Puzhal, 20 kms from Chennai city consists of 3 prisons namely;
 - Central Prison No. I meant for convict prisoners;
 - Central Prison, No. II meant for remand/undertrial prisoners; and
 - Special Prison for women at Puzhal.
- This is a modern prison complex situated in a sprawling area of 211.92 acres in a pollution free and healthy environment outside the city. The prison complex is functioning from 18.12.06.
- I started my review with a visit to Central Prison no. II at Puzhal at 8.30am on 4.7.08. The sanctioned capacity of the prison is 1250. the actual strength of

the prisoners on the day of visit was, however, 1808, the break up of which is as under:

Convicts	- 1
Remand/under-trials	- 1528
Detenus	- 279
Total	- <u>1808</u>

- The daily average strength of the previous month was 1900/
- Shri R. Duraiswamy, DIG of Prisons, Chennai Range and his colleagues took me round the prison complex. Before going round and while taking a stock of developments in the Superintendent's room I made the following observations:

The following need to be displayed on the wall of the Superintendent's room:

- A map of the State showing the location of different Central/District/ Sub jails/ Women Special Jails/Open Air Jails;
- An organizational chart;
- An incumbency chart;
- A map of the entire Central Prison complex I, II & III at Puzhal.
- Charts containing detailed information on applications for premature release made and

sanctioned, applications for parole & furlough made & sanctioned, number of appeals pending and number of applications for bail pending, number of deaths which have taken place (both natural & unnatural).

- In view of the constant possibility of pollution of the source of water underground (due to discharge of effluent) a reverse osmosis plant may be installed to ensure supply of potable water to all the inmates.
- The buildings at Puzhal are in the prime of their life. To ensure that no leakage and seepage takes place & to make the building damp proof grading plaster & bitumen (A grade) treatment of the roof should be done.
- Since rainy season is approaching and this is the season for planting saplings of trees which will add to the greenery of the surrounding the soil should be tested, nutrients ascertained and suitability of the soil for planting particular species confirmed. Thereafter saplings should be collected and planted with the help of the Horticulture department.
- There is sufficient lighting and ventilation. However, the Conference Hall attached to the room of the Superintendent was found to be having some acoustics problems. Since the

entire prison complex has been handed over to the P.W.D authorities for maintenance purpose they should be consulted to set right the acoustics problems.

Human Resource Development and Management:

- The sanctioned strength for the Central Prison I at Puzhal meant for remand detenus comprise of a Superintendent, an Addl. Superintendent, a Psychologist, a Jailor, a Welfare Officer, A Deputy Jailor, 4 Asst Jailors, 3 Chief Head Warders, 26 Gr.I warders and 185 grade II warders. Of these the incumbents against the posts of Addl. Suptd, Jailor, Deputy Jailor, Asst Jailor (4), Chief Head Warder (2), Gr.I Warder (23) and Gr.II Warder (146) were in position and the rest (46) were vacant. There were also vacancies in the cadre of ministerial staff, technical staff, medical staff, teaching staff and sanitary workers.
- I was given to understand in course of my meeting with Principal Secretary, Home & ADG (Prison) that steps have been taken to recruit incumbents and fill up the vacancies by the competent authority/agency at the earliest.

- I was also given to understand that institutional arrangements exist for training of officers and staff in various categories through the following:
 - Warden's Training Centre, Vellore
 - Regional Institute of Correctional Administration, Vellore.
 - Commando Training School, Chennai.
 - Anna Institute of Management, Chennai-28
- Additionally, training courses on various aspects of prison administration are also conducted for the prison officials by NICFS, BPRD, Institute of Correctional Administration, Chennai.
- The refresher courses are also arranged from time to time.
- The visit to Central Prison II, Puzhal for remand detenus took place in a sequential manner as under:

Visit to Remission Office:

- I. All records pertaining to prisoners like warrants, remand registers, court production and other matters are kept in this office. As Central Prison II is meant for lodging only remand and undertrial prisoners, the nomenclature 'Remission Office' a hangover of the past does not appear to be appropriate & may be changed to Central Record Room.

- II. Quarantine room for screening the prisoners soon after their admission as also for medical examination within 24 hours after admission.
- III. Entry room for relatives/visitors
- IV. Segregation of prisoners (if found to be violent/aggressive).
- V. Yoga Centre for counselling prisoners by NGOs once or twice or thrice during a week depending on need.
- VI. Common Blocks (10). These are cellular/dormitory type for accommodating 150 prisoners/UTPs per Block.
- VII. Associated Blocks (5)
- VIII. High Security Blocks (2) for accommodating hardcore naxals, LTTE activists/sympathizers, extremists involved in bomb blast cases and hardcore Islamic fundamentalists.
- IX. Prison hospital
- X. Central kitchen
- XI. A class prisoners (depending on mode of living, educational qualification, social status etc trying courts grant this status to UTPs).

In the high security block I met 22 UTPs belonging to the category of LTTE sympathizers, Islamic fundamentalists and hardcore extremists involved in bomb blast cases and enquired

of them about the facilities in the prison. One remand prisoner No. 12 Abdul Rahim, son of Abdul Jaffer informed me ^{at} that in a bomb blast case SC No. 2/2001 u/s 302, 307, 120 B of IPC where he is being tried in Special Court Poonamallee, charge sheet has not been filed even after 11 years. He attributed religious prejudices against the police. He, however, has no complaints about the facilities and amenities being made available by the prison authorities.

