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4/9/2019-DRP/P
Dr Vinod Aggarwal, IAS (Retd.)
Special Rapporteur for Central Zone,
9910093988 (24/3/19)

25/2/19
D/A
Tour Report-2 and Tour Report-5
are enclosed for n.a. by the
Dir. (A) with pl
copy of
MS
Dated 24th March, 19
Dir(A)
24/3
35 (TR)

3200/53(R)
25/3/19
Dear Shri. Govind,

I visited Gwalior, Morena, Khandwa and Indore districts of MP as per approval of NHRC, vide letter no 16/2/2017- Cord, dated 28/02/19, where an approval was given to visit Jails of Morena and Khandwa districts and Mental hospitals in Gwalior and Indore districts.

1. The tour report -1, is about, visit to Mental Hospital Gwalior (p1-9) and annexure to the report1, is from, (p10-35). The significant part of the report is that the Mental hospital 78% beds are in closed wards where efficiency is extremely poor. There is great need to have a proper half way home and reduction of % of beds in closed wards where admission is through the courts.
2. The tour report-2, is about visit to District Jail Morena (p.36-39), and annexure to the report from, (p-40-51). The salient point felt is that: The jail has bit of over crowding and no hospital and doctor. There is no industrial unit and about 70 years old jail, need modern and better facilities. In a case of unnatural death even the viscera was not preserved. That matter must be examined at length by the commission.
3. The tour report 3 (p52-55) is about the Children Observation home in Gwalior. The 50 children home has in actual enough space for 7-8 children only but generally 20-30 children remain there. It is of utmost importance that proper building be provided for the home.
4. The tour report 4 (p 56-64) is about, visit to Mental Hospital Indore and annexure to the report4, is from, (p 65-85). The significant part of the report is that the Mental hospital 51% beds are in closed wards where efficiency is extremely poor. There is great need to have a proper half way home and reduction of % of beds in closed wards. In this hospital even the efficiency of open ward is also much lesser than Gwalior.
5. The report 5 (p86-90) is about the district Jail Khandwa with annexure (p91-108) is about the format of jail report and other relevant

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papers. The jail is only for 168 inmates where as 663 inmates are there. Such an incidence of overcrowding where in male ward less than 9 square feet of area per inmate may be land mark for lowest space in wards in the country. The jail has no hospital and doctor. There is no industrial unit and about 146 years old jail, need modern and better facilities and I am scared of some incidence may happen.

6. The report 6 (p-109-111) is about a de-addiction centre in Indore and the annual report(p-112-114) of the institution is annexed to the report. The institution is doing good work but many suggestions have been given in the report.

The tour was completed on 15th March and report has been submitted within 10 days, before the next tour begins on 26th March.

with regards

Yours Sincerely,

V. Aggarwal
Dr Vinod Aggarwal.

Shri Jaideep Govind
Secretary General,
NHRC

34. The jail was established in District of Madhya Pradesh on 12th March, 2011. It is not suggested Special Rapporteur NHRC.

1. The jail was established in 1957 but exact year of operation not recorded and completed more than 62 years since creation. The jail campus has 2.3 acres (9527 square metres) of land and has 12 barracks have been constructed and not much space is available for construction of more wards which are required. It was a sub-jail till 2011. The state government has upgraded the sub jail to district jail, but the facilities were not upgraded.
2. The jail is meant to house only 265 prisoners but at present almost 28% more than the capacity 332 inmates are there in this jail. The daily average is 349 for the month of February 19. There is definite overcrowding in various wards but they are distributed evenly. As few of the wards are not being used, the overcrowding is visible in few wards only and there is definite case for building more wards in this jail.

Barrack no.	Area of Barrack in sq. feet	No. of inmates in barrack	Average prisoner in sq. ft.
01	215	19	11.37
02	540	44	12.27
03	540	44	12.27
04	215	19	11.37
05	594	34	17.47
06	594	30	19.80
07	594	34	17.47
09	648	36	18.00
11	630	38	16.57
12	633	34	18.52
Total	6201	332	15.66

than 5 years. As there is shortage of space the UTs are not separate from convicted prisoners.

