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

Jail profile and history

Central Jail, Patiala is one of the oldest and historic jails of the country. It came into existence in 1903 as District Jail when Patiala was a princely state. With the merger of PEPSU in Punjab in 1956, it was upgraded as central jail and came under the administrative control of the Inspector General of Prisons, Punjab.

Land and infrastructure

The jail is situated in an extensive area of about 80 acres with an outer area of about 14 acres. Out of total extent of 94 acres of land, 44 acres constitute the covered area; 35 acres of land is used for cultivation, with the help of the convicts of the jail. The premises also houses the Punjab Jail Training School, one of the biggest in the country, which imparts practical training to newly recruited jail officers from Punjab, Haryana, Himachal Pradesh and other states. A training school occupies 8 acres of land in the outer area of the jail. The remaining 6 acres of land is used for providing accommodation to the jail officers and staff.

The jail buildings are very old as they date back to 1903. Had the State Government not taken up renovation of some of the barracks which have out lived their utility, the whole jail building would have been in a damp and dilapidated condition, rendering the place un-livable for two thousand and odd

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- prisoners. It was therefore good to see the prisoner's wards already renovated and renovation underway in the hospital and kitchen wards.

The male prisoners in the jail are accommodated in 8 barracks and 220 Cells and female prisoners in two. It was stated that four new barracks are being constructed, which will be ready in the next one year.

Manpower

The jail is manned by staff numbering 183, against a sanctioned strength of 280 that comprises of 01 Dy. Superintendent, 04 Assistant Superintendents, 01 Office Superintendent, 08 Jail/Welfare Officers, 41 Head Warders, 96 Warders, 02 Head Matrons, 03 Matrons, 05 Clerks, 02 Technical Masters, 05 Medical Officers, 04 Pharmacists, 01 steno/typist 03 Drivers, 02 Peons and 15 *Sevadars*. **Out of 280 posts 98 are vacant.** The vacancies include the posts of the Superintendent of the jail, 01 Deputy Superintendent, 5 Assistant Superintendents, 09 Head Warders, 72

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Category	
Female inmates	103
Children with mothers---	08
Male under trials (Indian)	1186
Total female UTS	60
Death penalty cases	04
Male S I convicts	03
Female SI convicts	00
Male RI convicts	896
Female RI convicts	44
Cases of death penalty	04
Nigerian male under trials	01
Nigerian RI male convicts	02
Pakistani male RI convicts	01
Civil Prisoners	01
Jail Capacity	1401
Present on the day of visit	2198

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Warders, 02 Matrons, 05 Clerks and 02 Sweepers. It is surprising that *the most important post of the Superintendent of the jail is vacant*. The vacant posts need to be filled up without any further delay.

Jail capacity and occupancy

As against a sanctioned capacity of 1401 prisoners, the occupancy reported on the day of the visit was 2198, including 103 female prisoners. *8 children are also residing with their mothers*. Since the jail population is almost the double that of the sanctioned capacity, *there is considerable over-crowding in the jail*.

Categories of prisoners

The different categories of prisoners reported are given in the box above.

Under-trial Prisoners

The main reason for overcrowding in the jails is the increasing number of under-trials, which affects the overall availability of space in the jail, the resources allocated, and the management services in the jail. Under trials constitute roughly more than 50% of the jail population in this jail.

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It was stated that under trial prisoners are regularly being produced before the courts and that there is no problem of non-availability of police escort. Further, the CJM holds camp court and disposes of 5-10 cases every month. Prisoners are also produced before the court through video-conferencing. Fast track courts have been set up, especially to deal with NDPS and general cases to speed up trials. *It is not however comprehensible as to why the number of undertrials remains so high in the jail, despite the measures ostensibly taken by the jail administration.* Therefore, the percentage of conviction in these cases needs to be assessed to find out the impact of those measures taken by the authorities.