In the same block, another remand prisoner No. 79 M.D. Kasim alias Erwadi Kasim s/o Asangani complained that in the following two cases, charge sheets have not been filed even after 10 years:

P1 Police Station Cr No. 453/96

P2 Police Station Cr. No. 2227/96

He, like Abdul Rahim also expressed his satisfaction about adequacy of facilities and amenities being made available by the Jail authorities.

I went round the blocks and cells where the high security prisoners have been lodged and found that (a) cells have good living space with potable water, ceiling fan, toilet (both for day & night use) and cross ventilation facilities (b) they have been maintained neat and tidy.

Another high security UTP No. 46 Kunangudi Hanifa s/o Naina Rawoother ventilated the following grievance to me:

- In one case, he was acquitted after incarceration of 5 years;
- Another case was dropped after 10 years;
- He has a total number of 5 cases against him of which he has been acquitted in 4 cases;
- He attributed delay in filing of charge sheet and delay in trial to religious prejudice;
- He suggested that a third doctor may be appointed so that one doctor is available in the prison round the clock;
- He suggested that the vacancy of the Staff Nurse in the prison should be filled up early;
- He suggested a minimum tenure of 3 years for the Addl. DG Prisons (as 4 ADG Prisons have been transferred in the past one and half years).
- He suggested that the post of DG Prison should be manned by a senior IAS Officer in place of IPS;
- He thanked the NHRC for recommending provision of fans for prisoners;
- He also expressed his satisfaction over the special personal care & attention being provided to all UTPs by the DIG of Prisons Sri R. Duraiswamy and for having created a very congenial atmosphere inside the prison;

He also made the following additional suggestions:

- Public Call Office (PCO) facility should be provided inside the prison as in some other States;
- The Superintendent should have the power to grant leave to UTPs in case of an emergency in the family;
- Vacancies in the post of warders may be filled up early.

I visited the high security block II where 78 prisoners have been lodged. There were no complaints from their side. Instead all of them expressed satisfaction about the facilities and amenities which have been made available to them and the humane treatment meted out to them. The Cells were neat and tidy with ceiling fan, cross ventilation, adequate lighting, potable water, toilet for day and night use and running water for flushing the latrine. The surrounding was sylvan. Various saplings like coconut, neem, jackfruit etc. have been planted (on the birthday of the CM –Sri M. Karunanidhi on 30.6.08, 108 coconut saplings have been planted).

I also visited the quarantine block where 120 UTPs have been lodged. They have no complaints about the prison. It was stated that the prison officials have been found to be very responsive to the grievances of the inmates. Some prisoners involved in narcotic crimes stated that it takes about 4 to 5 years for the trial to take place and this delay was on account of the delay in filing charge sheets in NDPS cases. One UTP –

Dr. Thamby stated that he is a Paediatrician by discipline and he is in the prison for a narcotic crime for the last 7 years. As far as day to day life in the prison is concerned, it is easy and smooth going. The problem, however, lies in the inordinate delay in filing of charge sheet which, in turn, caused delay in trial. Referring to his own case Dr. Thamby stated that the maximum sentence in his case is 10 years of which he has already completed 7 years as an UTP. He, therefore, pressed for speedy trial of all cases including NDPS cases.

This issue was discussed with Principal Secretary, Home –Ms. Malathi at 12 noon (4.07.08) in her Secretariat Chamber at St. Fort George. She stated that as on date there were 3000 NDPS cases with only 3 Courts –one at Chennai and two at Madurai to try them. The number of Courts was, therefore, grossly inadequate. There were large no of vacancies of Magistrates too. Rules for recruitment of Magistrates have been notified in Jan'07. The written examination will take place in the third week of the month followed by viva voce and 201 Magistrates will be recruited by end of Dec'08. They have to be sent for training and hopefully, they will be in position around beginning of the financial year 2009-10.

Another remand prisoner No. 19688 Monis Pattinit Kutti alias Anton of Sri Lanka stated that the trial in his case has not yet started although he was booked in NDPS a couple of years ago. His family members being in Sri Lanka and he not being

able to establish any contact with them, he was passing his days with a lot of anxiety and uncertainty.

Visited all the cells and dormitories in the quarantine block. The floors, ceiling & walls are in good condition. The inmates appear to be fully satisfied with the arrangements for their health, sanitation, personal hygiene, food, recreation etc. The floors, ceiling & walls are in good condition. The inmates appear to be fully satisfied with the arrangements for their health, sanitation, personal hygiene, food, recreation etc.

Visited the Video Conferencing facility provided by the prison authorities. I was told that extension of remand of prisoners was being facilitated through this. Through this facility, the prisoners can see the Magistrate face to face and the Magistrate can directly interact with the prisoners. The prisoners can also ventilate their grievances to the Magistrate through this facility. This is an excellent medium of interpersonal communication and an excellent mechanism for ventilation and redressal of grievances. I interacted through this facility with Thiru Muniyandi, Addl. Superintendent and Thiru V. Kanippanan, Jailor of Central Prison, Vellore and enquired about the facilities and amenities provided in Vellore Central Prison.

