

**REPORT ON THE VISIT OF SUB JAIL AT MALERKOTLA, DISTRICT SANGRUR,
PUNJAB BY SHRI AKHIL KUMAR JAIN, SPECIAL RAPPORTEUR NORTH ZONE-I
NATIONAL HUMAN RIGHTS COMMISSION OF INDIA
ON 15th JANUARY, 2016**

1. INTRODUCTION

1.1 Malerkotla is a Tahsil in Sangrur district of Punjab. Malerkotla town is a historical town. The town has a substantial Muslim population. It is said that when the ruler of Sirhand decided to kill two sons of Guru Shri Govind Singh Ji Maharaj, only the Nawab of Malerkotla protested against the decision. Since then the Sikh and the Muslim communities in the area are having very harmonious relations with each other. As gesture of gratitude, the Sikhs gave protection to the Muslims in Malerkotla at the time of partition of India and persuaded them not to go to Pakistan and to stay in India.

1.2 The Jail at Malerkotla is a very old jail. It was originally constructed in 1930 ie in the times of Nawab. Two barracks were reportedly constructed at that time. One of these is being used as computer room and in the other old items have been stored. Subsequently after independence, it was declared a Sub Jail. It is headed by a Deputy Superintendent. Shri Gurjeet Singh Brar is Deputy Superintendent since December, 2011.

2. PRISON PROFILE

(a) INFRASTRUCTURE

2.1 The Sub Jail is surrounded by double perimeter wall with watchtowers. Prison blocks are about 25' away from perimeter wall. There are total six barracks ie four small barracks, a large barrack and a barrack attached to the Lungar to house prisoners assigned kitchen duties. There is no cell. Apart from these barracks, there are Lungar Block comprising kitchen and store, dispensary room and a dry canteen room. At the entrance (Dyodi), there are Deputy Superintendent's office, interview room, waiting place for visitors, office room and guards' room etc. Outside the perimeter walls, there is a quarter for the Deputy Superintendent and lines for the subordinate staff. There are no staff quarters.

2.2 Authorized capacity of the Sub Jail is 170. Barracks 1 to 4 have authorized capacity of 25 prisoners each; barrack 5 of 50 prisoners and the barrack attached to the Lungar, of 20 prisoners. In barracks, there are raised common platforms on which the prisoners sleep. Each one has been provided a niche in the wall to keep his things. Bathrooms and toilets are attached to each barrack. ***The barracks are well lighted and ventilated.***

2.3 The Punjab Police Housing Corporation (PPHC) maintains buildings of the Sub Jail. ***The built up accommodation and open space available is sufficient for the present sanctioned capacity. Except the old building, which was originally constructed and a few parts of other buildings, the over all condition of the buildings is fairly good. Repair/ maintenance of as required may be undertaken as early as possible. (Action: Deputy Superintendent, D.G. Prisons and PPHC)***

(b) PRISON POPULATION

2.4 On the day of visit, actual population of prisoners was 158 and 3 prisoners were on parole. All the prisoners in the Sub Jail are male. There are no women, children or foreign prisoners. Category wise break up of prisoners is as follows:

SL No.	CATEGORY	NUMBER OF INMATES	PERCENTAGE
1.	Life Imprisonment	3	01.90
2.	Convicts R.I.	21	13.29
3.	Convicts S.I.	00	00
4.	Under Trial	134	84.81
5.	Civil & Others	00	00
TOTAL		158	100
CAPACITY		170	

2.5 *Normally life term convicts are not supposed to be kept at a Sub Jail. It is not clear as to why life imprisonment convicts are kept in the Sub jail and not transferred to Central Jail. Deputy Superintendent expressed the view that prisoners sentenced to long term imprisonment perform tasks more sincerely. Hence some life or long term convicts should be kept in sub jail also. This aspect may be looked into. (Action: Deputy Superintendent, D.G. Prisons)*

2.6 Classification of under trial prisoners according to period of stay in prison is as follows:

DETENTION PERIOD	NUMBER OF UTPs	PERCENTAGE
Up to 3 months	65	48.51
3 to 6 months	36	26.87
6 to 12 months	19	14.18
1 to 2 year	12	08.95
2 to 3 year	02	01.49
3 to 5 year	00	--
Above 5 year	00	--
TOTAL	134	100

2.7 Classification of Prisoners as per Age Group is as below:

Age Group	Convicts	UTPs	Age Gp. Total
18 – 21 years	01	14	15
21 – 30 years	05	64	69
30 – 50 years	14	49	63
50 – 65 years	04	07	11
65 and above	--	--	--
Total	24	134	158

2.8 Amongst the prisoners, there is 1 senior citizen (>60 yrs of age) and 15 adolescent prisoners (18 to 21 yrs of age). All of them seem to have either attained the age

of 21 by the date of visit or will be attaining the same shortly. Most of the prisoners are in the age group of 21 to 50 years.