High Security prisoners

Four cases of death penalty are reported in the jail. One high security prisoner is Balwant Singh Rajona convicted *for his role in assassinating Beant Singh, former Chief Minister of Punjab.* He is facing *death penalty* and is lodged in a high security cell. The case of Abhi Verma, sentenced to death penalty also came to notice. It was stated that both the High Court and the Supreme Court have upheld the death penalty awarded to him; however, the President of India has stayed it for one year. 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.*

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- No *naxalite* prisoners were present in the jail..

Foreign nationals

It was stated that three nationals from Nigeria namely Linus Ameka Nweke, Alexander and Ikeh Chuks Maichael and Naveed Masih from Pakistan are lodged in the jail for violating the provisions of the NDPS Act. Two of the Nigerian nationals and the one from Pakistan have been convicted and are serving their sentences. Nigerian national Maichael is an under trial; he has spent 1 ½ years in jail. The other two Nigerians have spent 5 years in jail so far. *Their 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 8 barracks and 220 cells. The barracks have been recently renovated. The condition of the barracks and cells was found to be satisfactory. All fans and lights were stated to be in working condition. Further, prisoners were being supplied essential items like soaps, oil, tooth powder, beddings and clothing.

I went round the wards and spoke to some of the prisoners. Four of the male prisoners over 90 years of age are accommodated near the hospital as they need constant attention. Raju s/o Kanaih Ram booked under sec302 and other provisions of IPC

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has been in jail for the last 25 years. His case for remission is still pending. *This needs to be accorded high priority.*

Women Prisoners

There has been a marked increase in the number of women committing crimes –ranging from simple thefts to murder in recent times. Most of the women prisoners lodged in this jail are on account of alleged illicit sexual relations, domestic quarrels, dowry-related problems and peddling narcotics, and land disputes.

The women prisoners numbering 103 are accommodated in a separate ward. Besides, eight children below the age of six are also kept along with their mothers. No pregnant woman was present at the time of visit, although it was reported *that two of the women delivered, after admission in the jail. It is a matter of concern that no Gynaecologist is available in the jail for taking care of pregnant/lactating women prisoners. There is no arrangement to take care of the health of newborn babies.* Being a central jail full-fledged hospital facilities ought to be made available to the prisoners, especially women prisoners, by the authorities, round the clock. 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.



- The Court's directions regarding the health care of women prisoners and their children have not been properly implemented in letter and spirit by the state government.

It is also necessary for the jail authorities to ensure the address given at the time of birth of the babies in such cases is the original home address of the parents and not that of the jail; otherwise there would be life-long stigma attached to their names on that account.

The female ward is somewhat congested and the toilets/bathrooms are not in good condition and need urgent 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.

I spoke to some of the convicted/UT women prisoners with children. Paramjit Kaur w/o Gurmail Singh was booked u/s 302 and other provisions under IPC and has been sentenced to Life Imprisonment. She has spent one year 7 months in jail so far. Jeeto w/o Mohinder Singh has also been sentenced to Life imprisonment. The FIR against her was filed u/s 302 of IPC on 9-9-2005. She has spent 8 years and 4 months in jail so far. Amardeep Kaur w/o Kishen Singh was booked u/s 302 and other provisions of IPC vide FIR filed on 11-7-2013. She too has been sentenced with LI. She has spent just over one year in jail. Harjinder Kaur w/o Jurnail Singh was awarded LI for crimes committed u/s 302 and other provisions of IPC. She has spent 16 years and 08 months in jail so far. Suresh Rani w/o Charanjit

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Singh, also booked u/s 302 and other provisions of IPC is sentenced to LI. She has spent just over 02 years in jail so far. Kuldeep kaur w/o Harvinder Singh is in jail as Under Trial for crimes allegedly committed u/s 306 and other provisions of IPC. She has spent only 8 months so far in jail. Harjit kaur, w/o Sonu Singh is also a UT booked for crimes u/s 363 and other provisions of IPC and has completed only 1 year and 8 months in jail.

