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4/36/2018-PT+P

TOUR REPORT OF THE VISIT TO MATHURA JAIL ON 11TH AND 12TH MAY, 2018, AS PER THE SPECIFIC DIRECTIONS OF NHRC

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29/5
JSC (2018)
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11.05.2018 F/N -- Visited and partially Inspected Mathura Jail

A/N-- Visited Probation Home, and State Child Care & Adoption Home
Night Halt at Brijawasi Lands Inn Hotel, Mathura

12.05.2018 F/N – Again visited and completed Inspection of Mathura Jail

A/N-- Visited/ Inspected alongwith the District Level Officers

- (1) Supreme Court supervised Existing Widows' Home at Brindavan
- (2) NBCC's newly Constructed 1000 Bedded Widows' Home

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EXECUTIVE SUMMARY

1. At Para 1. Mathura Jail had 23 Foreigners as Prisoners, with all of the Foreigners being Rohingya Refugees, some of whom had been illegally detained, inspite of their holding valid ID Cards from the Office of the UN High Commissioner for Refugees (UNHCR).

2. At Para 3:- In place of an Ambulance, only a Maruti Van has been provided to the Jail, without any Oxygen or Emergency facilities having been provided in that Van.

3. At Para 5 :- Sometimes the SN Medical College, Agra, also refers the Prison Inmates to the Sanjay Gandhi Post Graduate Institute at Lucknow, which does not admit patients, including the Prison inmates, without advance payment of the requisite fees, which creates further problems for the Prison authorities. An Institutional mechanism needs to be devised by the UP State Government to avoid such unnecessary strains on their already overstretched Prison system.

4. At Para 8:- There is no provision whatsoever in UP Jail Manual to provide to the inmates Toothpaste and Toothbrush !! Also, no Dentists' visits were mentioned by the Jail authorities. And, only one bathing soap and two washing soaps are provided to the inmates every month, which are most insufficient for the purpose of their maintaining their personal hygiene. This aspect perhaps goes against the spirit of the two celebrated judgments of Supreme Court-- both with the cause title-- Sunil Batra vs Delhi Admin.- (i) dt. 30.8.1978= (1978) 4 SCC 409: 1978 AIR 1675:1979 SCR(1) 392 & (ii) dt. 20.12.1979=1980 AIR 1579:1980 SCR(2) 557.

5. At Para 11:- “ whenever any Seminars or Workshops are organised by the

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NHRC or any other agencies regarding Administration of Prisons, and bringing about changes and improvements in the management of Convicts and Under-trials, surprisingly only the IPS Officers, who come to temporarily occupy the Prison Administration posts, like IGP Prisons etc., and then move on to other IPS Cadre Posts, are sent by the State Governments to attend such Seminars and Workshops, in place of Jail Superintendents and Jailors and Deputy Jailors etc., who spend their lifetime in managing prisons !!”

6. At Para 13:- The 40 year old directions dated 30.08.1978 of a Constitution Bench of the Supreme Court, in Sunil Batra (supra), that “Under-trials should be accorded more relaxed conditions than the Convicts” have not yet been implemented in any Jail in India.

A. REPORT OF THE TWO VISITS TO MATHURA JAIL on 11th & 12th May, '18

1. I was given an impression that my special inspection of Mathura Jail had been ordered by NHRC because of reports about overcrowding at the Jail. I found that Mathura Jail was as over-crowded as the Kanpur District Jail inspected by me in March had been. Much above its sanctioned strength of 554 inmates, it had more than three times that number at 1,613 inmates, with 1 Civil Prisoner, 3 NSA Detenues, 334 Convicts, 1,252 Under-trial Prisoners, and **23 Foreigners as Prisoners, with all of the Foreigners being Rohingya Refugees, some of whom had been illegally detained, inspite of their holding valid ID Cards from the Office of the UN High Commissioner for Refugees (UNHCR).** Complaint that its inmates were sleeping in shifts was not true, but extreme overcrowding was evident at the time of my inspection of the Prison.