2.9 The above statistics show that most of the UTPs are there for less than 6 months. *Only 33 UTPs are there for more than 6 months of which only 14 are there for more than a year. By and large this is a fairly good situation. Authorities may look into the 14 cases to see as to whether any legal aid or other assistance is required by these prisoners, which may facilitate further prayer by them for bail. (Action: Deputy Superintendent, D.G. Prisons)*

2.10 *There is no case in which a UTP is not getting released for not being able to provide surety. The cases of life convicts are also not yet due for consideration for premature release.*

2.11 *It is quite clear that there is no over crowding in the Sub Jail. The Sub jail still has some surplus capacity available. This is a positive aspect.*

3. FOOD

3.1 In the kitchen, there is sufficient space for cooking, storing the provisions and other material and carrying out other connected activities. The kitchen is well lighted and ventilated and exhaust fan is fitted in the cooking room. However, there are no fly proofing arrangement such as fly proof wire mesh on windows, automatic fly proof doors or fly catching machine. *Fly-proofing arrangements may be done before next spring season. (Action: Deputy Superintendent, D.G. Prisons and PPHC)*

3.2 It is noted that tiles are not fixed on the floor or walls of the cooking room or store. Vegetables are reportedly cut on cloth or mat spread on the floor. The Deputy Superintendent informed that as it takes long time to cut the vegetables, the prisoners want to do it sitting on the ground. *From hygiene point of view, it is advisable that the floor is tiled and a part of the tiled floor be raised where the prisoners can sit and cut vegetables. (Action: Deputy Superintendent, D.G. Prisons and PPHC)*

3.3 Separate tiled platforms have been provided for washing vegetables, kneading, and making chapattis. Hot plate is used to cook chapattis. A separate utility area attached to the cooking room has been provided for washing and cleaning utensils. *The utility area attached to the kitchen may also be tiled. (Action: Deputy Superintendent, I.G. Prisons and PPHC)*

3.4 Cooking is done on LPG gas. Aluminum utensils are used for cooking. The food is carried on head loads to the barrack area and distributed in plates to the prisoners. *It is suggested that food be cooked in steel utensils. For other purposes eg carrying food / tea etc. for distribution and eating also steel containers / plates should be used. Trollies may be provided to carry the cooked food to distribution area. (Action: Deputy Superintendent and I.G. Prisons)*

3.5 There are no sanctioned posts of cooks. Food is cooked by inmates for which they are paid wages as prescribed in the Jail Manual. Rates of wages being paid are Rs 35/- for skilled worker, Rs 30/- for semi skilled worker and Rs 25/- for un skilled worker. Food grains are purchased from local market. The prescribed per capita expenditure on diet is Rs 47/- and actual is also reported to be the same. The calories for convicts as well as UTPs are reported as 200 C. This figure does not seem to be correct. It is reported that dietitian is not consulted in preparation of diet chart. Daily menu is drawn up in consultation with

Lunger Committee in which prisoners are also there. The daily menu / diet chart is displayed in front of kitchen. *It is considered that the diet chart, scale and menu for different categories of prisoners needs to be reviewed in consultation with a dietitian and medical officer, keeping in view daily requirement of calories for each category. As far as possible, views of prisoners may also be taken into consideration while preparing diet chart / daily menu. Per capita expenditure on diet and the wages paid for performing cooking and associated duties are also required to be reviewed/ revised. If any changes are found to be justified, corresponding rules / orders should be amended accordingly. (Action: Deputy Superintendent, D.G. Prisons and Department of Jails, Govt. of Punjab)*

3.6 As per Punjab Jails Manual, three meals and tea are provided to the prisoners. In the morning tea and 60 gm biscuits are given. Part of these biscuits are for afternoon. For prisoners going on 'peshi' to court, lunch is given before 9.00 AM. Others are served lunch between 9.30 and 10.00 AM. The lunch contains roti and either dal or a sabji. Between 2.30 and 3.00 PM tea is served again and finally dinner comprising roti and sabji or dal is provided at 5.00 to 5.30 PM. Normally dal is provided in the lunch and sabji in dinner. Special meal is provided on National Days as per specific orders issued in this regard. On festival days, Halwa is given and the extra quantity of diet items is adjusted against the monthly quota of the prisoner as prescribed in the manual. As there is no patient, no extra diet is being provided on medical ground. *The instructions on adjustment of extra diet items used in preparing Halwa on festival days may be reviewed. (Action: Deputy Superintendent, D.G. Prisons and Principal Secretary, Jails)*

3.7 I tasted the dal and roti prepared for lunch. The quality of food is quite good. Prisoners, with whom I talked, also expressed satisfaction over the quality of food.