Among the convicted prisoners Sonia w/o Jasbir was initially awarded death penalty which was later on reduced to LI. She has no children. She said that she had no complaints. Kuldip Kaur and her daughter, who is a BCA student and with a child, *have been granted bail but are still in jail for want of surety. The jail authorities were requested to take immediate action to secure their releases.*

I also spoke to some of the female under trial prisoners. Ritu w/o Ashok has allegedly committed crimes u/s 302 and other provisions of IPC and is in jail since 2013. Charanjit Kaur w/o Baljinder Singh has two separate cases against her filed u/s 363/366A/370 and other provisions of IPC. Rupinder Kaur w/o Bhupinder Singh is allegedly involved in crimes u/s 304 and other provisions of IPC and in the jail since 2012. Rani kaur w/o Lachhman Singh, Kaushalya Devi w/o Pravesh Kumar, Paramjit Kaur w/o Jaspal and Muktiar Kaur w/o Karnail Singh are also under trials and are in jail since 2013.

- The women stated that their 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. The view that women committing non-violent crimes ought not to be incarcerated has gained strength in recent times. 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.*

Although their physical comforts have been taken care of it is necessary to ensure that their mental well being is also taken care of. *Regular counselling of women prisoners by counsellors from reputed institutions/ voluntary agencies is essential.* Since there is limited freedom available to women prisoners within their separate enclosure, educational/vocational/group activities need to be encouraged so that their self worth is enhanced.

Mentally ill prisoners

Only one prisoner was reported to be suffering from psychiatric problems. The jail authorities pointed out that a psychiatrist visits the jail once a week. Prisoners often suffer from various mental conditions like depression, schizophrenia and epilepsy. It is, therefore, difficult to believe that only one amongst them is detected as mentally ill. *Regular screening of prisoners, both male and female, needs to be undertaken with the help of reputed mental health institutions. Many of the women*

committing crimes are generally trauma victims .It is surprising that no woman prisoner is reportedly having any mental illness. Regular screening of prisoners, both male and female, needs to be undertaken with the help of reputed mental health institutions

Custodial deaths /rapes/violence

According to the Jail authorities 18 deaths occurred in the jail in 2012, 21 cases in 2013 and 11 cases in 2014. According to them most of those who died were that of original inmates of this jail but were transferred from other jails. Except the 3-cases noted below, rest of the deaths reported were due to natural causes. Superintendent confirmed that in all cases reports have been sent to the NHRC.

It was reported in the Media on 22nd April, 2014 that two inmates Sagar, 19, and Malook Singh, 48 died in Patiala Central Jail after they inhaled toxic gas while cleaning the sewerage in the jail premises. Malook's term was to be completed next year. Jail authorities stated that Sagar fell into the sewerage channel of jail while opening its main lid and Malook met the same fate while trying to rescue him. It may be pointed out that, the Commission has, in the past, issued directions regarding protection of the rights those who are engaged in cleaning sewerages, according to *which it is mandatory to provide protective gears to sanitary workers involved in cleaning underground sewerages*. The state government ought to issue necessary directions to all jail authorities in the state in this regard. *The families of the victims ought to get adequate*

● *compensation in this regard .It is suggested that The Commission may like to call for a report from the state Government.*

It was further reported in the media that (the jail authorities had not provided the details own their own) on 1st October, 2014, a 25-year-old convict named Mukesh allegedly committed suicide inside the jail. Mukesh was reportedly kept under solitary confinement. He had been shifted to Patiala jail on 16 November, 2014. Mukesh was awarded death penalty on 21st of January this year for murdering his 4-day-old daughter. He allegedly hanged himself with a piece of cloth inside his cell. It is clear that the jail authorities have not paid any attention to the plight of those who are confined to solitary cells, especially those who are facing death penalty. *Commission may like to issue necessary directions to the State Governments that those who live in solitary confinement should necessarily be provided counselling, especially by reputed voluntary organization or institution engaged in the field of human rights and mental health.*

It was confirmed that magisterial inquiry was conducted in all cases and that all cases were reported to the NHRC. It is seen from the report that out of 18 cases of deaths in 2012, only seven have been closed; the rest are pending. Similarly out of 21 cases of 2013 only four cases have been closed; all eleven cases of 2014 are still pending. *Action should be taken to ensure that all pending cases are closed without any further delay.*

It was reported that in early 6th January the staff of this jail were allegedly attacked by a group of prisoners and at least eight of the jail staff, including an Assistant Jail Superintendent were injured. Police have registered attempt to murder cases on seven inmates involved in the attack. On receiving information jail security staff led by Assistant Jail Superintendent IS Kahlon were conducting search when they were attacked by a group of seven inmates. Of the seven inmates involved in the alleged attack, one is a convicted prisoner, while the rest are facing trial. The jail authorities after due inquiry ought to provide the details of the incident and the action taken.