I next visited the Prisoners' Adalat (Court) and interacted with Smt Amutha, Judicial Magistrate-I, Poonamallee. She was

about to start the Court and stated that petty offences (where the maximum punishment was not more than 3 years) in which the prisoners plead guilty were tried through this court, the period of imprisonment is set off against the remand period and they are released. This court is functioning once in a week. I also interacted with the remand prisoners in the court. They stated that the facilities and amenities made available in the prison are very good and they have no complaints. The concept of trial of petty offences and disposal of the cases on the admission of guilt by the offender is sound and deserves to be extended to all Prisons all over the country. Necessary infrastructure by way of (a) making available the physical space to set up the Court room (b) fixing up the Magistrate to take up the trial will, however, have to be created to make this possible.

I next visited the Prison Hospital and interacted with the following officials about the adequacy of the facilities vis a vis satisfaction of the inmates:

Civil Asst Surgeon	- 2
Pharmacist	-2
Male Nursing Asst	-3

Dr. M. Somasundaram and Dr. R. Ramasubramanian who are looking after the patients stated that on an average about 75-100 prisoners are treated in the prison hospital as outpatients. There is no problem on account of non-availability

of medicines although there was shortage in the number of medical officers.

Interaction with the prisoners brought out the following redeeming features and grey areas in the matter of treatment of patients vis a vis facilities available in the Jail Hospital & hospitals outside:

- Manish Sharma, a remand prisoner expressed his deep sense of appreciation over the fact that (a) he had cataract in both his eyes (b) due to the personal initiative of DIG Prison –Thiru R. Doraiswamy the cataract could be removed through surgery in the Government Eye Hospital;
- The OPD hours in outside hospitals like Royapettah Hospital or Government General Hospital are from 8am to 12 noon. However, due to late arrival of the police escort (it comes around 10 am) the remand prisoners whose cases are referred for check up & diagnosis are late in reaching the hospital at a time when the OPD is closed and, therefore, they have to come back to the Jail Hospital; the to & fro journey becomes infructuous at considerable strain to their body and mind.
- There is no facility for performing minor surgery in the Jail hospital. It should be possible to do minor

surgery in the jail hospital itself if the following instruments could be procured:

- Artery forceps -2 Nos
 - Scissors - 3 Nos
(both straight & curved)
-
- One staff nurse in the minimum is needed for the jail hospital. Such a post does not exist. It should be sanctioned & filled up at the earliest.

I visited the Library. There are about 1500 books in the Library and literate prisoners are making good use of them. They are also making good use of journals, periodicals and local newspapers which are purchased for the Library. One remand prisoner studying in the library wanted a few new books to be purchased. I have asked him to give a list of these books to be handed over to the Superintendent of Prisons to enable him to do the needful.

In the Yoga Centre which I visited next, 6 prisoners were found to be doing yoga and meditation. One remand prisoner – Giri by name involved in a suicide case was seen reading Bhagwat Gita in Tamil. He stated that this gives him a lot of peace of body and mind.

Right to Food

Visited the prison kitchen and inspected the store rooms where articles such as rice, dal, wheat, groundnut, atta, oils have been kept in a neat and orderly manner in 4 platforms. This is a modern kitchen with a chimney, sufficient number of exhaust fans, floors made of impermeable material, platform for washing, cleaning & cutting vegetables, an electric kneader for preparing paste out of atta prior to making chapattis, chapatti making machines, mixers and grinders, adequate no. of taps inside the kitchen, 20 LPG for 3 hot plates and 45 LPG for steam boilers, a container made of stainless steel to keep the cooked food not prior to being served and stainless steel utensils. The food prepared daily is weighed and examined by the prison doctor, jailor, Addl. Superintendent and Superintendent before it is served to the prisoners. The quality of food prepared for the prisoners is tested by the Superintendent of Prisoners (Prison Medical Officer before it is served).

Right to water:

Potable water is essential for absorption of food. I was told that the required quantity of water is being supplied by the Chennai Metropolitan Water Supply and Sewage Board through pipelines. The source is fully protected from being polluted by percolation of surface water. In response to the question as to

whether overhead water storage tanks are being regularly cleaned by using the state-of-the-art technology (such as mechanized dewatering sludge removal, high pressure cleaning, vacuum cleaning, antibacterial spray and ultra violet radiation) the prison authorities could not give a satisfactory reply. Samples of water are being drawn and sent for testing to King Institute, Grinding which has an approved Laboratory. The test reports received so far indicate that (a) water is free from chemical and bacteriological impurities (b) it is free from excess of iron, sulphur, magnesium, sodium and fluoride (c) it is free from colour, hardness and alkalinity etc.

Right to sanitation:

Every barrack has sufficient number of WCs, urinals and washing places @ 1 unit for every 10 prisoners, the latrines are of sanitary type with sufficient quantity of water available for flushing, the toilets are placed on an impermeable basis higher than the surrounding ground and inside walls of the toilet have been filled with glazed ceramic tiles up to a height of one metric from the floor level.