8. There were 2 prisoners who died in 2016. One of them was a suicide by hanging. The viscera report of that prisoner is not available as it was not done. This was a failure by police or/and jail administration. Action as required may be taken against the personals who were responsible for this failure.
9. There is no outside wall on backside of the jail. This resulted in a jail break in 2017. There was one stair which was is later on removed.

Recommendation after the visit, Discussion with Jail Superintendent, and inmates are as follows.

1. The Jail campus is spread over 2.3 acres and was meant for sub jail or Hazat, but now converted in to a district jail, it is required a proper jail should be made with modern facilities. This area is known for dacoits for long and if this place is without a proper jail, it does not bode well for the criminal justice.
2. There are no lifers or death penalty as such prisoners are generally kept in central jails but 61 convicts with rigorous imprisonment who are generally performing the work in the jail kitchen and other places. The rate given to the inmates is also quite low and need to be revised to the BPDP norms.
3. The jail should have a 15-20 bed hospital, but in actual there is no hospital sanctioned but a 3 bed dorm is being maintained in the district hospital which is next door. The hospitals of MP jails are in bad position. It came to my information that there are 34 thousand prisoners in 125 jails and only 53 positions of doctors have been created and only 6 are filled in whole state. It is a sorry state of affairs. It would be imperative to create positions of the doctors as per the BPRD norms.
4. The Kitchen definitely requires up-gradation, in the form of provision of Chimney, Automatic door closure, Impermeable walls, new wire mesh in the windows as the old ones are damaged, Fly catcher in the kitchen. The dough making kneader is there but chapatti making machines has not been demanded as there is not enough work for the inmates with rigorous imprisonment.
5. Out of 271 under-trials, there are 6 who have been imprisoned for more than 3 years. These are the cases should be reviewed by the visitors and these cases should be decided fast by the judiciary, as it is said justice delayed is justice

denied. Further there are inmates who are continuously in jail for more than 2 years. These cases should also be reviewed by the other functionaries of jail department in consultation with the middle judiciary for early disposal.

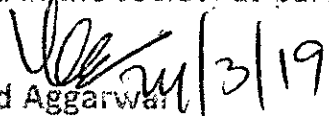
6. There is no water shortage but no RO have been installed in the jail. The drinking water facilities need to improve in the jail.

7. One complaint, by the inmates of the prison, was that, the outside food and fruits etc. have been disallowed by the Jail Authorities. The jail Superintendent, showed me an order issued by Jail Head quarters after Bhopal Jail- break of 30/11/16 on 09/12/2016 which clearly mentions that food articles brought by family members, relatives and other persons coming to meet a prisoner have been disallowed and food article don't reach the inmates through such sources. But this issue could have been resolved by providing milk and fruits on payment to the inmates who are in position to pay or Govt. should rethink. I was told that government had done some thinking about 8-9 months back but and no order has been issued by the jail hqs. For demand of outside food.

8. In the State of Madhya Pradesh, the powers to the District collector and appellate powers to IG prisons are quite sufficient in granting parole and such complaints are much lesser of not release as compared to UP and other states.

9. As this jail has a jail break and one incident of hanging, it seems the government or the jail head quarters should have some senior officer visiting or upgrading the post for a while to improve the functioning of jail. There were some muted complaints of not getting the food by few of the prisoners. It was told that the complaint is generally by the prisoners who are not allowed tobacco or other addictive products but whatever may be the complaints need an enquiry where the circumstances are watched for food quality and quantity.

10. The posts of Sociologist, social worker, Psychologist are the need of hour in the jails. The half-way home, or a bridge between the public-at-large, and inmates, who are going to be released, need to be there. Therefore the training of jail administration in this discipline need to be build or posts of sociologists and Psychologists need to be created who become a tool for the inmates being absorbed in the society as part of milieu.