2. For such an over-crowded Prison, since the sanctioned strength of the Prison is less, its sanctioned Medical and Watch & Ward staff is also much less. One Watch & Ward Staff looks after 200 to 400 prison inmates, which is most insufficient. There is only one sanctioned post of an MBBS Doctor, and, most surprisingly, as against that post, a Doctor who is an MD in Pathology has been posted by the Govt.. There is also only one sanctioned post of a Pharmacist, both being most insufficient for a Jail of this size, and very large number of inmates. Visits of Specialists in Gynaecology, Medicine, Surgery, ENT & Orthopaedics to the Prison take place only twice a month.

3. **In place of an Ambulance, only a Maruti Van has been provided to the Jail, without any Oxygen or Emergency facilities having been provided in that Van.** A well equipped Ambulance is urgently required for this Jail. There are no Forensic Experts in Mathura district for Post Mortem Examinations, and no Histopathological examination of viscera is done even at the Medical College at Agra. Against the well established Medical norm that a single finding should not be used for determining the cause of death, the entire system still depends only on the single finding of the Forensic Lab at Agra for determining the cause of death in case a Prison inmate dies.

4. Police Guards are not made available in time by the District Police for Court Peshis of the Under-trials, but are also not made available for the referrals of Prison inmates to the District Hospital, Mathura, for Secondary Medical care, or referrals to Specialist Doctors available at SN Medical College, Agra, for Tertiary Medical care.

5. Sometimes the SN Medical College, Agra, also refers the Prison Inmates to the Sanjay Gandhi Post Graduate Institute at Lucknow, which does not admit patients, including the Prison inmates, without advance payment of the requisite fees, which creates further problems for the Prison authorities. There have been cases where the Constables accompanying the patient Prison inmate have paid Rs 8,000/- to 10,000/- out of their own pockets for Angiography of the Prison inmate; just to be able to avoid the inconvenience of once again ferrying the same patient inmate from Mathura to Lucknow for treatment purposes. **An Institutional mechanism needs to be devised by the UP State Government to avoid such unnecessary strains on their already overstretched Prison system.**

6. In fact, even the Jail Officers themselves mentioned that it would be much more convenient, less travelling time consuming, and overall better if the patient Prison inmates could somehow be referred to the Hospitals at Delhi (GB Pant/ AIIMS etc.) for tertiary treatment, after solving the State Jurisdiction problems.

7. The health position of the Prison inmates was worrisome, with the following data:-

- (1) Scabies-- 15 to 20% inmates
- (2) Ringworms-- 20% inmates
- (3) Psoriasis-- 5 inmates
- (4) Diagnosed Heart Patients-- 15 inmates
- (5) Diabetes-- 60 inmates, 5 being Insulin dependant
- (6) Paralyzed-- 3 inmates
- (7) Prostratic Carcinoma-- 3, Prostratic Benign Malignancy—4 inmates

8. It was a surprise to me to learn that there is no provision whatsoever in UP Jail Manual to provide to the inmates Toothpaste and Toothbrush !! Also, no Dentists' visits were mentioned by the Jail authorities. And, only one bathing soap and two washing soaps are provided to the inmates every month, which are most insufficient for the purpose of their maintaining their personal hygiene. This aspect perhaps goes against the spirit of the two celebrated judgments of Supreme Court-- both with the cause title-- Sunil Batra vs Delhi Admin.- (i) dt. 30.8.1978= (1978) 4 SCC 409: 1978 AIR 1675:1979 SCR(1) 392 & (ii) dt. 20.12.1979=1980 AIR 1579:1980 SCR(2) 557.

9. The Prison had its own wheat sieving machine, and Atta Chakki also, ensuring the supply of sufficiently fresh wheat flour. But, otherwise, its storage of other food items and ingredients was in a most primitive and unhygienic conditions, with hardly any safety from Rats etc. The Prison was in the process of installing a Roti making

machine, but the Kitchen was lacking in cleanliness otherwise.

