



Checking,
Correcting
and Preventing
Human Rights
Violations
through
Community
Involvement
in Prisons

Handbook for Prison Visitors



Commonwealth Human Rights Initiative

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the practical realization of human rights in the countries of the Commonwealth. Sixteen years ago, several Commonwealth associations founded CHRI because they felt that while the member countries had both a common set of values and legal principles from which to work and a forum within which to promote human rights, there was relatively little focus on human rights issues.

CHRI's objectives are to promote awareness of and adherence to the Harare Commonwealth Declaration, the Universal Declaration of Human Rights, and other internationally recognised human rights instruments, as well as domestic instruments supporting human rights in Commonwealth member states.

Through its biennial CHOGM reports and periodic fact finding missions CHRI continually draws attention to progress and setbacks in human rights in Commonwealth countries. In advocating for approaches and measures to prevent human rights abuses, CHRI addresses the Commonwealth Secretariat, member-state governments and civil society associations. By holding workshops and developing linkages, CHRI's approach throughout is to act as a catalyst for activity around its priority concerns.

The nature of CHRI's constituent groups - journalists, lawyers, legal educators, trade unionists, doctors and parliamentarians - ensures for it both a national presence in each country and a local network. More importantly, these are strategic constituencies, which can effectively steer public policy in favour of human rights. By incorporating human rights norms into their own work and acting as a conduit for the dissemination of human rights information, standards and practices, their individual members and collectives are themselves capable of affecting systemic change. In addition, these groups bring knowledge of local situations, can access policy makers, highlight issues, and act in concert to promote human rights. The presence of eminent members of these professions on CHRI's International Advisory Commission assures CHRI credibility and access to national jurisdictions.*

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Police Reforms

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*Checking,
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through
Community Involvement in Prisons*

Handbook for Prison Visitors

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Overview:

This handbook has been prepared by the Commonwealth Human Rights Initiative [CHRI], New Delhi for use by prison visitors, officials, trainees within the system, NGOs and concerned members of the public. The information it contains was gathered from studies done in Madhya Pradesh, India and refined through seminar feedback, as well as additional extensive research. It brings together, in one source, information relating to norms and good practices surrounding the duties and role of prison visitors in improving prison conditions. In addition, it should be seen as a resource for both officials and the public who want to participate in prison reforms.

Genesis:

CHRI has been working for quite some time to strengthen the Prison Visiting System, through which the closed institution of a prison can be opened to public vigilance against human rights violations.

In a two day seminar organised at Bhopal in July 2000, CHRI presented the findings of its study on the Prison Visiting System in the state of Madhya Pradesh. Chairperson and members of the Madhya Pradesh Human Rights Commission, Non-official prison visitors, prison officers of the state, NGOs, prison staff and members of the judiciary from other parts of the country attended this workshop. Dismal functioning of the visiting system was primarily attributed to:

- The ignorance of visitors about their duties and powers
- Visitors' uncertainty and ineffectiveness resulting from this lack of information

Attendees voiced a universal demand for training for the Non-official Visitors. In the absence of an initiative or scheme from the state government, CHRI offered the requested training to prison visitors in the Gwalior prison circle of the state who were the most enthusiastic for information. Motivated by the cooperation of Mr. U.K. Gandhi, the then Superintendent Central Jail, Gwalior and the active participation of visitors, we conducted two more such programmes in Jabalpur and Ujjain through which we covered all the prison visitors in the state. Again, we were ably and actively assisted by Dr. Lalji Mishra and Mr. G.P. Tamrakar, the then Superintendents of Jabalpur and Ujjain Central jails, respectively.

Though born out of these initial trainings in Madhya Pradesh which referred to the provisions of the Madhya Pradesh Jail Manual [1987], CHRI's Handbook for Prison Visitors, will be useful to visitors and officers elsewhere also as it became evident from the reviews we received on the various drafts of this document. Readers should also refer to the jail manual of their own state or region for a correct understanding of the legal provisions applicable there.

Important features of the Handbook:

- Based on relevant principles of various international prescriptions and minimum standards of treatment to be given to prisoners across socio-economic and cultural differences.
- Begins with an enumeration of Prisoners' Rights and Duties.
- Each aspect of the Prison Visiting System has been dealt in detail.
- Provides relevant examples of best practices.
- Recommendations of the All India Committee on Jail Reforms and the National Expert Committee on Women Prisoners have been included.
- Leading cases on prisoners' rights with relevant provisions of the prison laws applicable in India have been referred to and included.
- Copies of some of the important orders and directions of the National Human Rights Commission of India and the National Legal Services Authority have been annexed at the end of relevant chapters.
- Gives a list of individuals and organisations that can be contacted for help.

