

Report on the visit by S. Jalaja, Special Rapporteur, NHRC to Central Jail, Chandigarh on 16-9-2014

The Union Territory of Chandigarh is considered to be the best planned city in India. Its people enjoy a high standard of living, along with high per capita income, and a high percentage of literacy. It, therefore, follows that the only jail located there ought to be nothing less than a Model jail. Many of the members of the higher judiciary, senior Government officials and non officials have been visiting the jail in the past due to its strategic location and easy accessibility. This time, the purpose of my visit was to see whether a Model jail could function in ideal conditions, with human rights as its guiding principle, or, whether the Model Jail, Chandigarh, also have the same infirmities with which other central jails in the country seem to suffer from.

Jail profile and history The Model Jail, Chandigarh is unique in that it is the only jail in the Union Territory which caters to the needs of three States namely States of Punjab and Haryana and U.T., Chandigarh. Set up initially as sub Jail in 1972 and upgraded as District Jail in 1975, it was elevated in status as Model Jail equivalent to a Central Jail in January, 1990. The affairs of the Model Jail are regulated by the provisions of the Punjab Jail Manual.

The reputation of this jail as a high security Model Prison suffered a severe jolt with the sensational jail-break incident in 2004 in which three persons accused in the assassination case of former Punjab Chief Minister Beant Singh, namely Jagtar Singh Hawara, Jagtar Singh Tara and Paramjit Singh - and a "langari" (helper) Devi Singh attached with them escaped the jail on January 22, after digging up a 100 feet tunnel. A Committee, headed by former Delhi Police Commissioner R. S Gupta was asked to inquire into the incident. The Committee, in its Report

made 17 recommendations, including amendments to the Punjab Jail Manual, in order to prevent the recurrence of such incidents. It has taken several years for the jail to return to normalcy.

Land and infrastructure

The Model Jail is situated in a sprawling campus of about 47 Acres of land, out of which about 40 acres land has been set apart for agricultural activities as well as for the construction of staff quarters. Buildings and other facilities occupy about 10 acres. The prisoners are housed in 17 barracks and 5 cells. The barracks include a separate Female Ward, kitchen, dispensary and a separate barrack for adolescents. The infrastructure in the jail appears to be adequate for meeting the various needs of the prisoners.

Manpower

The jail is manned by staff numbering 125 that comprises of a Superintendent and a Dy. Superintendent, 3 Assistant Superintendents, 8 Jail Welfare Officers, 94 Head Warders, 3 Warders, 3 Clerks, 2 Technical Masters, One Medical Officer, 2 Pharmacists, 1 Driver, 1 Peon, 1 Turnkey and four *Sevadars*. Besides these, 35 posts of temporary Warders and 18 different posts of contingency have also been sanctioned to meet the security and official arrangements. The Jail, however, is very much under-staffed. It was stated that the proposal for creation of additional posts as per norms and R.S. Gupta's Committee recommendations has been sent to the Chandigarh Administration for taking up the matter with the Central Government for sanctioning new posts. *It is surprising that even after passage of nearly a decade after the jail break incident in 2004, both the UT Administration as well as the Central Government appears to be complacent about the security and administration of the jail, especially when inadequacy of*

security/supervisory staff has been pointed out as a contributory factor for the jail-break incident.

Jail capacity and occupancy

As against a sanctioned capacity of 1000 prisoners, the occupancy

Category	Total	Male	Female
Convicts sentenced to R.I.	352	334	018
Convicts sentenced to S.I	006	006	000
Under trials	306	290	016
Under trials Sessions Committed	095	094	001
Under trials Sessions B.Class	002	002	000
Under trial B. Class	001	001	000
Children	004	002	002
Total	766	729	037

reported on the day of the visit was 766, including 34 female prisoners.4 children (2 boys and 2 girls) are also residing with their mothers. It is a

matter of relief to note that by and large there is no over-crowding in the jail due to availability of sufficient space for accommodating all the prisoners. Categories of prisoners reported are given in the box. A special feature about the prisoners in the jail is that, unlike in other central jails in the country, the prisoners are more urbanised and hail from families with higher incomes.