Escape of prisoners/jail break

No jail- break incident has been reported since 2006. It was stated that one prisoner who was sent to PGI, Chandigarh on court orders escaped from there, but was caught and brought back.

Basic amenities

Water supply and Sanitation

Water supply to the jail is made with the help of 10 tube wells which are reported to be in good condition. An RO system is centrally installed for the use of all prisoners.

The jail authorities confirmed that there are five toilets per barrack. Similarly five bathrooms are also available in every

- barrack. The condition of toilets and bathrooms, on inspection, was found to be generally satisfactory.

Power Supply

Power supply was stated to be regular, as the jail is in hotline supply. Back up support is provided by a generator which is not presently working.

Food supply

The Kitchen block of the jail is presently undergoing renovation. The food is being prepared in a make-shift kitchen outside the building. Cooking is carried out with the help of LPG stoves which are very old. 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 basis, costing approximately Rs.40 per day per prisoner, which is low when compared to current food prices and the rates prevalent in other states. One special feature of the jails in Punjab is 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. It is not clear why vegetables are in short supply when nearly 35 acres of land has been earmarked for agricultural activities of the jail. Jail authorities ought to serve vegetables at least one time in the diet of the prisoners. On inspection it was found that the quality of food was satisfactory.

Education

An IGNOU Study Centre which offers 13-14 courses was started on 16th November, 2014 in the jail for those inmates. It was stated that prisoners numbering 306 appeared in different examinations organized by IGNOU and 109 students appeared in the examination conducted by the National Open School in 2014-15. Besides these, Rotary Club also runs a literacy program in the jail. Two prisoner volunteers teach the women prisoners. *Being a Central 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.*

Jail Hospital

For meeting the health needs of the prisoners a jail hospital is available. However, the building in which it is housed is in a dilapidated condition, unfit for running a hospital. The same is being renovated now.

The jail hospital is manned by a Medical Officer and four other doctors, of which one doctor is posted out at present. *No Lady Medical Officer (LMO) is posted in the jail hospital.* Although six pharmacists are available, no Dressers are posted; this work is carried out with the assistance of prisoner-volunteers. General diagnostic facilities are not available. It was stated that a modern lab will be ready in a month's time. A dental chair and dental X-ray facility is available. A separate isolation ward with 12 beds has been set up for TB patients. Six beds are presently under

- occupation. *No separate ward is set up for women prisoners.* Four very old prisoners have been kept in the hospital. It was stated that no Malaria cases have been reported. An eye camp and dental camps were organized recently.

It was stated that budget allocation for the hospital is sufficient and that adequate stock of medicines is available. *Hospital facilities can be considered as grossly inadequate in this jail. Thus the attitude of the higher authorities in neglecting the health care of prisoners is a serious lapse.*

Video-conferencing

Video-conferencing facility is available in the jail and is connected with three courts. I was informed that on the average 50-60 prisoners appear before the courts with its aid.

Legal Aid

Free legal assistance is provided to needy prisoners. According to the jail authorities, 1453 male and 70 female prisoners were provided with free legal aid in the last one year. A special CJM visits the jail every Saturday to sanction legal aid to prisoners. He is assisted by two volunteers who are paid on monthly basis. The District Legal Authority comprising of the District and Sessions Judge, the DC and the SSP meets every quarter. The District and Sessions Judge visits the jail every month. While the number of legal aid cases sanctioned appears to be satisfactory, *it would be necessary to improve the quality of assistance provided.* Often women prisoners and prisoners from

poorer categories cannot, on their own, make arrangements for conducting their cases. *It would be necessary for the Authority to periodically review the outcomes in cases where legal aid has been provided.*

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. Around 500 appeals have been filed by the prisoners. The jail authorities stated that there were no cases of prisoners having been granted bail by the courts languishing in the jail for want of sureties.