Dr. Vinod Aggarwal

Special Rapporteur

Annexure- Proforma of jail report submitted by Jail

Annexure to Report 2

jail format.docx

INSPECTION FORMAT

1. NAME OF THE PRISON - DIST. JAIL MORENA (M.P.)

2. SANCTIONED CAPACITY OF THE PRISONERS - 265

3. PRISONERS' PROFILE - CIVIL + UT + CONVICT

3.1 Actual Strength of the Prisoners - CONVICT - 61, UT - 271. Total = 332 (as on 12.3.19)

3.2 The details of the prisoners including undergoing life imprisonment and under death sentence.

convict - under trail - Total - Nil

(Break-up of total strength) - Nil

Male }
Female } - Nil
Total }

Lifers _____ Nil
Death sentence _____ Nil
Rigorous imprisonment ~~Nil~~ 61
Simple imprisonment
Deténue

3.3 Daily average strength of the previous month - 349 (February 2019)

4. ACCOMMODATION:-

Area of the Jail - 9627 m² (Total Area)

Age of the buildings - 62 yrs old. (Est. 1957)

Status of Buildings - to what extent the provisions of Model Prison Manual have been complied with in terms of location away from congested locations, location of various blocks at a prescribed distance from the perimeter wall, separate enclosure for the female ward etc. keeping the principles of safety and security uppermost in mind?

It does not complied with the provisions of the Model Prison.

Problem of seepage, leakage etc. - No Problem

Lighting and ventilations No Problem

Institutional arrangements for repair and maintenance - Yes.

Number of Wards/Barracks = 12 Barracks, 10 running (

Number of Special Cells = Nil

Any other provision - Nil

4.1 ARRANGEMENT OF SEPARTION OF -

- Under trail
- Young prisoners
- Woman prisoners
- Mentally sick prisoner
- Drug addicts
- Suffering from infectious diseases like T. B. etc

No arrangement of Separation.

5. STAFF

	SANCTIONED.	ACTUAL STRENGTH.
Sanctioned strength (in various categories)	1. Suptd. 01	NIL
Actual strength (in various categories)	2. Dypt Supt. 01	01
Adequacy of otherwise of sanctioned and available staff	3. Asst Suptd. 03	01
Steps taken to fill up vacancies	4. Medical Officer 01	NIL
Term & conditions of service & employment of all categories of personnel keeping the service and morale in view - has any objective	5. Asst Accountant 01	01
	6. Teacher 01	01
	7. Head Warder 08	04
	8. Warden 40	38
	9. Driver 01	NIL
	10. Sweeper 02	02
	11. Pharmacist 01	01

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dispassionate assessment of the service conditions vis-à-vis operational efficiency been made if so, what are the finding and what corrective measures have been taken.

5.1. HUMAN RESOURCE DEVELOPMENT

Institutional arrangements for training of officers and staff in various categories *As per manual, training Schedules are arranged by Jail Hq. Bhopal, (M.P.) for officers and staff in various categories.*

Duration of training for each category - *As per Manual -*

Arrangements of the content, quality and impact of training on correctional behaviour inside and on rehabilitation of convicts after release - *NIL*

Need for further strengthening - *---*

6. RIGHT OF PRISONERS:

6.1 RIGHT TO SPEEDY TRIAL

No. of UTPs lodged in Prison

NIL

Men

NIL

Women

NIL

What is the average duration for which they have been lodged in prison?

NIL

What are the contributory factors to delay in disposal of cases of UTPs?

Specific suggestions to reduce this duration? -

AS per court Procedures. frequent Hearings.

6.2 RIGHT TO BE RELEASED ON BAIL

No. of petitions pending in the trial court for disposal

No. of cases where prayer for bail has been rejected but the advocate concerned has not

yet communicated the reasons for rejection —
 No. of cases where the prisoners are unable to —
 arrange sureties **NIL**
 No. of cases where the bail amount is high —
 What are specific suggestions to improve the —
 situation and register expeditious disposal of
 pending bail applications

6.3 RIGHT OF CONVICTS TO APPEAL:

No. of cases where **Approx. 40**
 appeal petitions are
 pending in the High Court
 No. of years for which these petitions are —
 pending
 Contributory factors —
 Specific suggestions for expeditious disposal —

6.4 RIGHT OF CONVICTS FOR PREMATURE RELEASE/ PAROLE / REMISSION

What is the composition — **NIL**
 of the State Sentence
 Review Board
 No. of cases pending for review — **NIL**
 Duration for which they are pending & reasons
 for pendency — **NIL**
 Specific suggestions to expedite disposal — **NIL**
 Procedure followed as per guidelines of NHRC
 and section 433 CrPC —
 Whether meeting S S R Board is being held,
 mention dates —

6.5 RIGHT TO FOOD:

Scales of diet for various — **As per Madhya Pradesh Jail Manual**
 categories of prisoners
 Storage of articles — **NIL**
 Arrangements of cooking and distribution of — **Proper.**
 food
 Mean and mode of preparation of food — **Inside the jail, food is cooked**
 Menu of food provided to the inmates **by the convict prisoners.**
 Procurement of eatables etc — **↳ Accordingly the M.P. Jail Manual.**

Are the latrines of sanitary type with arrangements for flushing?

