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Report of S. Jalaja, Special Rapporteur, NHRC on her visit to Sub Jail, Solan, on 29-4-2013

I visited the district of Solan in the State of Himachal Pradesh on 29-4-2013. I took this opportunity to visit the Sub jail, Solan. I was accompanied by Shri Arvind Kumar, AIG on visit to the jail.

Jail Profile and History A Sub jail was set up in Solan during the British times. The foundation for a new jail was laid by the then chief minister of the state on 24-12-1999. On completion it was inaugurated by him on 12-3-2011. The jail was shifted to its present premises on 7-9-2011. Although it is housed in a new building, it has not yet been upgraded as a District Jail, probably because there is no need for it due to the small number of inmates present.

Land and infrastructure The jail has a total area of approximately two acres (7797sq.m) of land. About 50% of the area is occupied by buildings. Due to the undulating nature of land in the hilly terrain the buildings are not at the same level.

The buildings include three male barracks with a total capacity of 60 prisoners (20 prisoners per barrack), three cells with a total capacity of 12 (four per cell for female prisoners) and one kitchen. The buildings are spacious with airy rooms.

Jail capacity and occupancy

Sanctioned capacity of the jail is 72 (60 males; 12 female) against which there are 115 (108 male; 7 female) prisoners at present.

Category-wise details of prisoners Seven women are lodged in the jail. Segregated data is not available for SC/ST prisoners. There is no segregation between the convicts (7) and under trials (99). I was informed that there are no mentally ill prisoners in the jail.

Manpower

Shri Devesh Kumar is presently the Superintendent of the jail. The total sanctioned staff strength of the jail is 17, with all posts filled up. In addition 8 persons are working on daily wage basis. The jail Superintendent and the Medical officer are functioning on part-time basis.

Under-trial Prisoners

Under trial prisoners number 99, of which 6 are female. Majority of the under trials have been booked under the NDPS Act or under section 302 of IPC. Ten of them are allegedly involved in theft cases. 69 under trial prisoners have been in the jail for 6 months; 10 for 6 months to one year; 27 for 1-2 years; 01 for 2-5 years and none above 5 years.

Procedure delays were cited as the main reason for the presence of a large number of under trials. CJM is said to make regular visits to the jail. It was not clear then as to why many petty cases have not been placed before him.

Naxalite prisoners

There were no naxalite prisoners in the jail.

Condition of prisoners

Most of the prisoners appeared to be in good health. None of them complained about the living conditions within the jail. The jail has been kept very clean and free from pollution. The areas surrounding the buildings have also been maintained well.

Women Prisoners

Attention of the Jail superintendent was drawn to the comprehensive directions given by the Apex Court in Upadhyay Vs the State of Andhra Pradesh regarding care of women prisoners and their children in jails. Since there were altogether only 7 female prisoners and that no child was residing with them, the jail authorities did not have to exert themselves in providing them necessary care. Although they appeared to be in good physical condition, nothing appears to have been done by way of their education, nor were their services being utilised in the performance of various tasks.

I interviewed 7 of the female prisoners present. Sahana, 27 is in jail for 6 months in connection with a case filed under section 302IPC. Asha 30 and Varshal 31 are also allegedly involved in murder cases and are in jail for 9 months. Kajal 40 and kalvinder kaur22 have been booked u/s 376 of IPC and have spent 9 months in jail. Laxmi 50 is in jail allegedly for involving in illegal trafficking of drugs and narcotics. None of them admitted to committing the crimes and stated that they have been booked in cases where in their husbands or other male family members were the main accused. Some of them had children growing up at home.

Mentally ill prisoners

It was reported that there were no mentally ill prisoner in the jail. Prisoners often suffer from a variety of mental conditions including depression, anxiety, schizophrenia etc and regular screening for mental illnesses is necessary. It was mentioned that psychiatrists from the near-by Medical Institutions visit the jail and screening is done regularly. These can at best be viewed only as visits. Screening for

mental illness of prisoners ought to be done regularly with the help of reputed mental health institutions with which the state Government could have suitable tie-ups.

Custodial Deaths

No custodial death cases have been reported in the recent past.

Escape of prisoners

No such incident has been reported so far from the jail.

Basic amenities

Water supply and Sanitation

The Irrigation and Water Supply Department of the State Government is providing water supply to the jail which is considered to be adequate and satisfactory. The quality of water supply is also ensured by the Authorities. The toilet to man ratio was mentioned as 9:1. The condition of toilets was satisfactory. Facilities are available for bathing.

Power Supply

Power supply was stated to be regular and uninterrupted most of the time.

Food Supply

Food supplied to the prisoners is as prescribed under in the Jail Manual. On inspection it was seen that rice and *dal* is supplied in the morning and *roti* and *dal* for dinner. It was not clear how the calorie requirement of prisoners could be met only by serving rice and *dal* without any vegetable for lunch. The State Government may examine the adequacy of nutritional quality of the food supplied.

I was told that the State Civil Supplies Corporation is providing the grains and *dal* to the prison. Food is cooked by the prisoners themselves in LPG stoves. Kitchen was airy, well-lighted and clean. The food prepared was clean and fresh.