Parole

Prisoners are allowed the facility of parole in terms of the Punjab good conduct prisoners (Temporary Release) Act, 1962. It was stated that the jail authorities are liberal in granting paroles. No case of overstay by prisoners who have been granted parole was reported in the jail in recent times, *although 10 prisoners reportedly escaped in the last 3 years during their parole.* It would be necessary to exercise more caution while sanctioning paroles; individual cases ought to be strictly monitored in order to ensure timely return of prisoners from their paroles.

● Remissions

It was stated that remissions are allowed as per provisions and that 10 cases of premature release are pending with government. The case of premature release of Raju Kanaiya s/o Kaman Ram was reported. He has already spent 20 years in jail (including remissions). His case of premature release has been referred to the Jharkhand Government by the prison authorities on 6th August, 2014. *His case needs to be followed up vigorously by the jail authorities.*

Telephone facility

Four Prisoner Call Systems, which are a fast, efficient and computerised telephone management system, have been installed by TATA Telecom. The prisoners are able to communicate with their families through this assisted operation on pre-payment basis. *This is an important step in providing better quality services to the prisoners.*

Visitors

It is important to allow prisoners to communicate with their immediate family members. This Central Jail also allows the convicted prisoners and under trials to meet their family members. A waiting room is available for this purpose. *It was too overcrowded and noisy for the prisoners to make any meaningful conversation with their family members. Immediate alternate arrangement needs to be made.*

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 this jail too, which includes two 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 the jail, in which around 1200 books are said to be available. A separate library is available in the De Addiction Centre. Reading and writing need to be encouraged amongst the prisoners. Services of the civil society could be utilised for this purpose.

Recreational programmes

It was stated that cultural programs are being regularly organized in the jail. I was informed that this is the only jail in Punjab with its own *bhangra* team. A music room has been set up for practice by the prisoners. *Women ought to have cultural programs within their enclosures too on regular basis.*

Sports



- Prisoners are provided sports facilities in the jail such as Volley Ball, *Kabbadi*, Badminton, and Carom. *No sports facilities are available for women prisoners.*

Religious activities

The prisoners are freely allowed to practice their religion. A temple and a Gurudwara are available in the jail premises.

Prisoners celebrate different festival like Id, Diwali, Gurpurab, Christmas etc together.

Yoga

Art of Living courses are organized in the jail, with the help of Sri Sri Ravishanker Foundation

TV/ News papers: TV sets with cable facilities have been installed for all jail inmates. News papers are being regularly provided to the prisoners.

Canteen facilities

Two welfare canteens have been set up in the jail.

Jail Factory

One of the important objectives of prison management is to keep the prisoners occupied and gainfully employed. In the Central Jail, Patiala, jail industries have been organized in different trades, such as carpentry, textile, tailoring, printing, carpet making, *weaving* etc. A printing press has been set up for printing stationery. It was stated that Rs.76 lakhs have been generated by the prisoners from weaving. *It was not clear whether the jail 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. There appears to be no practice of issue of passbooks to prisoners.

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 stitching and embroidery, beautician course is being imparted to female prisoners. Courses on Computer education/Hair cutting have been taken up for boys. Computer courses ought to be taken up for eligible girls as well. 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 Patiala. Thus, despite these 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 Central jail Patiala the services of Aril Dedicated brothers are utilized for counselling

- prisoners on their social and family problems. The Patiala Handicrafts Society and Cancer AID Society are also providing valuable services to the prisoners. The impact of their contribution needs to be independently assessed. The role of NGOs in various activities needs to be widened and strengthened.

Drug De-addiction program

It was shocking to know that about 70% of the prison population is affected by addiction 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 Centre for jail inmates has been set up spread over four barracks in the jail. It was explained that the de addiction is done in three phases.