Right to personal hygiene:

The prisoners are washing their clothes daily as no automatic steam laundry is available. This is an extremely unhygienic practice as (a) it leads to accumulation of water at a

fixed point (b) such water logging becomes a fertile breeding ground for mosquitoes (c) it adds a lot of dampness to the physical environment. It is imperative that this practice should be replaced by mechanized laundry and an automatic steam laundry be installed without delay.

Right to clothing:

Remand prisoners are not issued any prison clothing as they are required to bring their own clothing for use. However, those remand prisoners who cannot afford to have their own clothing are issued dhoti and prison clothing free of cost.

Right to education, recreation & welfare:

A proper survey needs to be conducted to ascertain the levels of literacy and extent of illiteracy among the prisoners. On the basis of the findings of the survey volunteers could be identified from among the prison inmates who are literate and who are willing to teach. The matching & batching among literate and willing volunteers & potential learners (who are illiterate or semiliterate) should take place under direct personal supervision of the Superintendent. Teaching learning materials may be obtained from Arivali Iyakam (campaigns for total literacy) and volunteers could be given a brief orientation & training as to how to teach. The literacy learning programme could commence thereafter.

There is a State Resource Centre being managed by the Tamilnadu Board for Continuing Education since 1977 whose help may be solicited in (a) designing teaching learning materials (b) training of volunteers (c) actual imparting of literacy.

Prisoners who wish to study graduation/ postgraduation/ diploma courses are permitted to study the course through correspondence programmes being conducted by the Universities.

Overall condition of UTPs:

The break up of male UTPs is as under:

Upto 3 months	- 596
3-6 months	- 165
6-12 months	- 128
1-2 years	- 161
2-3 years	- 183
3-5 years	- 197
Above 5 years	- 98

The following factors may be attributed to cause delay in disposal of cases of UTPs:

- Delay in filing the charge sheet;

- Delay in furnishing copies of the documents;
- Delay in securing the absconded co-accused;
- Delaying tactics adopted by the Counsel for the accused;
- Splitting the case from the other co-accused.

Custodial death

Between 18.01.07 to 31.12.07 there was only one unnatural death (out of 7 deaths) due to suicide. The RDO concerned conducts enquiry in each & every case of death of prisoners and sends his report including the post mortem report to the District Collector concerned. The Collector concerned in turn after perusal of the records & findings of the RDO will send his report to Government who will pass final orders in each & every case of death.

Counselling is being given by the visiting Medical Officer (Psychiatrist) and some NGOs to such prisoners also are mentally depressed in order to relieve them from stress and strain and prevent them from suicide.

Right to interview:

Remand/UTPs may interview the relative friends 3 days in a week except holidays for a maximum duration of 30 minutes. Detenus may attend the interview with relatives and friends

twice a month as per the provisions of TN Prison Rules, 1983. An average number of 300 requests are received from visitors to interview the prisoners daily.

Central Prison I (Puzhal) meant for convicts:
Date and time of visit 4.07.08 2pm to 4 pm.

I visited Central Prison I (Puzhal) in the afternoon of 4th July, 08. Mr. S. Rajendran, Superintendent took me round the quarantine block, the high security block, school, vocational training centre, gallows, all other cells & dormitories and facilitated, interaction with the inmates (by translating the queries made by me from English to Tamil and their responses from Tamil to English). The Central Prison I like Central Prison II is three years old, has been built at an estimated cost of Rs. 77.09 crores and provides accommodation for 1250 inmates. It is meant exclusively for convicts.

The break up of 785 prisoners is as under:

Convicts	- 771 (male)
Remand/Under trials	- 14
Total	- <u>785</u>
Lifers	- 470
Condemned prisoner	- 1
Rigorous imprisonment	- 266
Simple imprisonment	- 48

Daily average strength of previous month- 770

The sanctioned strength is almost identical with that of Central Prison II with a total number of 89 vacancies in various categories. The agency for recruitment of Gr. II warders (where there are 73 vacancies) is the same as that of Central Prison I i.e. Tamilnadu Uniform Services Recruitment Board. The institutional mechanism for human resource development of the officers through training is the same as that of Central Prison II.

In all 11 appeals from convicts have been filed and are pending in the High Court at Chennai. The prison authorities have rendered all possible help in drafting and filing the appeals.

An Advisory Board with Collector/DM of the district as Chairman, Chief Metropolitan Magistrate/Chief Judicial Magistrate, as the case may be, Regional Probation Officer and a non-official member nominated by Government has been constituted to consider all cases for premature release. The Superintendent of the Prison who acts as Secretary of the Board shall place all eligible cases for premature release before the Board. As of cases of 5 life convicts have been placed before the Advisory Board for consideration.

In Swamy Sraddhanand @ Murali Manohar Mishra vs State of Karnataka, Criminal Appeal No. 454 of 2006 the apex Court has observed on 22.07.08 as under:

' But the Prisons Act does not confer on any authority a power to commute or remit sentences; it provides only for the regulation of Prisons and for the treatment of Prisoners confined therein. Section 59 of the Prisons Act confers a power on the State Government to make rules, inter alia for rewards for good conduct. Therefore, the rules made under the Act should be construed within the scope of the ambit of the Act. Under the said rules the order of an appropriate Government under Rule 401 of Criminal Procedure Code are a pre-requisite for a release. No other rule has been brought to our notice which confers an in defeasible right on a prisoner sentenced to transportation for life to an unconditional release on the expiry of a particular term including remissions. The rules under the Prisons Act do not substitute a lesser sentence for a sentence of transportation for life.