Education

Education is stated to be imparted to the prisoners with the help of IGNOU and the National Open School. Volunteers from amongst the prisoners also are involved in teaching basic skills to fellow prisoners. However, I did not witness any classes being held at the time of my visit. The State Government ought to take a pro-active role in teaching basic reading and writing skills to prisoners, especially female prisoners. Jails like Raipur in Chhattisgarh district have involved reputed NGOs in teaching and training the prisoners, including women prisoners.

Jail Hospital

Keeping in view the limited number of prisoners in jail, no full-fledged hospital is set up within the jail premises, instead a dispensary is available. A part-time Medical Officer with the help of a Pharmacist is taking care of the health of the inmates. Prisoners also are taken to the local government hospital, if needed. It was, however, noted that regular visit by a lady doctor is very much needed to take care of the health of female prisoners. Although a lady doctor is said to be visiting the jail the periodicity should be at least once a week. It was stated that no prisoner is suffering from TB or HIV/AIDS. However, regular screening not only for these but chronic diseases like Diabetes, Hypertension, and Cancer ought to be undertaken.

Video-conferencing

It was stated that a proposal for setting up video-conference facility is under process in the government.

Legal Aid

Last year 5-6 persons have been granted legal aid. It appeared that more efforts would be necessary to provide legal aid to all needy and deserving prisoners. While providing legal Aid, female prisoners should be given priority.

Lok Adalats

It was mentioned that no *Lokadalat* is being organized in the jail. Since prisoners lodged in jail for petty crimes could get much relief, *Lokadalats* should be organized regularly in the jail.

Bail/surety

It was confirmed that no prisoner is languishing in the jail for want of surety after getting bail

Overstay by Prisoners

No case of over stay by prisoners was brought to my notice

Parole

Parole is being allowed as per prescribed norms. It was stated that return of the prisoners after completion of their parole is being closely monitored.

Library

A library is functional within the jail for the benefit of prisoners.

Cultural programs

It was mentioned that cultural programs are organized once a year. As regular organization of cultural program can contribute to the mental health of prisoners, such programs should be organized formally and informally on periodic basis.

Sports

Facilities for playing volley ball and other outdoor and indoor games have been provided. It was not clear whether female prisoners are specially taken care of in this regard.

Religious activities

A temple is available within the jail for worship by prisoners. Others belonging to other faiths also freely practise their respective religion.

Yoga

Yoga is practised on voluntary basis. Like in other jails Yoga ought to be taken up with the help of reputed agencies/NGOs on voluntary basis by prisoners.

TV/ News papers

A DTH television is provided in each of the barracks. It was stated that news papers are supplied to the prisoners on a daily basis.

Vocational Training

It is seen that no regular vocational training is organized in the jail as majority of prisoners are under trials. Services of seven convicts are utilised for cooking food for the prisoners.

Drug De-addiction program

No such program is conducted in the jail.

Inspections

Last inspection of the jail was by the District and Sessions Judge, Solan on 27-2-2013.

Security

Security of the jail is ensured with the help of full time Wardens and Home Guards. Although a watch Tower has been constructed, it is not in use at present.

Suggestions/Recommendations

1. Although Solan is a full- fledged district, the jail I visited is still a Sub jail only. It is true that the number of inmates is very small. Therefore, expenditure on an upgraded district jail may not be justified. However, there is scope to develop this jail as a model jail.
2. Persistent efforts are needed to reduce the under trial population in the jail. Regular production of prisoners before courts and regular monitoring of cases ought to be taken up. Regular visit by the CJM and providing legal aid to the needy prisoners can help in securing the freedom of those involved in petty cases.
3. Most of the female prisoners have been booked under provisions of NDPS or u/s 302 under IPC. It is not known what precise role these women had in committing the crimes as often men are mostly involved in violence. The names of their family members, including mothers, wives or sisters of the accused are also included to strengthen the cases. As already pointed out, these women prisoners leave their children behind and remain in jails

under trials or as convicts for years together. The same problem is observed in the cases of female prisoners in jail who have been booked under the provisions of the NDPS Act. It would, therefore, be necessary to review the role of women in all such cases.

4. Computerisation needs to be taken up in the jail without any delay. It can help in monitoring the health and education of individual prisoners, cases of under trials, progression of cases, budgetary expenditure and sanction of legal aid.
5. Periodic training of the Jail staff on issues pertaining to human rights and those relating to their own work should be introduced without any delay.
6. It would be necessary to provide the Superintendent of the jail with an untied fund which could be utilised for taking up small works and purchases of urgent nature. A committee comprising of the District Magistrate and Superintendent of Police, with the Jail Superintendent as Member Secretary could administer it. The meeting of the committee ought to be held in the jail premises.
7. It was pointed out that the members of the Jail staff, like the police personnel, are also subject to severe stress. Therefore, there is need to treat the services of jail staff on par with that of the police personnel. They therefore represented that benefits like extra remuneration, 13th month's salary and promotions under Assured Career Progression Scheme could be extended to them as well. The State Government may like to examine the request.
8. The shortage of vehicles in the jail administration was also pointed out. The State Government may like to examine this request too.

9. Other welfare measures like construction of staff quarters, extension of canteen facility could also be considered by the State Government.
10. Bihar has recently brought out new Jail Manual incorporating new ideas about management of jails. The HP Government may also like to have a relook at the Jail Manual of the State and bring in appropriate changes in tune with the demand of time.