Under trial Prisoners

Undertrials constitute roughly more than half of the jail population. On a perusal of the data furnished by the prison administration it is seen that out of 404 undertrial prisoners, 58 have spent more than one year in the jail; 8 prisoners more than two years and one prisoner more than 3/5 years in jail; the rest between 06 months-1 year. Rakesh kumar s/o Sabarmal is booked u/s 302 and other provisions of IPC/Arms Act. He was admitted to the jail on 9-4-2008. Those who have spent more than two years include Nazir Khan s/o Ali Sher for allegedly committing crimes u/s 302 and other provisions of IPC/Arms Act and admitted on 2-8-12; Sanchit Verma s/o Subhash Verma booked u/s 302/Arms Act and Sanju s/o Charanji Lal also booked under 302 and other sections under IPC and admitted on 2-2-2011. It was stated that undertrial prisoners are regularly being produced before the courts and that there is no problem of non-availability of police escort. Prisoners are also produced before the court through video-conferencing. Fast track courts have been set up, especially in rape cases to speed up trials. *The percentage of conviction in these cases needs to be assessed to find out the impact of these measures*

Undertrial prisoners have been segregated from convicted prisoners. However, *the anomaly in the classification of prisoners based on their socio-economic status and living standards continues to remain*, despite NHRC pointing it out as early as in 2005. The Punjab Jail Manual classifies the prisoners into two categories namely B & C classes. Better

facilities are provided to undertrial prisoners of B category as per orders of the concerned Trial Court under sec.510 of the Manual, and to convicts, by the IG (Prisons) of UT, Chandigarh. This arrangement violates the basic principle of equality of all before law. The jail-break incident of 2004 also point out to the adverse effect of granting such privileges to prisoners. Commission may like to take a view in the matter.

High Security prisoners

5 high security prisoners (3 convicted and 2 undertrials) are lodged in the jail. However, no *naxalite* prisoners were present. I met some of the high security prisoners. Gurmeet Singh 43 is convicted in a murder case and is undergoing life imprisonment. Balwant Singh transferred from Patiala Central Jail is facing death penalty. I have already mentioned in my previous reports the prevailing international thinking on death penalty, pointing out that many of the advanced countries have abolished it. In a civilised society there is no justification for death penalty, as it is considered to be the ultimate cruel, inhuman and degrading punishment. Sanser Singh 59 and Lakhwentar Singh 42 are facing life imprisonment. They had no grievances except that they are not being able to contact their family members through telephone. This needs to be attended to urgently.

Foreign nationals

It was stated that five nationals from Nigeria and one each from Israel, the Czech Republic and Burundi are lodged in the jail for violation of the provisions of the NDPS Act. Another prisoner, a Pakistan national, is undergoing a sentence for 5 years, with a fine of Rs.16, 000 for crimes under sections 3, 4 and 5 of the Official Secrecy Act and sec.120 B/419 IPC and Sec14 (a) & (b) of the Foreigner's Act. *These cases need to be*

looked into in detail carefully to ensure that there is no element of bias/discrimination/xenophobia against foreigners in the lodging of cases against them.

Condition of prisoners

As stated, prisoners are accommodated in 17 barracks and 5 cells. The condition of the barracks and cells was found to be satisfactory. All fans and lights were stated to be in working condition. However, there is need to increase the number of exhaust fans in crowded barracks. The jail authorities agreed to do the needful in this regard. Further, prisoners were being supplied all essential items like soaps, oil, tooth powder, beddings and clothing as per the provisions of the Punjab jail Manual. As there were complaints about the poor quality of some of the blankets supplied, the jail authorities agreed to provide new blankets as replacements, wherever necessary.

I went round the wards and spoke to some of the prisoners. Manjeet Singh Arora 57 is allegedly involved in a case u/s 376 IPC. Prem Singh and Sandeep his co-accused are involved in a kidnapping case and have spent 6 1/2 years in jail after their conviction. Chotu Ram allegedly involved in a NDPS case has been transferred from Shimla jail to Chandigarh. He has filed a request for transfer back to Shimla. I was told that his case was being favourably considered. In case there is nothing against it, *his request for transfer could be acceded without any further delay*. Devinder Singh complained that his petition to NHRC was not being forwarded by the prison authorities. This may be done without any delay. Nishat Sharma 31 was on hunger strike, protesting against alleged harassment by the police. He has been admitted to the jail hospital and is kept under watch. I was told that he has many criminal cases against him and he resorts to some tactics or the other periodically to capture the attention of higher authorities and the media. The Lady

Medical Officer stated that his condition was stable. One of the prisoners named Mayyoti complained that his case for premature release filed in the High Court is pending. Jagtar Singh who came from Tihar jail has spent 20 years in jail. He pointed out the direction by the Supreme Court for his rehabilitation in the judgement relating to the case filed by him.

I also visited the old prisoner's ward. Satpal Singh 71 is suffering from diabetes and heart problem. He carries a stent implant. His wife 68 is also in jail for 1-1/2 months. Both are involved in a dowry case. Manmohan pal Singh 69 is also involved in a dowry case and has been in jail for 7-8 days only. It may be pointed out that the Supreme Court has recently issued directions regarding indiscriminate arrests being made under the Dowry Prohibition Act. *The cases of senior citizens booked under the relevant provisions of the Dowry Prohibition Act need to be carefully reviewed in the light of the directions regarding arrests made under the Act.* Gurdeep Singh 65 is booked u/s 307 IPC and has spent a period of 2 months in jail. Mangeet Ram 65 who was a government servant and is booked for misappropriation of Rs. 1 1/2 crore u/s 420 IPC. Laxmi Narayan 64 is involved in a NDPS case and has spent 3 years in jail. Mohanlal Pith Singh 62 has spent 16 years in jail in a case u/s 302 IPC. His papers have been sent for remission, although under the directions of the Apex Court his case for remission is pending. He also is a heart patient. The prisoners stated that they had no complaints. Regarding the facilities provided to them it was confirmed that all fans, including exhaust fans lights, and TV sets are functional.