The question of remission is exclusively within the province of the appropriate Government; and in this case, it is admitted that, though the appropriate Government made certain remissions under S. 401 of the Code of Criminal Procedure it did not remit the entire sentence. We, therefore, hold that the petitioner has not yet acquired any right to release.'

It is, therefore, manifest from the decision of this Court that the Rules framed under the Prisons Act or under the Jail Manual do not affect the total period which the prisoner has to

suffer but merely amount to administrative instructions regarding the various remissions to be given to the prisoner from time to time in accordance with the rules. This court further pointed out that the question of remission of the entire sentence or part of it lies within the exclusive domain of the appropriate Government u/s 401 of the Code of Criminal Procedure. Neither S.57 of the Indian Penal Code nor any Rules or Local Acts can stultify the effect of the sentence of life imprisonment given by the Court under the Indian Penal Code. In other words, this Court has clearly held that a sentence for life would ensure till the lifetime of the accused as it is not possible to fix a particular period for the prisoner's death and remissions given under the Rules could not be regarded as a substitute for a sentence of transportation for life.

In Gopal Vinayak Godse vs. State of Maharashtra (1961) 3 SCR 440 the apex Court had further reiterated as under:

'Sentence for the 'imprisonment for life' ordinarily means imprisonment for the whole of the remaining period of the convicted person's natural life; that a convict undergoing such sentence may earn remissions of his part of sentence under the Prison Rules but such remissions in the absence of an order of the appropriate Government remitting the entire balance of his sentence under this section do not entitle the convict to be released automatically before the full life term is served. It was observed that though under the relevant Rules a sentence for 'imprisonment for life' is equated with the definite period of 20

years, there is no in defeasible right of such prisoner to be unconditionally released on the expiry of such particular term, including remissions and that is only for the purpose of working out the remissions that the said sentence is equated with a definite period and not for any other purpose'.

Under Article 141, the judgement of the Supreme Court is binding on all subordinate Courts; it is also the law of the land. The Advisory Boards for each Central Prison should do well to bear the directions of the apex Court in mind in deciding all cases of convicts for premature release in future.

Some of the convicts represented that legal services provided by the Prison authorities are inadequate. They pressed for appointment of a full time Law Officer to provide legal help to the needy prisoners.

Right to food:

Unlike Central Prison II housing remand prisoners who are not required to work, Central Prison I houses convicts who are required to work and therefore, the nutritive value of their food should be higher than that of their UTP counter parts. A person who does heavy work requires not less than 2800 calories per day. Similarly an average woman having a body weight of 45 kg would require about minimum 2400 calories. As against this, the calorie value of food for men is 2753 while

calorie value for women prisoners could not be precisely indicated. According to a recently issued GO 115gm of chicken is issued to every prisoner (convict) who is used to non-vegetarian diet once a week. Similarly, the prisoners used to vegetarian diet are being given Rava kesari, potato curry and one banana once a week in addition to their routine diet. Since banana is an inexpensive item it may be advisable to serve one banana either at breakfast or lunch or dinner daily instead of issuing it on a weekly basis.

The kitchen is equipped in the same manner as in Central Prison II for remand prisoners with the same element of supervision and control at the time of issue of ration, at the time of cooking as well as at the time of serving of food as is being extended in Central Prison II.

Right to water:

The same arrangement exists as in Central Prison II for supply of potable water through Chennai Metropolitan Water Supply and Sewage Board and pipeline connection for internal distribution.

Right to sanitation

The same arrangements exist as in case of Central Prison No. II.

Right to personal hygiene

As in Central Prison II in the absence of any automatic laundry the prisoners are required to wash their clothings daily for which soap at the rate of 125 gm per each prisoner is being issued once every week. This leads to water logging, creates an unclean & unhygienic environment & therefore, the sooner the existing manual cleaning is replaced by a steam laundry, the better it would be for the convenience of inmates.

Right to health and medical care:

As in Central Prison II, no separate kitchen is attached to the prison hospital which is not a healthy arrangement. As was explained earlier separate dietary scales are needed for diabetic patients, for cardiac patients, for patients suffering from TB. It will be difficult to ensure preparation of different types of medical diet for different types of prisoners. It may, therefore, be appropriate to have a separate kitchen attached to the prison hospital where special diet for diabetic, TB and other patients can be prepared under the direct personal supervision of the Prison Medical Officer.

The number of TB & HIV/AIDs patients in both Central Prison II & I is quite large. In Central Prison II, there are 20 TB

patients & 15 patients are suffering from HIV/AIDs while the same is 2 & 4 in Central Prison No. 1.

While there is a standard line of treatment prescribed for TB patients, the sputum examination is required to be done at appropriate intervals to assess the pace of recovery. Till full recovery the patients would require to be fully segregated from other inmates.