Some Qualifications:

- Suggestions in this handbook are not meant to be exhaustive or conclusive. Users should test their practicality in their own day-to-day work. In addition, CHRI invites readers to share their own successful strategies, to enable us in circulating them to as many people as possible.
- In the following pages, we advocate for a strategy of Positive-Engagement rather than outright confrontation. The best chance of obtaining speedy prison reform lies in enabling prison officers to do good work by making them a part of the common mission. Cornering, isolating and excluding officials will rarely result in a positive outcome. The situation can be improved if and only if both the visitors and staff can work together. We advocate for a Positive-Engagement approach, in part, after having personally experienced the selfless help extended to us by prison officers and their staff in Madhya Pradesh.
- CHRI encourages readers to, as far as possible try to Persuade, Motivate, Mobilise, Cooperate and Coordinate with all the parties concerned to pool in their resources and strengths to solve the problems. The goal should not be merely to point out problems, but to find long term solutions of a positive nature and be a part in implementing them.
- **BUT** cooperation does not mean that one has to compromise and be a silent witness to acts of illegal brutality and corruption. Where nothing seems to stop such acts, visitors must rightly act and speak out. They are in fact duty-bound to do so under the law.

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Prisoners' Rights

CHAPTER 1

1.1 The Basis for Prisoners' Rights

Prisoners' rights derive from two principles:

- **Firstly**, like you and me, prisoners are also human beings. Hence, all such rights except those that are taken away in the legitimate process of incarceration still remain with the prisoner. These include rights that are related to the protection of basic human dignity as well as those for the development of the prisoner into a better human being.

- **Secondly**, because prisoners depend on prison authorities for almost all of their day to day needs, and the state possesses control over their life and liberty, the mechanism of rights springs

up to prevent the authorities from abusing their power.

1.2 The State's Obligations

Because the State has been granted great authority, it carries a greater responsibility to protect its citizens. The natural claim of every human being to a **Fair, Dignified** and **Non-discriminatory** treatment from every other person becomes even stronger vis-à-vis the authorities of the State. To protect the citizens from illegal abuse of this authority, many important claims are elevated to a higher plane and recognised by the Constitution of India as Rights.¹ Elevation of such claims to the status of Rights gives the citizens the capacity to evoke the power of the Judiciary to protect themselves against their violation as well as for the redressal of the harm caused.

At the same time, the State is also equally under a duty to ensure that a person's claim for fair, dignified and non-discriminatory treatment from all other co-citizens including fellow prisoners is not violated. If anyone belies this claim and the State fails in its duty to protect its citizens, then the State is responsible for such failure.

Hence violations occur both when an official or even an ordinary person like a co-prisoner violates the natural claim and expectation of any prisoner to a fair, dignified and non-discriminatory treatment. The rights given in this chapter are codified in that sense.

1.3 The Basis for Standards of Treatment

UN Documents

The United Nations has codified the standards of treatment for prisoners across different economic, social and cultural contexts in a number of documents. These concern themselves with ensuring those basic minimum conditions in prisons² which are necessary for the maintenance of human dignity and facilitate the development of prisoners into better human beings. These documents³ are:

- Standard Minimum Rules for the Treatment of Prisoners [1955].
- Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [1982].
- Convention Against Torture [1984].
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment [1988].
- Basic Principles for the Treatment of Prisoners [1990].
- United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules) [1990].

Indian Law

From the mid 1970s, The Indian Supreme Court has been active in responding to human right violations in Indian jails and has in the process, recognised a number of rights of prisoners by interpreting Articles 21, 19, 22, 32, 37 and 39A of the Constitution in a positive and humane way. Given the Supreme Court's overarching authority, these newly recognised

rights are also binding on the State under Article 141 of the Constitution of India which provides that, "Law declared by the Supreme Court shall be binding on all courts within the territory of India."

In 1980, *Sunil Batra (II) vs. Delhi Administration*⁴ recognised the various rights of prisoners in the most comprehensive manner. Justice V.R. Krishna Iyer held⁵ that:

"No prisoner can be personally subjected to deprivation not necessitated by the fact of incarceration and the sentence of the court. All other freedoms belong to him – to read and write, to exercise and recreation, to meditation and chant, to comforts like protection from extreme cold and heat, to freedom from indignities such as compulsory nudity, forced sodomy and other such unbearable vulgarity, to movement within the prison campus subject to requirements of discipline and security, to the minimal joys of self-expression, to acquire skills and techniques."

A corollary of this ruling is the Right to Basic Minimum Needs necessary for the healthy maintenance of the body and development of the human mind. This umbrella of rights would include: Right to proper Accommodation, Hygienic living conditions, Wholesome diet, Clothing, Bedding, timely Medical Services, Rehabilitative and Treatment programmes.⁶

1.4 Enumeration of Prisoners' Rights

The following rights include those expressly recognised under the various Indian laws governing prisoners,⁷ Supreme Court and High Court rulings as well as those recommended by expert committees. Each category lists the corresponding duties of the prison staff and other officers of the criminal justice system. The broad categories of rights are not exhaustive as this field is still developing.