Women Prisoners

The women prisoners numbering 34 are accommodated in a separate ward. Besides, four children below the age of six are also kept along with their mothers. One of them is an infant. No pregnant woman was present at the time of visit. The ward is somewhat congested and the

toilets/bathrooms are not in good condition and need renovation; there were no exhaust fans in the wards. Despite these deficiencies, the general maintenance of the barrack and hygiene in the ward was generally satisfactory. When the deficiencies were brought to the notice of the jail authorities, it was stated that a separate block for accommodating women prisoners with 150-250 capacity is under construction. The building is almost complete with the finishing touches being given.

I spoke to some of the women prisoners with small children. Sarita 22 w/o Basant has been has a baby of 7 months with her. She is allegedly involved in a case u/s 302 IPC. Mohini 24 w/o Dharam Singh has a 5 year boy with her. Meena 40 w/o Awdhesh has a 5 1/2 year girl with her. The women stated that children are being provided with facilities including diet, health care, toys and crèche facilities. *The cases against these women with little children need to be analysed carefully to find out the extent of their personal involvement and see whether their continued presence in the jail is necessary. As far as women undertrials are concerned, their cases ought to get priority in the sanctioning of legal aid, legal counselling and production before courts.*

The Apex Court has given comprehensive directions regarding the care of women and children lodged in jails in RD Upadhyay Vs State of Andhra Pradesh in Civil Writ Petition No. 559 of 1994. These directions ought to be complied with both in letter and spirit. Although their physical comforts have been taken care of, it is necessary to ensure that their mental well being also receives attention. Unlike the male prisoners they remain locked up within the enclosure of their wards. Women convicts and undertrials are seldom segregated. Very few women participate in vocational activities. Computer training is usually reserved for young men. Separate cultural activities are not usually encouraged

within their enclosure. Places of worship are located outside the women's ward. Some of the women activists have suggested that women should be asked to make *rotis* for the prison population which would ensure their participation in jail activities. Educational/vocational/group activities need to be encouraged so that their self-worth is enhanced. Children should be allowed to play in the open air. Their health and diet ought to be carefully monitored.

Mentally ill prisoners

12-13 prisoners were reported to be suffering from psychiatric problems due to drug addiction. It was stated that Psychiatrists from PGI Chandigarh visit the jail on fortnightly basis and treat the prisoners. Serious cases are admitted in the Psychiatric Ward of the Institute.

Custodial deaths /rapes/violence

It was stated that there was only one custodial death in the last three years and was stated to be due to natural causes. Surinder Kumar Vermani S/o Kanwar Bhan Verma died on 13-12-2013 at the GMCH, Chandigarh. The death was investigated by the Judicial Magistrate First Class. The Inquest report along with the final report has been sent to the NHRC vide letter no.7282 dated 23-09-2014.

No case of rape or any custodial violence was reported in the jail in recent times.

Escape of prisoners/jail break

As pointed out earlier, a sensational jail-break was reported in the high security Model Jail in 2004. A Committee, headed by former Delhi Police Commissioner R S Gupta was asked to inquire into the incident. An inquiry by the Committee pointed out the connivance of the staff in providing the accused necessary facilities and overlooking jailbreak

indications. The committee's suggestions inter-alia include strengthening of supervisory command and control by appointing a whole time IG (Prisons), development of intelligence, laying down proper inspection formats, abolition of B and C categories of prisoners, strengthening of personnel management, adoption of latest technology and constructing a new contiguous Jail-cum-Court Complex.

Basic amenities

Water supply and Sanitation

Pipe water supply to the jail is made by the Municipal Corporation, Chandigarh both in the morning and evening. There are also two tube wells installed in the jail-one for irrigation purposes and the other for supply of drinking water. Water supply is maintained in the jail with the help of two storage tanks of 20,000 and 60,000 capacities. Aqua Guards have been installed in all the barracks. Besides, a water cooler is also available.

The jail authorities confirmed that 92 bathrooms and 112 toilets have been provided for use by prisoners and that all are in working condition. On inspection, it was found that their condition is satisfactory.

Power Supply

Power supply was stated to be regular and round the clock. Back up support is provided by a generator of 500 KVA, which is functional.

