

**Report 5, on Visit to District Jail Khandwa (MP) on 14<sup>th</sup> March, 2019  
by Dr. Vinod Aggarwal Special Rapporteur NHRC.**

1. The jail was established in 1873 and completed more than 146 years since creation. The jail campus has 3 acres (11627 square metres) of land and has 8 barracks have been constructed and some space is available for construction of more wards which is required, at utmost. It is a district jail but capacity is too small for an old district. The state government has not started the jail in the adjoining district of Burhanpur and many under-trials are stationed here.
2. The jail is meant to house only  $156 + 12 = 168$  prisoners but at present almost 4 times (395%), the capacity, 663 inmates are there in this jail. The daily average is 643.17 for the month of February 19. There is definite over-crowding in various wards, but they are distributed evenly. As few of the wards are not being used, the overcrowding is visible in few wards more and there is definite case for building more wards in this jail.

SN	Barrack no.	Area of Barrack in sq. feet	No. of Inmates in barrack	Average Area/prisoner in sq ft.
1	01	638	21	30.38(ladies ward)
2	02	432	62	6.96=7 feet
3	03	1365	147	9.29
4	04	627	71	8.83
5	05	894	116	7.71
6	06	630	65	9.69
7	07	814	87	9.34
8	08	817	90	9.10
Total		6217	663	9.37

The table on previous page suggest that the space is too little as compared to the BDP norms which are more than 50 sq feet for each inmate. Based on the capacity, the Barrack size should be  $663 * 50 = 33150$  sq feet is the minimum requirement. For average of 643 prisoners the area of barracks is 32150 sq feet and the available space at present is one fifth about 9.37 sq feet per inmate. Two barracks are under construction which will reduce the overcrowding to a bit extent. The prison barracks are very old and not as per model prison norms.

3. Among the personals for the jail, the senior level posts jail doctor is vacant and out of 3 posts of Assistant superintendants, 2 are vacant. Out of 8 head warders 5 are vacant. The posts of Assistant accounts officer and teacher are vacant. Out of 40 positions of warders 35 are filled which is quite redeeming. All the jail personals are trained as per the jail manual at the training institutes for various categories of personals.
4. The kitchen is not at all modernised. A modern chimney is not available. No exhaust fans are there. No fly proof automatic closing doors are there. There is one electric kneader but no chapatti making machine has been procured. There are no mixers and grinders. The kitchen as such in a dilapidated condition. The food is cooked on LPG and aluminium utensils are being used for cooking and serving utensils, in the prison. The kitchen definitely requires up gradation for quality of food to improve. There is abundance of water and there is a bore-well, and piped water supply.
5. There are sanitary type of toilets without flush system and taps in each of the barrack. There is no mechanized laundry to wash clothing and beddings in the jail. The clothing are provided only to the convicted prisoners. The cage latrine is used by many time more than 100 inmates and there is only one and I feel this may create fights and insanitary conditions.
6. There is no hospital in the jail but the district hospital which is about 3 km is the only place. There is a part time doctor for the jail from the civil hospital. There is one para medical who advises some routine treatment. There are 8 prisoners suffering from TB, along with 1 kidney patient and 3 asthma patients in jail. There is no HIV but one mentally ill patient in the jail. There is no medical personal in the jail and the post is vacant. As there are large no of inmates and as per norms with number of inmates there is requirement of 2 doctors but there is not even one. There is a case for immediate placement of doctor. There were some complaints of delayed treatment also.
7. The female ward is slightly less over crowded as space available is about 30 feet per inmate instead of 9 square feet which is the availability in male ward. There were 2 children in the jail, who are looked after as per norms.
8. Out of 431 under-trials, there are not many who are there for years together. 371 under-trials are there for less than a year. 45 UT are for the duration between 1-2 years. Only 14 prisoners are for 2-3 years and 1 for more than 3 years. As there is shortage of space the UTs are not separate from convicted

prisoners. This shows a good progress in trial and use of video conference has reduced the pressure on jail and police personnel.

- 10 There was one prisoner who died in 2018. This death is due to illness and no report is pending at NHRC about who was responsible for this failure.
11. There is one incidence of jail break when 4-5 SIMI activists broke the jail and after capture again had the jail break from Bhopal jail. The jail with lot of minority community inmates and population also almost 40% is an area where government must look into a proper jail.
12. There are about 220 inmates who are undergoing rigorous imprisonment but less than 100 could be employed in kitchen and other administrative works because factories are not there because lack of space. Besides the creation of positions of the supervisors in the production of various items they will impart training to the inmates. Some training is being provided in women inmates ward in stitching and embroidery. UTs no arrangement of training for male inmates because of shortage of space.

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

1. The Jail campus is spread over 3 acres and very old, without modern facilities. This area is known for SIMI activists and large minority restive population is here in the district and adjoining district of Burhanpur 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 221 convicts with rigorous imprisonment out of whom about 75 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 BPRD norms. For others some sort of work must be arranged for justifying the terms of imprisonment. It is of utmost importance that about 150 of convicted prisoners are shifted to such nearby jails where they could be given work and reduce too much overcrowding to a reasonable level.
3. The jail should have a 25-30 bed hospital, but in actual there is no hospital sanctioned. The district hospital which is about 3 km from jail, helps in the treatment of inmates. It is a sorry state of affairs. It would be imperative to create positions of the doctors as per the BPRD norms.

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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 442 under-trials, there are 60 who have been imprisoned for more than 1 year. There are 14 who are in jail for more than 2 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 is 1 inmate who is continuously in jail for more than 3 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 allowing outside food to the inmates.

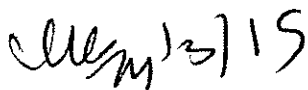
8. **In the State of Madhya Pradesh, the powers to the District collector and appellate powers to IG prisons are quite sufficient in granting parole and such complaints are much lesser of not release as compared to UP and other states.**

9. As this jail has a jail break, 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. 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.

11. The State of MP is yet to work out rules for open jail concept. It is suggested that each divisional HQ should also have an open jail for well behaved convicts who have completed 5-10 years or more, as this reduces the expenditure and pressure on jails. At present only Hoshangabad and Satna has 22 inmates where 25 seated open jail started, last year at Satna. It is well built 2 room flat with one kitchen, one wash room and latrine. It is recommended that at-least all divisional Hq jail should have a component of open jail for 100 inmates at each of the centre.

12. It is of utmost importance that a jail should be created in Burhanpur and new modern jail is constructed in Khandwa jail as that is the biggest problem of overcrowding. After visiting more than 50 jails, this level of overcrowding not seen in any other jail in the country. At present less than 9 sq feet area is there for a male inmate, suggest that all, the inmates can't even sleep properly. Extra space is a must and shifting of some prisoners to other jails is a must.



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Annexure of jail proforma enclosed with the report.