4. WATER

4.1 There is adequate and uninterrupted water supply through tube well and overhead tank. The tube well is away from the garbage dumping area. The storage capacity of the tank is 10,000 liters. Apart from this smaller plastic tanks are provided over barrack and kitchen blocks. The tanks are reportedly cleaned regularly and well once in a year. An R.O. and a water cooler have been installed in the Sub Jail for drinking water. However, there is no aqua guard / water filter. *It is suggested that the dates of cleaning of overhead tank, the smaller plastic tanks over building blocks, R.O. and water cooler be recorded in separate maintenance/ cleaning diary and signed after inspection on the same date ie the date of cleaning by a Jail warder to whom this duty is assigned. Deputy Superintendent should check the same on on weekly basis. The cleaning schedule may also be noted on the tank/ RO/water cooler by marker for general information. (Action: Deputy Superintendent)*

4.2 The water samples are reportedly sent to Public Health Department's laboratory twice a year for chemical and bacteriological examination. The reports are perhaps, kept by the Water Supply Department. *It is suggested that the Sub Jail authorities should also obtain copies of test reports and if any remedial action is required, the same should be taken. (Action: Deputy Superintendent)*

5. CLOTHINGS AND BEDDINGS

5.1 Convict prisoners are supplied clothing and bedding as per seasonal scales prescribed in rules. The same are also replaced as prescribed in the rules. UTPs are mostly wearing their own clothes and using own bedding items. Even some convicts are using some own bedding/ clothing items. The same is reportedly with prior permission. I find no reason for stopping this provided it does not compromise security and / or lead to any other administrative problems. ***No prisoner made complaint about clothing and bedding item supply.***

6. PERSONAL HYGIENE

6.1 The bathrooms are attached to the barracks. With each small barrack 3 bathrooms and big barrack 8 bathrooms are attached. The ratio is about 1:8. There are no bathrooms outside. The bathrooms are tiled and are kept in clean condition. ***The number of bathrooms is considered adequate and condition is good.***

6.2 One cake of soap per month, one toothbrush every six month and 20 gm of mustard oil every week are reportedly being supplied to the prisoners. Washing soap is also supplied to them as required. No machanised laundry is installed in the prison. There is no sanctioned post of barber. No warm water for bathing or washing is supplied. On specific queries to a number of prisoners, they stated that they are brushing teeth and taking bath every day. The prisoners also said that they wash their clothes regularly. Hair cutting is perhaps done by some inmate. ***Though the prisoners have claimed that they are taking bath every day or wash clothes regularly, I am not quite convinced of this claim especially in winter season. Some of them seem to be skipping bath or washing of clothes perhaps due to cold season. It is suggested that Solar Water Heaters be installed to arrange hot water supply for bathing and washing clothes in winters. Laundry machine be also installed for washing clothes. Moreover, if any inmate is engaged for haircutting/ shaving, he must be paid wages as per rules. (Action: Deputy Superintendent, I.G. Prisons)***

7. SANITATION

7.1 The toilets are attached to barracks. 4 toilets with each small barrack and eight with the larger barrack are attached. The toilet to prisoner ratio is about 1:6 which is considered adequate. Toilets are sanitary toilets with flushing arrangement. Tiles are fitted in the toilets. Some toilets have WC. Toilets are generally kept clean. It is claimed that the same are cleaned and disinfected daily. The Sub Jail compound, barrack and kitchen areas are also cleaned daily. There is one sanctioned post of cleaner. Apart from that, two part time cleaners for 2 hours a day and 2 inmates are also used for cleaning duties. They are paid wages. ***Overall standard of cleanliness and sanitation in the Sub Jail is fairly good.***

8. RECREATION AND CULTURAL ACTIVITIES

8.1 One TV set has been provided in each barrack. Facilities of carom and Ludo are available for playing in door. There are three or four prisoners who are wrestlers. One of them claims that he is Himachal Kesari. They have made an "Akhara" in the open area for practice. They claim that they are also teaching some others. Other outdoor game

facilities include volleyball and badminton. Some prisoners do Yoga and/ or meditation. Functions are reportedly organized on National and festivals days. It has been claimed that plays on social issues are organized twice a year. It is, however, noted that no annual sports day is organized. Moreover no NGO is involved. Most of the prisoners except for the wrestlers do not seem to be much interested in recreational activities like outdoor games or functions. At small town like Malerkotla, it may also be difficult to get an NGOs who may be interested in various social or educational activities in Jail. *It is suggested that the Jail authorities may make concerted effort to motivate prisoners to take more interest in cultural and sports activities and organize more of such activities. While ideally inmates should themselves organize these activities with the help of Jail authorities, but if the same is not possible, Jail authorities may try to locate some NGO and organize some functions including sports day at least once in a quarter to begin with. (Action: Deputy Superintendent)*

9. COMMUNICATION

9.1 The Sub Jail authorities have claimed that prisoners are told about their rights at the time of admission. Same have been displayed at "Dyodi". As regards interviews, there is separate interview room adjacent to the entrance (Dyodi). The room is partitioned by a small 2 - 2 ½ wall from floor and then grill and gauge till roof. The prisoner sits on one side while the visitors remain on the other. Benches are provided for sitting. There is arrangement of water and toilet for visitors who are not required to enter jail. There are no complaints by the prisoners about allowing interviews.