Food supply

The condition of the kitchen in the jail is satisfactory. Cooking is carried out with the help of LPG stoves. Water supply to the kitchen is provided by a tube well.

Food supply is provided to the prisoners as per the norms laid down in the Punjab Jail Manual. The diet of the prisoners is worked out on calorie based calculation costing approximately Rs.35 per day per prisoner *which is very low when compared to current prices of food materials and the rates prevalent in other states.* One of the complaints received from the prisoners was that vegetable dishes are seldom included in the menu. The jail authorities clarified that vegetables are indeed included in the diet from time to time and more so during winter. Vegetables from the agricultural field in the jail are utilized, especially in winter. It is not clear why vegetables are in short supply when *nearly 40 acres of land has been earmarked for agricultural activities of the jail.* On inspection it was found that a soya dish was included in the place of vegetables on the day of the visit. Jail authorities ought to include vegetables at least one time in the diet of the prisoners. The State Government of Kerala, after amendments to the Jail Manual, has introduced a system adding variety and nutrition to the diet provided to the prisoners. This could be emulated by the jails in other states.

Education

An IGNOU Study Centre which offers 13-14 courses was started on 16th November, 2014 in the jail for those inmates *who wish to improve their educational qualifications.* Activities of this Centre, although were suspended after the jail break incident in 2004, have been re-activated in 2006. Teaching is also done through prisoners who volunteer to work as teachers. It was stated that 110 numbers of prisoners (108 male and 02 female) appeared in different examinations under the aegis of the Centre. Adult Education is also provided to the female inmates with the aid of prisoner volunteers. This facility will also be extended to male inmates very shortly. *Being a Model Jail, the authorities ought to aim at 100% literacy amongst the prisoners. A detailed program ought to be drawn*

up within a fixed time frame to achieve the results. Special attention should be paid to the literacy of women prisoners.

Jail Hospital

According to the Superintendent of the jail proper medical facilities are provided in the Jail Dispensary, set up under the charge of a Medical Officer and for whose assistance two regular Pharmacists and three Dressers are posted. One LMO visits the jail on call.

Medical specialists, a Dental Surgeon and other specialists are deputed for check up of prisoners from General Hospital (GMCH) & PGI, Chandigarh. On medical advice the prisoners are sent to government hospitals for check up and treatment, as and when required, at government expense. A Dental Unit has also been set up in the Jail Dispensary which functions twice a week. Drug de Addiction counselling sessions are also being held for the benefit of the prisoners.

Diagnostic facilities are available, including an ECG machine, Oxy-meter and other equipment, except X-ray machine, which needs to be installed without any further delay. The Dispensary also has an Autoclave sterilizer, computerised dental chair and wheel chairs. Blood/urine samples are collected by the collection centre opened by the Government Multi-speciality Hospital. An ambulance is available for emergency use. Availability of medicines was reported as adequate.

Only two beds are available in the Dispensary. An Isolation Ward has also been set up. *No separate ward for women prisoners is available.* I was informed that a full-fledged hospital is not set up in the jail premises, as facilities are available in nearby government hospitals. The jail also has access to PGI Chandigarh.

Two cases of HIV/AIDS are being treated at PGI, Chandigarh. It was stated that regular screening is being carried out for detection of cases. The inmates are made aware about HIV/AIDS and regular counselling from AIDS Control Society is being provided to them. Blood tests of inmates have also been conducted for ascertaining the HIV status of the inmates. Hepatitis- B&C screening camps are also being organized. Chronic diseases are being treated by the Specialists from PGI Chandigarh. No case of TB/Malaria has been reported.

Video-conferencing

Video-conferencing facility is available in the jail. This facility was started in November, 2012. I was informed that on the average 60 prisoners appear before the courts with its help. The jail authorities claimed that 40-50% of the under trials are produced before the courts through its medium.

Legal Aid

A Legal Aid Cell has been established by the State Legal Authority, Chandigarh and is functional since November, 2001 to provide free legal assistance to needy prisoners. It also provides daily legal counselling to prisoners. 91 prisoners have been provided legal aid by the Authority between 01-01-2014 to 31-08-2014.

Lok Adalats

It was stated that *Lok Adalats* are being held on a monthly basis. On the average 5-6 cases are disposed of at that time.