1. **Active Phase** During this phase de-toxification is done in 10-15 days.

11. **Phase11** In this phase the prisoners are kept in the Recovery Ward for another 15 days.

111. **Isolation** During this phase the prisoners are kept in total isolation for a period of six months. According to jail authorities they are kept comfortable and are provided with necessary facilities, including a cooler. Books are made available through a library set up within the centre. Prisoners can play various indoor games too while being kept in isolation. A team of psychiatrists visit the jail for managing/monitoring the program.

After two stages of treatment they are kept in complete isolation. *On a visit to the Centre it was seen that prisoners who are drug addicts have been kept in cheerless over crowded barracks in old buildings, which are not conducive for running this program.* There is need to modernize the entire set up. *The jail authorities also ought to do an impact assessment of the program to find out its effectiveness.* Advice of an Expert Panel may also be sought on the treatment protocols. It was not clear whether there are drug addicts among the women prisoners. If so, they ought to be segregated and treated.

A visit to the Centre raises the question as to whether incarceration of prisoners who have committed nonviolent crimes is necessary.

Inspections

It was stated that regular inspections are being carried out by the District and Sessions Judge. His last inspection was on 28th August, 2014. Besides, judges from the higher judiciary, including High Court judges visit the jail. The Cabinet minister of Jails, Punjab made a surprise visit to the jail on 28th August, 2014. The Home Secretary and DGP, Punjab also recently visited the jail. It was stated that the CJM, DC, SSP and SDM, Civil Surgeon and the DHO regularly visit the jail. Inspections are carried out by the DC and SSP regularly. Joint inspections by the District and Sessions judge along with the DC and SSP are also routinely conducted.

Complaint Redressal

The prison authorities need to take care of the complaints raised by the prisoners and set up an effective complaint redressal mechanism. *Prisoner's durbar will help face to face communication between the officials and the prisoners.*

Security

The security outside the jail is manned by 14 police personnel. Services of one company each of the Punjab Police as well as Home Guards are utilized for ensuring the overall security of the jail. 08 CCTVs with coloured cameras have been installed in the jail, all of which are stated to be functional. No mobile jammer, however, has been installed.

Solar Lighting

No attempt has been made to harness solar energy in the jail. Solar energy ought to be harnessed both for heating and lighting. Besides, cooking could also be based on solar energy. 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. 2.07 crores have been made for the jail this financial year by the State Government.

Modernisation

The hospital and prison management have been computerised in the jail. This jail is the first to introduce a Bio-metric system for checking the attendance of the staff.

Jail Manual

Re-writing and re-formulating the jail Manual are essential for modernizing and improving the jail administration. The Jail Manual of Punjab was first developed in 1896 when India was colonized by the British and was reviewed in 1996. According to human rights activists/voluntary organizations –‘it still remains a mere copy of the previous one, without being rewritten or modified keeping in with widespread changes which have taken place in the Indian society’.

The Supreme Court of India has recently in case titled as R.D. Upadhayay in Civil Writ Petition No. 559 of 1994 has directed the Union of India to revise the Jail Manuals.

Observations/ Recommendations:-

Although this jail was upgraded as Central jail just after Indian Independence, it still needs to improve the prison administration and management in order to fully achieve that status.

Some of the suggestions/recommendations are given below:-

1. Good governance

Good governance ought to be hall mark of a central jail. It is observed that 70% of the population in this jail is addicted to

- drugs. It is a matter of concern that administration of this jail is somewhat lax. Presence of a large under trial population, custodial deaths and violence, escape of prisoners during parole, are symptoms of a malaise that affects the jail administration very deeply. The absence of a well trained Superintendent is clearly felt. *The very security of this jail depends not only on high walls and the strength of police force deputed, but on the quality of jail administration.* Every aspect of prison administration, therefore, ought to be restructured in this jail.

2. Treatment of prisoners

It is generally observed that even in Central jails prison officials consider all prisoners, including the under trails as criminals and enemies of society. The treatment meted out to the prisoners is often cruel, inhuman and discriminatory. Modern prison management is about reforming and rehabilitation of prisoners. Therefore changing the mindset of the jail officials and staff is one of the most important challenges in prison administration. This can be brought about only through their constant sensitisation and training.