9.2 The convicts are allowed 1 interview and UTPs 2 per week. They can meet only their family/relatives and advocates. Names of family/ relatives are to be given at the time of admission, which are fed in the computer. At a time they can meet three visitors from amongst pre-declared persons. Normally 20 minutes interview is allowed. Under special circumstances, the period can be extended with the permission of the Deputy Superintendent. The days fixed for interviews are Tuesdays and Fridays for convicts and Monday, Wednesday, Thursday and Saturday for UTPs. Average number of requests for interviews is 523 per month and none is generally rejected provided it is within permissible numbers. Interviews are allowed in presence of Jail staff. *It is considered that relatives who come to meet a prisoner from a distant place, sometimes need to meet him again after a short interval of a day or so. Putting restrictions on the days of interview particularly in case of convicts compels them to stay from Tuesday to Friday or vice-versa. Authorities may examine removing such restrictions of fixed days for interviews for a category of prisoners. Since the interviews are fixed with prior permission and number of interviews allowed to a prisoner in a week is limited, I think removing restrictions as suggested may not create any administrative problems. Total number of interviews per day in any case can be regulated when permission is accorded. (Action: D.G. Prisons and Department of Jails, Govt. of Punjab)*

9.3 Convicts and UTPs are allowed to write 2 letters in a month at Government expense. The letters are censored and are distributed / dispatched through warrant officer.

9.4 An e-Prison Call System machine has been installed in the room in which the Dry Canteen is located. Prisoners are issued smart cards called e-purse in which they can get the money recharged. Using the card they can make payment for telephone calls and

purchases from the canteen. Prisoners can make any number of calls on payment subject a total of 40 minutes' calls per month. Calls are permitted under supervision of a Jail /Police officer.

9.5 *The arrangements for interviews or writing letters or making phone call are considered quite good and adequate. The e- purse and e-Prison Call System are good examples, which can be emulated by other States.*

10. POWER

10.1 The Sub jail receives normal power supply from the State Electricity Supply agency. For any breakdown or load shedding or emergency it also has standby power generating set. *The power supply or standby power supply arrangements are adequate. A maintenance log book of the Gen Set should, however, be maintained in which its periodic servicing and repairs record be kept and checked by the Deputy Superintendent. (Action: Deputy Superintendent)*

11. EDUCATION PROGRAMMES

11.1 There is no school in the Sub Jail. There is hardly any education programme being organised in the Sub Jail. As can be seen, most of the prisoners are adults. Based on their experience, the Sub Jail authorities are of the view that the prisoners are hardly interested in education or vocational training. Only a few who are interested learn reading and writing from volunteers within the barrack itself. Some others who have basic education and some knowledge of computers are voluntarily improving their computer skill on prison computers and also assisting the Jail authorities in feeding the data in computers. *It is considered that more effort should be made by the prison authorities to motivate the prisoners to join education programmes and computer or some other skill development programmes. Advantage of schemes of Government related to education and skill development may be taken. If required assistance of some NGOs may also be taken. (Action: Deputy Superintendent, D.G. Prisons)*

12. VOCATIONAL TRAINING AND WORK PROGRAMMES

12.1 There is no factory in the Sub Jail. Only 20 semiskilled and 4 unskilled inmates are involved in growing vegetables and other produce as also gardening. The total quantity produced per month is 5 Qtls of approximate value of Rs 5000/-. They inmates so engaged are paid wages as prescribed and mentioned above. A part of wage is set aside for payment as compensation to the victim/ victim's family. The wages are paid in the savings account of the prisoner. At the time of release the account is cleared. The wage fund is audited annually. *Jail authorities should make more effort to keep prisoners engaged in vocational training and productive activities. Advantage of schemes of Government related to vocational education and skill development may be taken. If required, NGOs may be involved. (Action: Deputy Superintendent, D.G. Prisons)*

12.2 *As stated earlier, the wage structure needs a review keeping in mind present minimum wages, nature and hours of job and amount spent on diet etc. Crediting the wages in e-purse may also be considered. Facility should be available to show the balance in e-purse to the prisoner. (Action: Deputy Superintendent, D.G. Prisons)*

13. HEALTH AND MEDICAL CARE

13.1 There is no hospital in the Sub Jail. There is only a dispensary in which two Pharmacists are posted. The availability of medicines is reported to be adequate. There is no diagnostic equipment or ambulance in the Jail. 6 Specialists reportedly visit the Sub Jail. Each one visits 3 times in a month. Whenever any prisoner falls sick, he is sent to Civil Hospital under escort. Ambulance is requisitioned as and when required. During last two years, 4 specialised medical camps were held in which 260 inmates were treated. At present there is no TB, HIV/AIDS, chronic disease or mentally ill patient. None was admitted in the civil hospital

13.2 It is reported that each prisoner is medically examined within 24 hours of his entry in the Sub Jail. Some times it gets delayed due to non-availability of doctor. If required, the prisoner is sent to civil hospital for examination. *On checking the record of initial medical examination of some prisoners, it is seen that the same is totally perfunctory. It only states weight, height, BP and that no external injury is noticed etc. This is not in accordance with NHRC proforma. Sub Jail authorities expressed their difficulty in following NHRC proforma. As recommended in the report on Female Jail, this matter may be placed before the Commission. (Action: NHRC Office)*

13.3 *Every day visit of a Medical Officer from Civil Hospital to hold OPD may be ensured. (Action: DG Prisons and Chief Medical Officer of the District)*

14. CUSTODIAL DEATHS

14.1 During last two years, there were 2 cases of custodial deaths. As per Sub Jail authorities these were cases of natural deaths. As per prescribed procedure, both the cases were reportedly inquired into by concerned competent authorities and no negligence or torture etc. were found. *The Sub Jail authorities should send the particulars of these cases to the NHRC giving reference of the letter when the case was first reported to NHRC immediately after the incident and reply, if any, received from NHRC. (Action: Deputy Superintendent)*