Sanitary type, no flushing.

Is it ensured that the toilets are placed on an impermeable basis, higher than the surrounding ground and are so built that the Sun's rays can easily enter the latrines and that rainwater is kept out?

Yes. It is ensured.

Is it ensured that the latrines are so designed that all excreta and wash materials get into receptacles without soiling the sites?

Yes. It is ensured.

Have the inside walls of the latrine been fitted with glazed ceramic tiles upto a height of one metre from the floor level as far as possible.

Yes. It is ensured.

6.8 RIGHT TO PERSONAL HYGIENE:

Does the prison provide covered cubicles for bathing @ one for every 10 prisoners with proper arrangement to ensure privacy?

No ✓

Is it ensured that every prisoner takes bath as frequently as necessary for better personal hygiene according to climatic conditions?

Yes. It is ensured.

Is it ensured that every prisoner washes his clothing at least once a week? If so, have you ensured that use of necessary washing materials (soap, washing powder, detergent etc) has been authorized for both male & female prisoners?

Yes. It is ensured.

Is there a mechanized laundry to wash items of clothing and bedding at the time of return of these items to the clothing store?

No.

6.9 RIGHT TO CLOTHING:

The Model Prison Manual provides this right and the manner of exercise of this right both for the Convicts as well as UTPs.

Is it ensured that these provisions are being complied with?

only to convicts prisoners.

AS

6.10 RIGHT TO HEALTH & MEDICAL CARE:

The Model Prison Manual provides this right and the manner of exercise of this right both for the Convicts as well as UTPs.

- Is hospital accommodation available on the scale of 5% of the daily average of the inmate population? *Yes, in district Jail Hospital, Morena (M.P.)*
- Is the location of the hospital sufficiently away from the barracks? *Yes.*
- Are the floors and walls of the hospital of impermeable material? *Yes.*
- Is there arrangement for uninterrupted supply of potable water and electricity? *Yes.*
- Is there a hospital Kitchen with arrangement for proper upkeep and maintenance? *- Nil*
- Is it ensured that ailing prisoners who have been admitted to the prison hospital get their diet (including milk) according to approved scales? *Yes.*
- Are samples being sent to approved laboratories for test? *Yes.*
- If so at what intervals & with what findings? *- Nil*
- What preventive and corrective measures been taken to ensure that water is free from impurities & is potable.

7. DETAILS OF PATIENTS AT THE PRISON HOSPITAL & FACILITIES BEING PROVIDED TO THEM:

No. of doctors	Men	Women
_____	_____	_____

No. of para-medical personnel _____

Daily average of O. P. D _____

No. of beds - *3 bedded Prison ward in District Hospital Morena.*

Availability of medicines-Adequate/Inadequate
Adequate

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Visits by specialists Done
Isolation / segregation of patients suffering from infectious diseases. No
No. of prisoners suffering from T. B. 01 (as on 12.03.19)
No. of prisoners suffering from HIV/AIDS No
Arrangements for detection and prevention of HIV/AIDS in Dist. Hospital.
Are instructions about medical examination of every prisoner on admission being followed? Yes.
Ambulance service Yes.
No. of prisoners suffering from other chronic disease like heart, cancer irreversible kidney failure, cardio respiratory, leprosy etc. and details of their treatments. No
Drug de-addiction and counseling services No

8. MENTAL ILLNESS:

How many mentally ill persons have been detained in the jail and for what duration? NIL
How many times the IG of Prisons has visited them u/s 39(1) of Mental Health Act 87? NIL
What are the main observations?
How many times these persons have been visited by Psychiatrist or where a Psychiatrist is not available by a medical officer empowered by the State Government u/s 39 (4) of Mental Health Act, 1987? NIL

9. CHILDREN STAYING WITH MOTHERS (CONVICTS):

What checks & safeguards are being observed to promote health, safety, education, nutrition, immunization of children in 0-6 age group while allowing them to stay with their mothers (convicts) in terms of the directions of the Supreme Court in R. D. Upadhyay vs State of Andhra

NO FEMALE PRISONERS.