3. Improving the quality of life of the prisoners should get the top most priority in every jail. Although the Central Jail, Patiala has ensured basic facilities to prisoners gaps remain like overcrowding , maintenance of toilets, water purifiers, supply of clothing and bedding etc. Basic rights of prisoners to clean and adequate drinking water, sanitation and bathing facilities and

day to day needs ought to be ensured befitting the status of the jail.

4. Filling up of vacant posts, including that of the Superintendent of the jail should get high priority.

3. Undertrials

Immediate steps may be taken to reduce the under trial population in the jail. Priority ought to be given to women under trails, especially with children, in matters relating to production before courts, getting bails, sanctioning of legal aid etc.

Accountability needs to be fixed on the DM/SP/Jail Superintendent by making appropriate entries in their Annual Confidential Reports (ACR). A monitoring system should be started for tracking under trials.

4.. Scrutiny of cases

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

5, Lok Adalats

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

5. Legal Aid

Although legal aid has been sanctioned in a number of cases, it is not known what impact it has produced on the *quality* of cases conducted. Separate records for female prisoners need to be maintained. With the help of District Legal Authority quality of legal counselling and utilization of legal aid should be made effective.

6. Monitoring of cases

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

7. Remission

The State Government 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

Although some measures have been taken by the administration, there is need to improve prisoner welfare measures including organization of regular Prisoner's Durbar, engagement of prisoners in work, regular counselling, better educational and health facilities, issue of pass books, better communication with families etc.

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. In case no LMO is available on regular basis, *at least a senior nurse/ANM should be posted in the jail* to take care of the day-to-day health problems of female prisoners and their children.

a. Setting up a modern jail Hospital

Hospital facilities are poor/ inadequate in this jail. *There is every need to set up a full-fledged modern hospital in the jail premises.* It also should have a fully equipped diagnostic/path Lab. *Separate Women and Children's Wards as well as Isolation wards need to be a part of the hospital.*

b. 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 tracked on the basis of their health profile.

- b. **Screening for mental conditions** other than drug-induced illnesses may be undertaken with the help of reputed mental health institutions. Tie-ups with such institutions would be necessary. Mentally ill prisoners after their identification ought to be transferred to mental hospitals
- d. **AYUSH medical facilities** should be provided, especially to older patients.

11. Improvements in the condition of women and children

Female prisoners with their children ought to be segregated and kept separately. Similarly female convicts and undertrials also ought to be segregated. 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. Counselling of women with the help of reputed institutions and voluntary agencies ought to be taken up. Rights of women prisoners and their children are to be taken care of by fully implementing the guidelines issued by the Apex Court.

12. Food supply

The cost of food supplied to the prisoners needs to be re-fixed. 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. *Prisoners need to be provided a balanced diet, with variety as in the jails of the state 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. A comprehensive

literacy and educational program both for male and female prisoners needs to be chalked out to achieve 100% literacy

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. Vocational training in useful trades (the products ought to have ready markets) needs to be taken up with the help of reputed NGOs so that old prisoners could also be gainfully employed. Computer classes should be run for *both* young male and women prisoners.

15. **Training**

Wherever possible convicts spending long time in the jail could be trained and their services utilized, especially in the jail hospital. Sensitization of Jail Staff in matters relating to human rights of prisoners ought to get high priority.

16. **AMC**

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

17. **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.

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

19. **Services of reputed NGOs** should be utilized in the areas of health, education training, prisoner's welfare etc

21. **Audit**

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

20. **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.

21. **Delegation and decentralization**

At present the jail does not enjoy 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.

22. **Jail Manual**

As pointed out a new Jail Manual needs to be brought out reflecting the human rights perspective and the changing needs of prison management in modern times. Long term objective should be setting high standards on par with Tihar Jail and striving for maintenance of those standards so that the Central Jail, Patiala too becomes a model for other central jails in the country