Appeals filed-legal assistance/surety

It was stated that legal assistance is provided to prisoners for filing appeals before the higher courts. However, it was reported that 14

prisoners have not filed appeals against their conviction. *The jail authorities should take a proactive stand in providing legal counselling as well as legal aid to those prisoners to enable them to file their appeals. The jail authorities admitted that there were eight cases of prisoners having been granted bail by the courts languishing in the jail for want of sureties. These cases ought to be attended to immediately and ensured that the prisoners secure their freedom without any further delay.*

Parole

Prisoners are allowed the facility of parole in terms of the Punjab good conduct prisoners (Temporary Release) Act, 1962. Two paroles of 28/42 days in a year and one emergency parole of 14 days are also granted to prisoners when occasions warrant them. Of the two paroles eligible per year, the second parole is granted if only if the first one was completed to the satisfaction of the jail authorities. No case of over stay was reported. It was, however, pointed out that the High Court Chandigarh in case no.4147/2014 Harpreet Singh Vs UT Chandigarh has directed the UT Administration the creation of a statute for having a provision for refusing parole to prisoners. The Court apparently took an adverse view the case of a rape convict who was sanctioned parole 8 times in five years but absconded on the 8 time and approached the Court for extension of the parole granted to him by the jail authorities.

Although the IG (Prisons) was liberal in granting paroles, keeping in view the observations made by the court, grant of parole is now strictly administered. *Many of the prisoners complained to me about not being granted parole even in genuine cases as the jail authorities grant parole only after getting a favourable report from the concerned Deputy Commissioner of the district where the prisoner normally used to reside. This procedure takes a long time for completion in some cases. In fact it*

was reported that 150 prisoners had resorted to hunger strike within the jail recently, protesting against the new policy.

Remissions

Keeping in view the recent judgement of the Apex Court on the issue I was told that Remissions are not being allowed now. Commission may like to take a view in the matter as it is observed that remission cases are piling up in different jails of the country as the State Governments are not taking any action on cases recommended by the jail authorities.

Telephone facility

PCO facilities are available in the jail premises. Prisoners are allowed to use the STD facilities to communicate with their families. The conversations are recorded. The jail authorities have proposed for approval the more liberal pattern being followed in Tihar jail. This needs to be sanctioned at the earliest by the UT Administration. The Prisoner Call System introduced by the Punjab Government in all Central jails of the State is worth replication here, for it is simple to operate, quick and efficient.

Visitors

It is important to allow prisoners to communicate with their immediate family members. The Model jail also allows the convicted prisoners to meet their family members once a week; under trial prisoners are allowed twice a week and convicts once a week to meet their families. Additional interviews are allowed as per need. A waiting room is available for this purpose which looks somewhat congested. It was stated that an additional interview room is planned to be constructed by the UT Engineering Department. Drawings have been approved and the estimates are being prepared. The prisoners are also permitted to

correspond with relations outside the jail and receive replies/communications.

Board of Visitors

Independent Boards of Visitors are set up in jails to ensure that the members periodically visit the jails, ascertain the condition of prisoners and advise on the improvement of the quality of prison management. A Board of visitors has been set up in the Model jail too, which includes 13 non-official members. *It needs to be ensured that the Members of the Board visit the jail periodically and the Board meets regularly to fulfil the purpose for which it has been constituted.*

Library

A well equipped library has been set up in Model Jail, Chandigarh since 2001 where literary, legal and other general books are made available for inmates. Around 6000 books are said to be available. Besides, about 30 newspapers are also being provided to inmates at the cost of the Chandigarh Administration on daily basis.

Recreational programmes

Regular entertainment programs are being organized in the jail for relieving stress levels of the inmates. According to the jail authorities, a music concert by pop singer Shankar Shawney was organized recently, which was widely appreciated.

It was further stated that a music teacher has been appointed by the Chandigarh Administration for music training of the jail inmates.

Sports

Prisoners are provided sports facilities in the jail such as Volley Ball, Badminton, and Carom. Besides, Table Tennis has recently been

introduced. A Gym is set up and is fully functional. Children are provided tricycles, toys and other play materials. *However no sports facilities are available for women. In the new Block coming up for prisoners it needs to be ensure that adequate space is earmarked for cultural and sports activities of women.*

Religious activities

The prisoners are freely allowed to practice their religion. A temple, a Gurudwara and a make-shift mosque are available in the jail premises. Prisoners celebrate different festival like Id, Diwali, Gurpurab, Christmas etc together.

Yoga

Spiritual Programmes are being organized in the jail include lectures by Brahamkumaris on every Sunday as well as spiritual lectures by the disciple of Shri Assa Ram Bapu on monthly basis.

A Course on Art of Living was organized in the Model Jail, Chandigarh with the help of a reputed institute; this programme will be continued in the jail for the benefit of prisoners.

The inmates of Model Jail, Chandigarh are provided training in Yoga & Meditation. In the year, 2006 a yoga camp was organized by the Chandigarh Yog Sabha. However, care should be taken to ensure that *attendance to these lectures is voluntary; religious discourses should cover the faiths of prisoners belonging to different communities.*

TV - Five religious Cable T.V. Channels are shown to the prisoners daily from 4.00 P.M. to 10.00 P.M under the orders of Punjab and Haryana High Court Chandigarh. *The channels also should cover programs for viewers of different faiths. The prisoners could also be allowed to watch other programs too to break their monotony. Good*

quality films could be screened for the benefit of prisoners, including women prisoners.