The Tamilnadu State Aids Control Society is providing financial assistance for establishing integrated counselling and Testing Centres in all Central Prisons exclusively conduct clinical test to come to a definite conclusion as to whether any prisoner has been affected by HIV/AIDs at the time of admission. The Tamilnadu Aids Control Society is discharging this role in close coordination with NGOs.

Visit to school:

This comprises of 4 sections. In the first computer literacy is being imparted to about 25 prisoners by an NGO – Prison Ministry of India. The classes are being conducted from 11 AM to 1 PM in course of which MS office, MS word, MS excel were being taught. In course of interaction with the prisoners it transpired that they are learning fast and that computer literacy will be useful for their rehabilitation in later life after release.

The second section comprises of learning through correspondence course/distance education mode. In all 17 students have enrolled themselves for higher education through correspondence course through the University of Madras. The break up of these students is as under:

BA (history)	- 15
BBA	- 1
MA (human rights)-	1
Total	<u>- 17</u>

The third section comprises of imparting functional adult literacy up to an equivalence of 8th standard. In all 20 prisoners who are either semiliterate (they have some smattering of literacy) or totally illiterate and non-numerate have enrolled themselves for this programme. As observed earlier, the prison authorities need to conduct this programme in collaboration with State Resource Centre under the aegis of Tamilnadu Board for non formal & Continuing Education (TNBCE). While the SRC can design teaching learning materials for the inmates of the prison and can also train the voluntary Instructors (to be selected from out of literate prison inmates purely on a voluntary basis) the actual imparting of functional literacy will be done by these Instructors backed by a programme of learner self evaluation and evaluation by the concerned Instructor.

Importance of spoken English needs to be hardly emphasized in a new era of knowledge based economy and information technology. The same NGO which is imparting computer literacy & functional adult literacy is also conducting spoken English classes. In all 19 prisoners have been enrolled themselves in this programme. In course of interaction it transpired that the learners have benefited immensely by this programme.

In addition to the Computer Training Centre, School and Library Central Prison I provides the following avenues of rehabilitation & recreation:

- Meditation Hall;
- Rehabilitation Centre;
- Industrial workshops;
- Open Air Theatre;
- Gymnasium

Visited the Industrial Workshops where prisoners are being given training in gauge cloth, bandage cloth, filepads, tag making, envelope making, book binding, sealing wax and weaving.

Daily average number of prisoners who are employed in each of the above avocations is as under:

Avocation	Convicts	Undertrials	Total
Weaving	20	Nil	20
Book binding	35	Nil	35
Tag making	18	Nil	18
Sealing wax	8	Nil	8
Weaving	14	Nil	14

Wages are being paid at both time rate & piece rate to trainees as well as semiskilled workers such as;

Trainees	-Rs. 45 per day
Semiskilled workers	- Rs. 50/- -do-
Skilled workers	-Rs. 60/- -do-

Visit to the cultural Centre was a refreshing experience. Individuals who have been robbed of their freedom and, therefore, the essential joy and light of life are being empowered through training in light music to create a new elixir of life, of excitement enjoy for others in a highly controlled environment. In course of this visit a convict prisoner No. 131 Thirumalai son of Thulsinathan who is endowed with tremendous creative talent suggested that some special consideration be given to physically, orthopaedically and visually challenged persons and elderly persons above 70 years of age in grant of premature release.

- I met the only condemned prisoner No. 1732 Venkatesan son of Chennaraj and enquired about the State of his body and mind. He has been recently convicted by the Fast Track Court, Poonamalee on 17.04.08. He has filed an appeal in the Chennai High Court and the appeal is pending disposal. He appeared to be healthy.
- In all since inception (2006) and during 2007 there have been 5 natural deaths and one case of escape from police custody. The deaths have been audited and reports have been submitted by the RDO through the Collector to Government.
- Under the extant instructions the Superintendent of Prisons has been empowered to grant 15 days of emergency leave to the prisoners to attend the marriage/death of blood relatives. The range DIG is empowered to grant ordinary leave to the prisoners for a period of 30 days and Government Home Deptt. is competent to grant ordinary leave to prisoners for a period exceeding 30 days. The existing arrangement is working satisfactorily.
- Convicts are allowed interview with their friends & relatives once in a fortnight as per the provisions of Tamilnadu Prison Rules, 1983. The advocates can, however, interview the prisoners on any day. On an average about 50 requests are received daily from the visitors to interview the prisoners. All such requests are granted under normal circumstances except when certain

prison offences are committed by prisoners resulting in cancellation of such requests for interviews.

- NGOs can play and do play a very useful role in conducting a host of activities in the prison for the health, education, safety & welfare/total well being of the prisoners. They can impart functional literacy. They can conduct yoga, meditation and prayer classes. They can provide legal aid to needy and genuinely deserving inmates. They can usher in a new quality of life for the inmates. NGOs like Prison Ministry of India, Bethel Missionaries and Art of Living (of Pandit Ravi Shankar) have rendered yeomans services to the inmates inside Central Prison I & II, Puzhal.
- There is no Board of Visitors (BOV) for the Central Prison at Puzhal as on date. Proposal for constitution of the same has been submitted and is awaiting the approval of Government. Pending this, however, District Judge, Collector/DM, SP and officers from State Human Rights Commission have been visiting the Puzhal Central Prison Complex from time to time. Their visits & inspection reports should be made available to all research scholars who want to go through them for empirical studies.