15. PRISON OFFICERS AND STAFF AND THEIR CAPACITY BUILDING

15.1 The number of sanctioned posts for the Sub Jail is as follows:

(i)	Deputy Superintendent	1
(ii)	Head Warder	5
(iii)	Warder	16
(iv)	Pharmacist	1
(v)	Class IV	1

15.2 Out of the above sanctioned posts, 10 posts of Warders are vacant. The Sub Jail authorities have informed that the acute shortage of warders is affecting security of the Sub Jail. They have got some policemen from District police but the number is not sufficient. According to Sub Jail authorities, there is also a critical requirement of posting a clerk and a data entry operator. At present this work is being done by a computer knowing prisoner but once he goes, there will be great difficulty. It is informed that a proposal has been sent to authorities in this regard. *Steps should be taken by higher authorities to fill up the 10 vacant posts of Warders immediately. It is also suggested that the proposal of*

posting a Clerk and a DEO or at least a computer knowing clerk may be considered sympathetically and expeditiously by the authorities. (Action: D.G. Prisons, Department of Jails Govt. of Punjab)

16. BOARD OF VISITORS

16.1 As per information furnished by the Sub Jail authorities, Board of Visitors has not been constituted for the Sub Jail. *Board of Visitors be constituted for the Sub Jail as per rules. It is further suggested that non-official visitors should not be political persons or persons associated with any NGO which has activities connected with Jails or programmes undertaken in Jails. State Human Rights Commission's nominee may be one option. (Action: DG, Prisons and Department of Jails)*

17. VISITS

17.1 The Sessions/ Additional Sessions Judge and the CJM/ SDJM are regularly visiting the Sub Jail. The last inspection by the Sessions Judge, Sangrur was on 17.12.2015. Total number of visits by Judicial authorities during last one year was 24 and by the non judicial authorities namely SDM/ DM was nil. Even the senior Jail administration authorities are not inspecting the Sub Jail regularly as prescribed in the Manual. On the day of my visit to the Sub Jail, the Deputy Commissioner of Sangrur and the Senior Superintendent of Police, Sangrur reportedly came to the Sub Jail after I had left. *District Magistrate/ Sub Divisional Magistrate and superior Jail administration authorities should inspect the Sub Jail regularly as prescribed in the rules. (Action: District Magistrate, Sangrur, S.D.M. Malerkotla and D.G. Prisons)*

18. JAIL ADALATS

18.1 Jail Adalats are reportedly held every month. In the Jail Adalats, 54 cases were considered, 38 were disposed off. Video Conferencing facility has been set up in the Sub jail but the same is not functional as the batteries have discharged and perhaps need replacement. *Immediate steps be taken to re-operationalise the video conferencing facility so that video 'peshi's at least are restarted. (Deputy Superintendent and I.G. Prisons)*

19. INVOLVEMENT OF NGOS

19.1 At present, there is no involvement of any NGO in any activity of the Sub Jail. *Some suggestions regarding involving NGOs have been made in this report. The same may be considered. (Action: Deputy Superintendent)*

20. UNDER TRIAL PRISONERS

20.1 As per Jail authorities, UTPs are regularly being sent to courts on the dates fixed and there are only some rare cases of miss 'peshi' ie non presentation before the court on date fixed. In the cases of 'peshi' in courts out side Malerkotla, the escort is supposed to come from the concerned Sub Division/ District. Sometimes when no advance intimation is given about not sending the escort, it becomes difficult to arrange local escort at last moment and miss 'peshi' happens. However, this number is also very small. *One UTP Amar Singh S/O Magan Singh complained of seven miss 'peshis'. His*

case is in the Court at Turi. Deputy Superintendent has been advised to ensure that this prisoner does not miss next peshi. After peshi on next date, position be reported to NHRC with intimation to undersigned. (Action: Deputy Superintendent)

20.2 *One Nikka Singh, UTPs complained that his case is not being taken up. He has reportedly been provided legal aid. Deputy Superintendent has been advised to look into this and also arrange his meeting with his advocate urgently. (Action: Deputy Superintendent)*

20.3 *Md Akhtar S/O Abdul Hamid, a UTP, complained that his operation as advised by the doctor, is not being done. As per Sub Jail authorities, he is regularly being sent to civil hospital and from there he was also referred to Rajendra Hospital, Patiala for Super specialist examination. He is suffering from a disease commonly called Kala Pelia. He has a kind of tumor near neck which is to be operated. He has been detected HCV +ve and Hepatitis-C. Unless, some parameters of Kala Pelia come under control, operation will not be done by the doctor. As regards his bail, the same was refused as he is accused under sections 307, 506, 201, 148 and also Arms Act. Deputy Superintendent has been advised to send him again for medical examination by Specialist, if required at Rajendra Hospital Patiala. As regards his bail, if he chooses to file petition in the High Court, legal aid as per rules may be provided. Deputy Superintendent was also advised to inform action taken in these cases to the NHRC with intimation to undersigned. (Action: Deputy Superintendent)*