Canteen facilities

This facility is available in the Model Jail.

Jail Factory

One of the important objectives of prison management is to keep the prisoners occupied and gainfully employed. However, this objective has not been achieved by the Model Jail. In fact the programs taken up are somewhat disappointing when compared with the dynamic programs taken up by jails in naxal-prone interior areas of the country (example Central Jail, Jagadapur).

A factory has been set up since the very inception of the jail wherein wooden and iron furniture are being made and supplied to the various departments of Chandigarh Administration. The modernization of the factory is also in progress under which new machines for making furniture are proposed to be purchased. The starting of new trades is also in the pipeline.

One of the workers Hari Shanker Shah stated that he gets around Rs.60 per day as wages. It was stated that the UT Government has fixed remuneration at Rs 40 for unskilled, Rs.50 for semi-skilled and Rs.60 for skilled work. It may however, be noted that a poorer states like Bihar has fixed prisoner's wages at Rs.80/- for the trainers; Rs.87 for semi-skilled workers and Rs.121 for skilled workers. The rates need to be revised upward. It was stated that Rs.1.5 crores have been generated by the prisoners on this account. *It was not clear whether the UT Administration has set up any targets for income generation by prisoners, and, whether the jail is allowed to retain a portion of the sale*

proceeds for welfare activities. It is also not clear whether 1/3rd of the personal income (wages) generated by convicted prisoners is being sent to the family of the victim, as is a practice in other Central jails.

Workers complained that there is only one toilet in the factory where more than 200 of them are working. This needs to be attended to urgently.

Vocational Training

Vocational training of prisoners is very important not only in keeping them physically and mentally engaged in some activity but also for helping them to be gainfully occupied. Training in knitting is being imparted to female prisoners by an instructor deputed by the Chandigarh Administration. *Jan Shiksha Sansthan*, a voluntary agency is training male prisoners on scooter repairs and plumbing. Courses on refrigeration and air-conditioning for male prisoners are under process. It is, however, noted that the training taken up is grossly inadequate for meeting the needs of both male and female prisoners, especially in a model jail like Chandigarh. Thus, *despite the steps being taken, there is need to diversify and upscale vocational training and activities in the jail.*

Involvement of NGOs

Involvement of reputed NGOs in organizing various activities in the jail is very important, as they provide the much needed break from rigid bureaucracy and help to create an informal atmosphere in which the prisoners are able to give expression to their creative urges. They can also provide the much needed social support to the inmates. In the model jail, their services are utilized for counselling both male and female inmates by the Sociologist/ Psychologist from NGO's on social and family problems of prisoners. *The impact of this program needs to be*

independently assessed. The role of NGOs in various activities needs to be widened and strengthened.

Drug De-addiction program

It was stated that 4-5% of the prisoners are addicted to drugs. The jail authorities stated that special emphasis has been paid on Drug De addiction and drugs addicts are given regular counselling and medication. A drug De-addiction program is run with the help of three counsellors and two physicians who visit the jail regularly. The jail authorities ought to do an impact assessment of the program to find out its effectiveness.

Inspections

It was stated that regular inspections are being carried out by the District and Sessions Judge, Chandigarh. Besides judges from the higher judiciary, including High Court judges visit the jail. Inspections are stated to be carried out by the DC and SSP regularly. Joint inspections by the District and Sessions judge along with the DC and SSP are also conducted.

Complaints

Some of the prisoners complained that there is no proper complaint redress mechanism in the jail. Their complaints included alleged overcrowding in the ward where they are lodged, lack of exhaust fans in the wards, non functional water purifier, vegetables not being included in their menu, provision of only one set of clothing, supply of only one bed sheet and the poor quality of blankets supplied to them. They also stated that the time of 15 minutes allowed for visits of family members is too short and that sanction of parole takes time. The Jail Superintendent stated that complaint boxes have been kept at different

places; besides grievances of the prisoners are also dealt with by the visiting dignitaries. *The prison authorities need to take care of the above complaints raised by the prisoners and set up an effective/efficient complaint redress mechanism.* Prisoner's durbar will help face to face communication between the officials and the prisoners.

Security

Efforts have been made in recent times to improve the security arrangements within the jail. High Security prisoners are lodged in Cells constructed on the recommendation of the Burail inquiry committee. Security is maintained by one company of CRPF. The CRPF manages the outer security of the jail. A road has been constructed by the Engineering Dept around the outer wall as per the recommendations contained in the inquiry report. All 9 towers are manned. A sum of Rs.21 lakhs was sanctioned by the Government of India for installation of CCTVs. A control room has been set up for surveillance of the cameras. 40 CCTVs have been installed, spread over security towers, security cells and other points involving security. However, it needs to be ensured that all the CCTVs function full time. Annual Maintenance Contract (AMC) needs to be put in place (if not already done) to ensure timely repairs in cases of breakdown of the CCTVs.