Pradesh & others, WP
No. 559 of 1994 with
Criminal Appeal No. 69
of 2000 decided on
1/11/2000.

10. INSTITUTIONAL TREATMENT:-

Classification
Institutional routine Yes
Education Yes
Vocational training and work No
Spiritual development Yes
Organized recreation -
Rehabilitation assistance No
Canteen facilities No

11. DAILY WAGES PRESCRIBED BOTH TIME RATE AND PIECE RATE FOR

Trainees NIL
Semi skilled workers Yes
Skilled workers -
Mean and mode of payment of wages online payment in bank accounts
at time rate daily wages.

12. CONDITIONS OF UNDERTRIALS:

Detention period	Men	Women
Upto 3 month	71	NIL
3-6 months	49	
6-12 months	92	
1-2 years	50	
2-3 years	03	
3-5 years	06	
Above 5 years	00	

Are under trials kept separate from Convicted prisoners? No
No. of under trials granted bail but unable to No

seek release because of

failure to arrange sureties

Is there any problem of providing escorts to undertrials for court **No**

appearance?

Holding of Lok Adalats in Jail premises **No**

13. CUSTODIAL DEATH:

ANNUAL STATEMENT OF DEATHS FOR LAST 3 YEARS

Year	Total deaths	No. of Natural	Unnatural	Remarks
2016	02	01 Natural	01 Unnatural	
2017	01		Unnatural	Hanging
2018	NIL			

Annual statement of escape from the Prisons/escorts for the last 3 years.

02 Prisoners in 2016, 2017. One was captured. There was one stair

Have these deaths been investigated? If so what are the findings & general observations?

Yes.

What checks & safeguards have been adopted to prevent suicides of prisoners?

14. WOMEN PRISONERS: No provisions for women prisoners in district Jail Morena (M.P.)

Sanctioned capacity

Actual strength

Detail of staff

No. of children with women

Prisoners and their age-group

Are women prisoners kept in separate accommodation?

Facilities for special care, education and recreation of young children staying with

NIL

women prisoners.
 General comments on health facilities for women prisoners and children staying with them will special mention of availability or otherwise of a separate female ward in prison hospital and inoculation programme for the children.
 Facilities of vocational training for women prisoners.
 No. of women prisoners suffering from T. B. and psychiatric problems

|
 NIL
 |

15. BASIC AMENITIES:-

Letters (receiving, Yes.
 dispatching and
 distribution system
 Feed back by the senior officers and records maintained in this regard, if any
 Whether prisoners rights has been displayed in the prison No.

16. INTERVIEWS OF THE PRISONERS Yes. at the time of admission in jail.

16.1 INTERVIEWS OF THE PRISONERS BY JAIL / DISTRICT OFFICIALS

Mean and mode of physical, orally-
 interview
 Details of redressal of complaints, if any Yes.

16.2 SYSTEM OF INTERVIEWS WITH FAMILY MEMBERS AND LAWYERS No.

What is the procedure which is in vogue for grant of such interviews?
 How many such requests on an average are being received?
 How many requests have been turned down & reasons thereof?

|
 NIL
 |

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17. NO. OF VISITS / INSPECTIONS DURING THE LAST ONE YEAR BY: (2018)

Judicial authorities 16

Non-Judicial authorities 07

18. INVOLVEMENT OF NGOs AND SOCIAL ACTIVISTS IN PRISON ACTIVITIES. No

18.1 FUNCTIONING OF BOARD OF VISITORS:

When was the Board of visitors last constituted? No 5 Constituted.

What is the frequency of visits of the Jail by the BOV?

Are the observations recorded by the BOV soon after visit?

What is the current status of compliance with these observations?

19. GENERAL REMARKS:

On the functioning of the Prison Administration, problems & grievances and suggestions for improvement.