20.4 *As regards pending bail petitions of UTPs and petitions filed in Hon'ble High Court, no information could be furnished by the Sub Jail authorities. Sub Jail authorities should also keep a track of this. . Legal assistance if asked by the prisoner be also provided as per rules (Action: Deputy Superintendent)*

21. CONVICTS

21.1 *16 appeal cases of the convicts are pending before the High Court. These are reportedly pending for 3 years or so. No case of premature release is pending. 62 parole applications were received during last three years and all were granted parole. No application is pending.*

22. ESCAPES

22.1 *There were two cases of escape of prisoners during last 3 years. Both the cases were of escape from the custody of police escorts while they were being taken to court. No case of escape from the Sub Jail premises was there.*

23. GENERAL OBSERVATIONS AND REMARKS

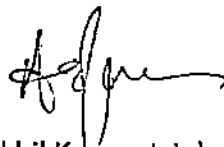
23.1 *5 Complaint Boxes of the Sessions Judge have been placed before each barrack. These boxes are opened at the time of visit of the Sessions Judge and directions, if any, are given by the Judge in his inspection note. The Sub Jail authorities have no record of complaints received in these boxes and what action was taken thereon. So far as Sub Jail authorities are concerned, action on none of the direction is pending. On perusal of last inspection note of the Sessions Judge, it is seen that no direction was apparently based on complaint received in the box. Most of the directions relate to the court case.*

23.2 As regards internal grievance disposal mechanism, the Deputy Superintendent states that there is hardly any complaint received in writing as the staff and he are in regular touch with the prisoners who point out their grievance, if any, verbally. No complaint has also been received through higher authority. *It is considered that there should be a system of receiving written complaints from the prisoners or even from their family. One way can be to circulate Deputy Superintendent's Complaint Box or fix the same at barracks. The same should be opened periodically and record thereof as also of actions taken thereon be maintained in a register or in a computerized format. So should be the case regarding complaints made to / received through higher authorities. (Action: Deputy Superintendent)*

23.3 *The Legal Aid arrangements in the Sub Jail are required to be reviewed and possible improvements may be implemented. (Action: Deputy Superintendent and DG Prisons)*

23.4 The over all management of the Sub Jail is quite good.

23.5 The Deputy Superintendent Shri Gurjeet Singh is a dynamic person who takes a lot of interest in the matters of the Sub Jail. I hope he shall take initiative to implement suggestions made in this note so far as the same are within his powers or action area.



(Akhil Kumar Jain)

Special Rapporteur North Zone - I
National Human Rights Commission, India

APPENDIX -A

**IMPORTANT OBSERVATIONS AND RECOMMENDATIONS ON SUB JAIL
AT MALERKOTLA, DISTRICT SANGRUR**

A INTRODUCTION

A.1 The Jail at Malerkotla was originally constructed in 1930 Subsequently after independence, it was declared a Sub Jail. It is headed by a Deputy Superintendent. (Para 1.2)

B PRISON PROFILE

(a) INFRASTRUCTURE

B.1 There are total six barracks, kitchen and store, dispensary, dry canteen, Deputy Superintendent's office, interview room, waiting place for visitors, office room and guards' room etc. Bathrooms and toilets are attached to each barrack. Outside the perimeter walls, there is a quarter for the Deputy Superintendent and lines for the subordinate staff. There are no staff quarters. The barracks etc. are well lighted and ventilated. (Para 2.1,2.2)

B.2 Authorized capacity of the Sub Jail is 170. The built up accommodation and open space available is sufficient for the present sanctioned capacity. Except the old building, which was originally constructed and a few parts of other buildings, *the over all condition of the buildings is fairly good. Repair/ maintenance of as required may be undertaken as early as possible. (Action: Deputy Superintendent, D.G. Prisons and PPHC)* (Para 2.2, 2.3)

(b) PRISON POPULATION

B.3 On the day of the visit, the actual population of prisoners was 158 – 24 convicts and 134 under trial. 3 prisoners were on parole. All the prisoners in the Sub Jail are male. (Para 2.4)

B.4 *Normally life term convicts are not supposed to be kept at a Sub Jail. Deputy Superintendent expressed the view that prisoners sentenced to long term imprisonment perform tasks more sincerely. Hence some life or long term convicts should be kept in sub jail also. This aspect may be looked into. (Action: Deputy Superintendent, D.G., Prisons)* (Para 2.5)

B.5 *14 UTPs are in jail for more than a year. By and large this is a fairly good situation. Authorities may look into the 14 cases to see as to whether any legal aid or other assistance is required by these prisoners which may facilitate further prayer by them for bail. (Action: Deputy Superintendent and D.G. Prisons)* (Para 2.9)

B.6 There is no case in which a UTP is not getting released for not being able to provide surety. The cases of life convicts are also not yet due for consideration for premature release. (Para 2.10)

B.7 There is no over crowding in the Sub Jail. The Sub jail still has some surplus capacity available. This is a positive aspect. (Para 2.11)