Solar Lighting

A solar power plant with a capacity of 100 KVA has been installed in the jail in July, 2013 with assistance from the Science and Technology Department of the UT, Chandigarh. Solar energy ought to be harnessed both for heating and lighting. Besides, cooking could also be based on solar energy. The jail authorities claimed that there is saving in the jail's electricity bill. *This Model Jail ought to be an example for other jails in the utilization of alternate energy for a-variety of purposes.*

Budget

A budget allocation of Rs.2.8 crore has been made for the jail this financial year by the Chandigarh Administration and is considered to be adequate in managing its affairs.

Modernisation

As mentioned, a number of measures on improvement of its functioning were taken up in the jail on the recommendation of the R.P Gupta Committee set up after the jail-break incident in 2004, which include setting up of a high security ward with CCTV, strengthening prison management by providing additional staff (proposal sent; pending for sanction); introduction of new technology (computerisation of prison management, CCTV cameras, control room, high tech gadgets etc), additional security measures, including wiring the outer perimeter of the outer wall, clearing vegetation near the boundary wall, construction of a motorable road on the periphery, rotation of prisoners from one barrack to the other, conducting searches and raids, separate rooms for the jail Superintendent and other senior officials, construction of a visitor's hall near the outer gate, barricading the visitors hall, rooms for CRPF personnel posted for guarding the towers, ensuring safety of the armoury, erection of two new gates, shifting of temple and *gurdwara* to alternate sites, a new Female Ward, modernization of the kitchen, proposal for a new ward for agitationists, separate wards for educational and cultural activities, proposal for 100% accommodation for jail staff (yet to be implemented), quick disposal of petty cases, regular inspections and issue of Standing Orders by IG Prison from time to time.

Jail Manual

The Chandigarh Administration has adopted the Punjab Jail Manual in April, 1997. The Punjab Government revised the Punjab Jail Manual in

1996 and while undertaking the revision of the Manual they have taken into consideration the recommendations or suggestions of All India Committee on Jail Reforms headed by Hon'ble Justice A.N. Mullah, and, suggestions given by the different Committees and the directions issued by the High Court, Chandigarh and the Supreme Court of India from time to time.

The Hon'ble Supreme Court of India has recently in case titled as R.D. Upadhyay in Civil Writ Petition No. 559 of 1994 has directed the Union of India to revise the Jail Manuals. The matter with regard to the revision of the Jail Manual has been taken up by the jail authorities with the Chandigarh Administration for further taking up the matter with Punjab Government. *A new jail manual needs to be brought out reflecting the human rights perspective and the changing needs of prison management in modern times.*

Observations/ Recommendations:-

Although this jail was upgraded as Model Jail as early as in 1990, it still needs to improve its prison administration and management in order to fully achieve that status. In the last quarter century the concept of prison administration has undergone a sea change. *The modern-day approach towards those who commit crime is more reformatory than punitive.* However, it is often seen that all prisoners are considered as criminals by jail staff. As a result the treatment often meted out to them is cruel, inhuman and discriminatory. Therefore, the biggest challenge before the jail authorities is to bring about the attitudinal change in them by regular training, sensitisation and constant monitoring.

1. Implementation of the Gupta Committee recommendations

Although action has been taken in respect of most of the recommendations of RP Gupta Committee, three key recommendations

are yet to be implemented namely, amendments to the Punjab Jail Manual, abolition of categorization of prisoners and sanction of more staff for improving the management and security of the jail. *All three recommendations need to be taken up on priority.*

2. Undertrials

Immediate steps may be taken to reduce the under trial population in the jail. *A monitoring system should be started for tracking cases relating to under trials. Accountability needs to be fixed on the DM/SP/Jail Superintendent by including an item suitably in their confidential records.*

3. Scrutiny of cases

Cases relating to elderly prisoners and the female prisoners with children need to be scrutinized quickly to find out the extent of their involvement, for taking remedial measures.

4. Lok Adalats

Lok Adalat needs to be organized regularly. To make it more effective a list of petty cases should be prepared and *background work done well in advance*, before the cases are placed before the court.

5. Legal Aid

It is often seen that legal aid is sanctioned in a mindless manner, with emphasis only on the number of cases, not on their quality. With the help of District Legal Authority legal counselling and sanction of legal aid should be made effective and purposeful.

6. Monitoring of cases

A system for monitoring of cases should be put in place quickly.

7. Remission

The UT Administration ought to analyze the pending remission cases with reference to the recent directions/observations of the Apex Court on the subject.