Special Prison for Women at Puzhal

I visited the Special prison for Women at Puzhal from 4 pm to 6 pm. Smt. T. Vijaylakshmi Pandit Superintendent and

other officers took me round. The authorized/sanctioned capacity of the prison is 500 against which 222 prisoners were found to have been lodged on the date of the visit with the following break up:

Lifers	- 26
Condemned prisoners	- nil
Rigorous imprisonment	- 11
Simple imprisonment	- 2
Detenu	- 8
Remand	- 165

The daily average strength of the previous month was 197.

In view of reduced strength of inmates (as compared to Central Prison I & II at Puzhal) the staff strength for the special prison for women is as under:

Sanctioned strength	-82
Present strength	-52
Vacancies	-30

Of the 30 vacancies, the lion's share is attributed to Gr II warders (19).

Human Resource Development

The institutional arrangement for training of the custodial/correctional staff is the same as has been indicated earlier for the staff of Central Prison I & II.

Right to speedy trial

There are 10 UTPs lodged in the Special Womens' prison for a period ranging from 3 months to 3.5 years with the following break up:

Up to 3 months	- nil
3-6 months	- 1
6-12	- 1
1-2 years	- nil
2-3 years	- 4
3-5 year	- 4
Above 5 years	- nil

The following factors appear to have been contributed to delay in trial:

- Delay in filing the charge sheet;
- Delay in furnishing copies of documents;
- Delay in securing the absconded co-accused;
- Delaying tactics adopted by the Counsel for the accused;
- Splitting the case from the other co-accused.

Some of the suggestions to accelerate the pace of disposal of cases of UTPs are as under:

- DG Police should personally look into the matter regarding delay in filing of charge sheet;
- He must review the same at periodic intervals;
- More number of fast track courts should be established;
- Bargain plea should be made statutory;
- Probation of Offenders Act 1958 should be extensively used to release the first time offenders.

Right to be released on bail:

No case is pending in the trial court for grant of bail. All NDPS offences are non-bailable and the question of grant of bail in those cases does not arise.

Right of convicts to appeal:

No such case is pending in High Court.

Right of convicts for premature release:

No such case is pending consideration of competent authority.

Right to food:

The kitchen is fully equipped (electric kneader, chapatti making machine, flour machine, potato chip making machine,

platforms for cleaning, washing, cutting and storing of vegetables, chimney, sufficient no. of exhaust fans) and has been kept neat and tidy. Three stainless steel large size tables are available for preparation of food. All utensils are made of stainless steel. Stainless steel trolleys are being used for transportation of food from the kitchen to the prisoners' blocks. There is adequate lighting and ventilation. The size and quality of chapatti is very good. While the menu for the women in special prison is the same as those for remand prisoners and convicts in Central Prison II & I, the following diet has been prescribed for children who are required to stay with their mothers up to the age of 6 years according to the direction of the Supreme Court:

Sr No.	Item in the menu	Children below 6 months	Children in 6-12 months (gms)	Children in 1 to 3 years (gms)	Children in 4 to 6 years (gms)
1	Cereals (rice)	-	45	60	120
2	Millet (wheat)	-	-	150	210
3.	Pulses (Tur dal)	-	15	30	45
4.	Milk	200ml	500ml	500ml	500ml
5.	Root & tuber (potato)	-	50	50	100
6.	Greens	-	45	50	90
7.	Vegetables	-	25	50	50
8.	Banana (fruit)	-	100	100	100

9.	Sugar	-	25	25	30
10.	Oil	-	10	20	25
11.	EGG	-	-	-	1 (50GM)

Right to potable water

Same arrangement as in Central Prison II & I

Right to sanitation

Same arrangement as in Central Prison II & I

Right to personal hygiene

Same arrangement as in Central Prison II & I

Right to prison clothing

Same arrangement as in Central Prison II & I

Right to health and medical care

Visited the prison hospital. Two doctors –Dr. Arunmathi Debi and Dr. Indira Nehru were on duty. One staff Nurse, one Pharmacist and three Female Nursing Assts were also available. There was no minor OT room. The doctors stated

that the stock of medicines available is adequate. In all 10 beds are available and the rooms are well lighted & ventilated. Three prisoners have been admitted as inpatients. Interacted with them and enquired about their health. I was given to understand that inmates having heart ailments are being referred to Govt. Royapettah Hospital. As Royapettah is about 30 kms away and there is serious threat to the life of the patient (such threat will be compounded due to travel over a long stretch of 20 kms with a lot of traffic, jerks of the vehicle and the unusually long time taken to complete the journey), it may be advisable if the cardiologist is asked to come from Government hospital, Royapettah and attend to the heart patients at the jail hospital itself.

Right to literacy & education

I visited the school around 5 pm. Five teachers deputed by the District Collector, Thiruvallur were seen taking classes for the prisoners. About 63 prisoners are attending the class. Essentially shy and withdrawn the learners were slowly opening up even though the proficiency levels in reading & writing were yet to come. When asked a remand prisoner Sumathi read a sentence rather haltingly and frankly admitted that she was totally illiterate on the date of admission to the jail. Another remand prisoner Indirani sang an Arivoli song implying that education has brought to light to their lives and expressed her

deep sense of appreciation to the Superintendent and the teachers for making them literate.