C FOOD

C.1 The condition of kitchen and storeroom is fairly good. However, *Fly-proofing arrangements may be done before next spring season. (Action: Deputy Superintendent, D.G. Prisons and PPHC)* (Para 3.1)

C.2 *From hygiene point of view, it is advisable that the floor of kitchen and attached utility area is tiled and a part of the tiled floor be raised where the prisoners can sit and cut vegetables. (Action: Deputy Superintendent, D.G. Prisons and PPHC) (Para 3.2, 3.3)*

C.3 *Food should be cooked in steel utensils. For other purposes eg carrying food / tea etc. for distribution and eating also steel containers / plates should be used. Trollies may be provided to carry the cooked food to distribution area. (Action: Deputy Superintendent and I.G. Prisons) (Para 3.4)*

C.4. *The diet chart, scale and menu for different categories of prisoners should be reviewed in consultation with a dietitian and medical officer, keeping in view daily requirement of calories for each category. As far as possible, views of prisoners may also be taken into consideration while preparing diet chart / daily menu. (Para 3.5)*

C.5 *Per capita expenditure on diet and the wages paid for performing cooking and associated duties are also required to be reviewed/ revised. If any changes are found to be justified, corresponding rules / orders should be amended accordingly. (Action: Deputy Superintendent, D.G. Prisons and Department of Jails, Govt. of Punjab) (Para 3.5)*

C.6 *The instructions on adjustment of extra diet items used in preparing Halwa on festival days may be reviewed. (Action: Deputy Superintendent, D.G. Prisons and Principal Secretary, Jails) (Para 3.6)*

C.7 *The quality of food is quite good. Prisoners, with whom I talked, also expressed satisfaction over the quality of food. (Para 3.7)*

D WATER

D.1 *There is adequate and uninterrupted water supply through tube well and overhead tank. An R.O. and a water cooler have been installed. The dates of cleaning of overhead tank, the smaller plastic tanks over building blocks, R.O. and water cooler be recorded in separate maintenance/ cleaning diary and signed after inspection on the same date ie the date of cleaning by a Jail warder to whom this duty is assigned. Deputy Superintendent should check the same on weekly basis. The cleaning schedule may also be noted on the tank/ RO/water cooler by marker for general information. (Action: Deputy Superintendent) (Para 4.1)*

D.2 *The Sub Jail authorities should obtained copies of test reports of water samples by PH Deptt. laboratories and if any remedial action is required, the same should be taken. (Action: Deputy Superintendent) (Para 4.2)*

E CLOTHINGS AND BEDDINGS

E.1 *No prisoner made complaint about clothing and bedding item supply. (Para 5.1)*

F PERSONAL HYGIENE

F.1 *The number of bathrooms is adequate and condition is good. (Para 6.1)*

F.2 *Solar Water Heaters be installed to arrange hot water supply for bathing and washing clothes in winters. Laundry machine be also installed for washing clothes. Moreover, if any inmate is engaged for haircutting/ shaving, he must be paid wages as per rules. (Action: Deputy Superintendent, D.G. Prisons) (Para 6.2)*

G. SANITATION

G.1 The number of toilets is considered adequate. Condition of toilets is good. Overall standard of cleanliness and sanitation in the Sub Jail is fairly good. (Para 7.1)

H RECREATION AND CULTURAL ACTIVITIES

H.1 *The Jail authorities should make concerted effort to motivate prisoners to take more interest in cultural and sports activities and organize more of such activities. While ideally inmates should themselves organize these activities with the help of Jail authorities, but if the same is not possible, Jail authorities may try to locate some NGO and organize some functions including sports day at least once in a quarter to begin with. (Action: Deputy Superintendent) (Para 8.1)*

J COMMUNICATION

J.1 There are no complaints by the prisoners about allowing interviews. (Para 9.1)

J.2 *Authorities may examine removing restrictions of fixed days for interviews for a category of prisoners. Since the interviews are fixed with prior permission and number of interviews allowed to a prisoner in a week is limited, removing restrictions as suggested may not create any administrative problems. Total number of interviews per day in any case can be regulated when permission is accorded. (Action: D.G. Prisons and Department of Jails, Govt. of Punjab) (Para 9.2)*

J.3 An E-Prison Call System machine has been installed in the room in which the Dry Canteen is located. E cards cum purse has been issued to the prisoners through which they can pay for phone calls and purchases from the dry canteen. (Para 9.4)

J.4 The arrangements for interviews or writing letters or making phone call are considered quite good and adequate. *The E- card cum purse and E-Prison Call System are good examples, which can be emulated by other States. (Para 9.5)*

K. POWER

K.1 The power supply or standby power supply arrangements are adequate. *A maintenance log book of the Gen Set should, however, be maintained in which its periodic servicing and repairs record be kept and checked by the Deputy Superintendent. (Action: Deputy Superintendent) (Para 10.1)*

L EDUCATION PROGRAMMES

L.1 There is no school in the Sub Jail. *Jail authorities should make more effort to motivate the prisoners to join adult education programmes and computer or some other skill development programmes. Advantage of schemes of Government related to education and skill development may be taken. If required assistance of some NGOs may also be taken. (Action: Deputy Superintendent) (Para 11.1)*