10. There are no workshops in the prison for gainful employment to the inmates, and Vegetable cultivation is the only productive activity taken up by the inmates. One Ex- Army inmate was assigned to work on the Prison's Computer records, as the prison does not have any other Computer literate & trained Staff. This has resulted in only partial completion of the inmates' Computerized records.

11. In fact the levels of trainings arranged for the Prison Staff are very low. Hardly any Seminars and Workshops are organised for the Non- Gazetted Jail staff. Even in the case of the Gazetted Supervisory Staff, such participation is nearly zero. In fact, **whenever any Seminars or Workshops are organised by the NHRC or any other agencies regarding Administration of Prisons, and bringing about changes and improvements in the management of Convicts and Under-trials, surprisingly only the IPS Officers, who come to temporarily occupy the Prison Administration posts, like IGP Prisons etc., and then move on to other IPS Cadre Posts, are sent by the State Governments to attend such Seminars and Workshops, in place of Jail Superintendents and Jailors and Deputy Jailors etc., who spend their lifetime in managing prisons !!**

12. The detailed old NHRC Proforma filled up by the Jail Administration is attached.

13. **The 40 year old directions dated 30.08.1978 of a Constitution Bench of the Supreme Court, in Sunil Batra (supra), that "Under-trials should be accorded more relaxed conditions than the Convicts" have not yet been implemented in any Jail in India.**

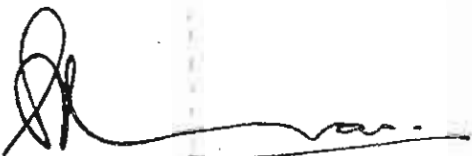
B. INSPECTION OF PROBATION HOME FOR BOYS, GOVERNMENT CHILD CARE INSTITUTION & ADOPTION CENTRE, AND WOMEN WELFARE SCHEMES SPECIALLY FOR WIDOWS AT BRINDAVAN

14. I also visited the cramped Probation Home facility at Mathura which caters to a total of three Districts including two more nearby Districts other than Mathura. There is an urgent need for those two nearby Districts to have their own Homes sanctioned. I also visited the Government Child Care Institution and Adoption Home, and even met an Italian couple, who were being handed over the custody of a seven years' old girl child, after the Court had allowed the adoption request in their favour. The girl did not know even any English words other than "Thank You", and the Italian couple themselves also had a sketchy knowledge of English. But they explained to me that in the locality where they live in Rome, there were a few families living nearby, who had similarly adopted children from various parts of India, and all such adopted children with Indian background go to a neighbourhood School, where they intend to send their adopted daughter also for her schooling. The lady's display of expressions of her longing for the girl child was very obvious and visible.

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15. I also inspected the Widows' Home being run by the Women and Child Welfare Department at Vrindavan. I was told that its functioning is being monitored by the Supreme Court. It is a modest two floor facility, where a project for re-processing of the used flowers and garlands collected from the temples of Mathura and Vrindavan is also being installed, with the assistance and guidance of the Central Institute of Aromatic Oils and Essences at Kannauj.

16. I also inspected the newly constructed 1000 Bed Multi- storeyed Building for the Boarding and Lodging of Widows of Vrindavan, which has been constructed by National Buildings Construction Corporation (NBCC) for the Union Ministry of Women and Child Welfare, on the directions of the Supreme Court in a Public Interest Litigation case about the plight of widows at Vrindavan, which was awaiting finishing touches, before it being handed over to the State Government's Department of Women Welfare for day to day running and maintenance. The design of the facilities at that new building was not very good, with very narrow passages by way of corridors in between facing rows of shared occupancy rooms. The only two Lifts installed for the old widows were of such a small size that they would hardly suffice at the time of Breakfast, Lunch and Dinner time movement of the old ladies for the planned density of occupancy on each floor of that building. There is a sloping ramp also connecting all floors of the building, but with Lift being available, one cannot foresee much preference for the movement of the widows to take place through the ramp.



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Enclosures: As discussed above

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