8. Prisoner welfare measures like timely sanction of parole, telephone facility, and adequate time for meeting with family members need to be provided quickly. Complaints of prisoners need to be attended to without delay.

9. Visitor's Board

Inspection by the Visitor's Board needs to be made meaningful and effective.

10. Right to health

Posting of a Lady Medical Officer (LMO)

A LMO should be posted full time in the jail immediately to take care of the day-to-day health problems of female prisoners and their children. In case no LMO is available, at least a senior nurse (ANM) should be posted in the jail

Improvement of the jail Hospital

While adequate measures have been taken for screening and detection of HIV/AIDs, periodic screening for malaria, TB, chronic diseases needs to be organized in the jail.

Screening for diseases

A system to be put in place for regular screening for TB/Malaria/and chronic diseases like cancer .Each prisoner should be issued a Health

card and their health condition tracked on the basis of their health profile.

Mental illnesses

A system for regular screening for mental illnesses with the help of reputed institutions also needs to be put in place. **Screening for mental conditions** other than drug-induced illnesses may be undertaken with their help. Mentally ill prisoners, after their identification, ought to be transferred to mental hospitals.

AYUSH medical facilities should be provided, especially to older patients.

11. Improvements in the condition of women and children

Rights of women prisoners and their children are to be taken care of by fully implementing the guidelines issued by the Apex Court. Female prisoners with their children ought to be segregated and kept separately. Separate kitchens/kitchenettes may be allowed inside the female wards. Supply of fixed quantity of milk or fruit is not sufficient to meet the dietary requirements of children. Their diets ought not to be the same as that for adults. Inoculation and vaccination of female prisoners/children/others ought to be taken up on priority. Children ought to be allowed to play outdoors under proper watch, enabling them to enjoy free and fresh air.

12. Food supply

The cost of food supplied to the prisoners needs to be re-fixed. Inclusion of adequate quantity of vegetables in the daily menu of the prisoners needs to be ensured. A weekly chart of balanced diet to prisoners ought to be drawn up and displayed, as is practised in the jails of Kerala.

13. Literacy

Education should be recognized as a basic right of *all* prisoners *not to be left as a choice to be made by them*. Literacy program should be redesigned and further strengthened and their quality improved to achieve 100% literacy in the jail.

14. Vocational programs need to be restructured, diversified and up-scaled. Whereas skill development could be the goal in the case of younger prisoners, in the case of older prisoners it should be their meaningful engagement in work-related activities. Computer classes should be run for both young male and women prisoners.

15. Delegation and decentralization

At present the jail does not enjoy full autonomy, as the decision making process appears to be centralised. Delegation and decentralisation can make prison management simple, effective and flexible. An enabling environment can inspire innovations in jail management.

17. Training

Wherever possible convicts spending long time in the jail could be trained and their services utilized, especially in the jail hospital. All jail staff should be trained in the subject of human rights.

18. AMC

All equipment, including the video-conferencing system, should be got repaired. AMCs should be signed with supply agencies.

18. Civil works

There is need to monitor progress of civil works undertaken by the PWD and other agencies. Expenditure on this account needs to be monitored closely.

19. Alternate energy needs to be harnessed for lighting, heating cooking etc.

20. Services of reputed NGOs should be utilized in the areas of health, education training, prisoner's welfare, and counselling.

21. Audit

Budget expenditure under all items should be audited to find out if any misappropriation has taken place.

22. Untied funds

An untied fund of Rs.10 lakhs may be provided to the jail for taking up emergency items of works for the welfare of prisoners. It should be sanctioned by a committee of DM/SP and the Jail Superintendent.

Improving the quality of life of the prisoners should get the top most priority in every jail. Basic rights of prisoners are protected under the United Nations Standard Minimum Rules for the Treatment of Prisoners. Jail administration, therefore needs to be re-oriented towards a more open, humane and right-based system.

The Model Jail, Chandigarh has certainly ensured basic facilities to prisoners, although some gaps still remain, like overcrowding in some wards, maintenance of toilets and water purifiers, supply of proper clothing and bedding, telephone facility etc. Basic rights of prisoners to clean and adequate drinking water, sanitation and bathing facilities and day to day needs ought to be ensured to all prisoners befitting the status of the jail. *Apart from ensuring physical facilities, the jail administration needs to create an enabling environment for achieving the mental well being of prisoners as well. Both physical and mental needs are to be taken together: not in isolation to one another.* A holistic approach is necessary to achieve the results. *The long term objective should be*

setting high standards on par with Tihar Jail and striving for maintenance of those standards so that the Model Jail Chandigarh too becomes a model for other central jails in the country. The Central Jail Chandigarh has to go a long way in achieving the status of a Model Jail on par with Tihar Jail. Being the only jail in the UT, with some efforts, this could be achieved very easily by the Chandigarh Administration.