M VOCATIONAL TRAINING AND WORK PROGRAMMES

M.1 There is no factory in the Sub Jail. Only 20 semiskilled and 4 unskilled inmates are involved in growing vegetables and other produce as also gardening. *Jail authorities should make more effort to keep more and prisoners engaged in vocational training and productive activities. Advantage of schemes of Government related to vocational education and skill development may be taken. If required, NGOs may be involved. (Action: Deputy Superintendent, D.G. Prisons) (Para 12.1)*

M.2 *As stated earlier, the wage structure needs a review keeping in mind present minimum wages, nature and hours of job and amount spent on diet etc. Crediting*

the wages in e-purse may also be considered. Facility should be available to show the balance in e-purse to the prisoner. (Action: Deputy Superintendent, D.G. Prisons) (Para 12.2)

N HEALTH AND MEDICAL CARE

N.1 There is no hospital in the Sub Jail. There is only a dispensary in which two Pharmacists are posted. It is noted that the medical examination of prisoner at the time of entry in the Sub Jail is totally perfunctory. It only states weight, height, BP and that no external injury is noticed etc. This is not in accordance with NHRC proforma. Sub Jail authorities expressed their difficulty in following NHRC proforma. *As recommended in the report on Female Jail, this matter may be placed before the Commission. (Action: NHRC Office) (Para 13.1, 13.2)*

N.2 *Every day visit of a Medical Officer from Civil Hospital to hold OPD may be ensured. (Action: DG Prisons and Chief Medical Officer of the District) (Para 13.3)*

O CUSTODIAL DEATHS

O.1 During last two years, there were 2 cases of custodial deaths. *The Sub Jail authorities should send the particulars of these cases to the NHRC giving reference of the letter when the case was first reported to NHRC immediately after the incident and reply, if any, received from NHRC. (Action: Deputy Superintendent) (Para 14.1)*

P PRISON OFFICERS AND STAFF AND THEIR CAACITY BUILDIND

P.1 *Higher authorities should take immediate steps to fill up the 10 vacant posts of Warders. It is also suggested that the authorities may also consider posting of a Clerk and a DEO or at least a computer knowing clerk. (Action: D.G. Prisons and Department of Jails, Govt. of Punjab) (Para 15.2)*

Q BOARD OF VISITORS

16.1 *Board of Visitors should be constituted for the Sub Jail as per rules. It is further suggested that non-official visitors should not be political persons or persons associated with any NGO which has activities connected with Jails or programmes undertaken in Jails. State Human Rights Commission's nominee may be one option. (Action: DG, Prisons and Department of Jails) (Para 16.1)*

R VISITS

R.1 *District Magistrate/ Sub Divisional Magistrate and superior Jail administration authorities should inspect the Sub Jail regularly as prescribed in the rules. (Action: District Magistrate, Sangrur, S.D.M. Malerkotla and D.G. Prisons) (Para 17.1)*

S JAIL ADALATS

S.1 *Jail Adalats are reportedly held every month. Immediate steps be taken to re-operationalise the video conferencing facility so that video 'peshi's at least are restarted. (Deputy Superintendent and I.G. Prisons)*

T INVOLVEMENT OF NGOS

T.1 *At present, there is no involvement of any NGO in any activity of the Sub Jail. Some suggestions regarding involving NGOs have been made in the report. The same may be considered. (Action: Deputy Superintendent) (Para 19.1)*

U UNDER TRIAL PRISONERS

U.1 *Regarding the complaints made by some prisoners during my visit, actions as advised and mentioned in the report may be taken by the Jail authorities. (Action: Deputy Superintendent) (Para 20.1, 20.2, 20.3)*

U.2 *Sub Jail authorities should also keep a track of pending bail petitions of UTPs as also of petitions filed by them in Hon'ble High Court. Legal assistance if asked by the prisoner should also be provided as per rules. (Action: Deputy Superintendent) (Para 20.4)*

V CONVICTS

V.1 16 appeal cases of the convicts are pending before the High Court. These are reportedly pending for 3 years or so. No case of premature release is pending. 62 parole applications were received during last three years and all were granted parole. No application is pending. (Para 21.1)

W ESCAPES

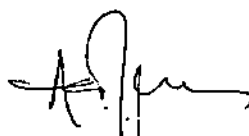
W.1 There were two cases of escape of prisoners during last 3 years. Both the cases were of escape from the custody of police escorts while they were being taken to court. No case of escape from the Sub Jail premises was there. (Para 22.1)

X GENERAL OBSERVATIONS AND REMARKS

X.1 *It is considered that there should be a system of receiving written complaints from the prisoners or even from their family. One way can be to circulate Deputy Superintendent's Complaint Box or fix the same at barracks. The same should be opened periodically and record thereof as also of actions taken thereon be maintained in a register or in a computerized format. So should be the case regarding complaints made to / received through higher authorities. (Action: Deputy Superintendent) (Para 23.2)*

X.2 *The Legal Aid arrangements in the Sub Jail are required to be reviewed and possible improvements may be implemented. (Action: Deputy Superintendent and DG Prisons) (Para 23.3)*

X.3 The over all management of the Sub Jail is quite good. (Para 23.4)



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