Visited the crèche where the following 6 children were seen with their mothers:

Name of prisoner	Date of admission	Name of the child	Age of the child	Weight of the child
1. Remand prisoner No. 5430 Shanti		Siddhu	1-1½ years	8 kg.
2. Remand prisoner No. 5545 Deviyani		Srividya	1 year	7 kg
3. Remand prisoner No.5577 Sarasu	2.07.08	Manikardan	5 years	9.5kg
4. Remand prisoner No. 5100	20.05.08	Pradeep	1-1½ years	9 kg.
5. convict prisoner No. 154 Shèeva Janefar	10.03.08	Not yet named	1 month	3 kg.
6. Remand prisoner No. 4733 Eswari	5.04.08	Vijay	5 years	14.8 kg.

The recommended body weight of these children (for boys & girls) according to National Child Health Survey (NCHS) obtaining in Nutrient Requirements and Recommended Dietary Allowance for Indians, ICMR, 1998 will be as under:

Sr No.1 Siddhu Ideal weight 11.5 kg. Less weight 3.5 kg.

Sr.No.2 Srividya Ideal weight 9.5 kg. Less weight 2.5 kg.

- Sr. No.3 Manikandan Ideal weight 18.7 kg. Less weight 9.2kg.
Sr. No.4 Pradeep Ideal weight 11.5 kg. Less weight 2.5 kg.
Sr.No. 5 Not yet named Ideal weight 3.3 kg. Less weight 0.3kg.
Sr. No.6 Vijay Ideal weight 18.7 kg. Less weight 3.9 kg.

In R.D Upadhyay vs. State of AP and others the apex Court had held that since a child is not to be treated as an undertrial or convict while in jail with his/her mother, such a child is entitled to food, shelter, medical care, clothing, educational and recreational facilities as a matter of right. Accordingly the Court issued several guidelines regarding pregnancy of women prisoners, child birth in jail, food, clothing, medical care, shelter, educational and recreational facilities in respect of such children. The Court had also directed that the jail manual or other relevant Rules & Regulations be amended within 3 months for complying with the guidelines issued by the Court. The States/UTs were directed to implement the schemes and laws relating to welfare & development of such children in letter and spirit. The State Legal Service Authorities were also directed to undertake periodical inspection of jails and monitor the pace of compliance with the directions.

In the case of 6 children who were inspected by me, all of them are below their standard weight and therefore, they are cases of underweight and of malnutrition. Except Sr. No.5 (which is only one month old and is yet to be named) the remaining 5 cases are instances of severe malnutrition.

Malnutrition is the imbalance between what the body needs and what the body gets. It is primarily the result of lack or denial of access to wholesome & nutrition food which is a violation of Art. 21 of the Constitution.

This is a case where the State has miserably failed in living up to the trust reposed in it by the apex Court of the country. The weight of these children should have been checked every week, recorded in a register & they should have been treated for low weight. This has not been done. Not even a separate weighing machine is available in the crèche. Since there is no kitchen attached to the hospital, food for these children is coming from the main kitchen which prepares food in bulk for large number of persons and, therefore, is not expected to cater to the specific food requirements of children with specific calorie value.

Visited the Rehabilitation Centre in Special Prison meant for women. The prisoners were found working in tailoring, embroidery, zari work, jute and fabric bag making, mat weaving. In all 40 inmates are at work. They are being paid wages as under:

Trainees	- Rs. 45/-
Semiskilled category	-Rs. 45/-
Skilled category	-Rs. 60/-

An NGO by name Kimba is imparting training to the inmates to learn the basic of the trade. At the end of the review I had a wrap up meeting with the ADG Prisons Mr. R. Nataraj, the Head of the Prisons Deptt. in his office from 6 pm to 7pm on 4.7.08. In course of this meeting I shared with him the following observations/impressions/suggestions/recommendations emanating from the review conducted by me:

- I. Observations in regard to physical infrastructure.
- II. Observation in regard to administrative infrastructure.
- III. Delay in submission of charge sheet by the police.
- IV. Inordinate delay in conclusion of trial.
- V. Dearth of magistrates for fast track courts for holding camp Court inside the jail.
- VI. Problems in escorting UTPs to Courts & hospitals.
- VII. Problems in grant of bail with or without sureties.
- VIII. Problems in disposal of appeals in High Courts.
- IX. Problems in disposal of premature release applications.
- X. Ascertaining the market relevance of trades/skills.
- XI. Replacement of certain existing skills/trade.
- XII. A thorough survey of food –quantity and quality as well as nutrition value.
- XIII. A thorough testing of water in an approved PH Laboratory to certify that it is potable, that it is free from chemical & bacteriological impurities.
- XIV. Altering the toilet patient ratio from 6:1 to 4:1

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- XV. Increasing the literate status of prisoners (both women & men) & women in particular through intensive AE programme.
- XVI. Taking particular care of health, hygiene, immunization and nutrition & other parameters of growth & development of children staying with convict mothers.