1. Right to be Lodged Appropriately based on Proper Classification.
2. Special Right of Young Prisoners to be Segregated from Adult Prisoners.
3. Rights of Women Prisoners.
4. Right to Healthy Environment and Timely Medical Services.
5. Right to Bail.
6. Right to Speedy Trial.
7. Right to Free Legal Services.
8. Right to have Interviews with One's Lawyer.
9. Right against being Detained for More than the Period of Sentence imposed by the Court.

10. Right to Protection against being Forced into Sexual activities.
11. Right against Arbitrary use of Handcuffs and Fetters.
12. Right against Torture, Cruel and Degrading Punishment.
13. Right not to be Punished with Solitary Confinement for a prison offence.
14. Right against Arbitrary Prison Punishment.
15. Right to Air Grievances and to Effective Remedy.
16. Right to Evoke the Writ of *Habeas Corpus* against prison authorities for Excesses.
17. Right to be Compensated for Violation of Human Rights.
18. Right to Visits and Access by Family Members of prisoners.
19. Right to Write Letters to Family and Friends and to receive Letters, Magazines, etc.
20. Right to Reformatory Programmes.
21. Rights in the context of Employment of prisoners and Prison Wages.
22. Right to Information about Prison Rules.

1.4.1 Right to be Lodged Appropriately based on Proper Classification

- All female prisoners have the right to be lodged away from the direct contact and vision of all male prisoners, either in separate prisons or in a separate building of the same prison complex.
- Both male and female under-trial prisoners have the right to be lodged separately from male and female convicts respectively.⁸
- First time under-trial and convict prisoners involved in minor offences have the right to be lodged separately from habitual criminals and those involved in serious offences.
- Adolescent and non-habitual female prisoners have the right to be lodged separately from older and habitual prisoners of bad character.
- Civil prisoners have the right to be lodged separately from criminal prisoners.

In Andhra Pradesh, prisoners are being classified on the basis of their threat to other prisoners. Contact Mr. M.R. Ahmed [DIG, Prisons – Andhra Pradesh] for further details.

- Inequality and discrimination on the basis of *social* and *financial* status of prisoners is prohibited. Affluent criminals cannot be treated with luxury while lowly indigents are treated as pariahs.⁹



Fridge, AC, fan, sofa sets, carpets being taken into the next cell. Some VIP is moving in there, I think?

1.4.2 Special Right of Young prisoners to be Segregated from Adult prisoners¹⁰

- All offenders under the age of 21 have the right to be lodged separately from all adult prisoners and the jail officials are duty bound to ensure that no adult prisoner is allowed into this ward after sunset on any ground whatsoever.
- Young offenders also have the right not to be transferred into any adult ward as punishment.
- Prisoners under the age of 21 who have not arrived at the age of puberty have the right to be lodged separately from those who have.¹¹

1.4.3 Rights of Women prisoners

Issues concerning women prisoners have been addressed in detail in Chapter 13 of this handbook.¹² However, two basic protections for women are:

- A woman prisoner admitted to jail can be searched for prohibited items and injuries only by a matron appointed for the jail under the orders of the medical officer and only with strict regard to decency and away from the view of all male officers and prisoners.¹³
- Every woman prisoner has the right to be examined and treated as far as possible only by a lady doctor and lady assistant even when she is taken to a hospital outside the jail.

1.4.4 Right to Healthy Environment and Timely Medical Services

- Every prisoner has the right to a clean and sanitised environment in the jail free from any kind of disease-ridden or disease-causing atmosphere. It is the responsibility of the medical officer of the jail to ensure that the environment of the jail is sanitised.¹⁴
- It is the responsibility of the medical officer and the Superintendent to ensure that prisoners suffering from contagious diseases like Tuberculosis are separated from the healthy population and treated appropriately so that the infection does not spread to other healthy prisoners.

Every prisoner has the right to be examined by the medical officer soon after admission to determine whether he or she is suffering from any contagious diseases; or has any wound or injury on his/her body sustained during torture in police custody or during transport to the jail, as well as to determine the class of labour s/he is fit for if s/he has received a sentence of rigorous imprisonment. [Section 24[2], Prisons Act.]

- Every prisoner has the right to be attended to and treated for any disease from which s/he is suffering at the time of admission to the jail or which s/he contracts while in jail.
- A prisoner has the right not to be forcibly discharged from the jail against his/her will if s/he is suffering from any acute or dangerous disease and until the medical officer certifies that s/he is fit to be discharged.¹⁵
- Every prisoner has the right to be medically examined by the medical officer before being transferred to any other jail. S/He can be transferred only once the medical officer certifies that the prisoner is free from any serious illness which would otherwise have rendered transfer dangerous.¹⁶
- Every prisoner confined to a solitary cell, either as punishment or for any other reason, has the right to be visited and examined by a medical officer or medical subordinate at least once in a day.¹⁷
- Prisoners, who are undergoing rigorous imprisonment as part of their sentence or are engaged in hard labour on their own, have the right to be medically examined by the medical officer from time to time and have their weight examined and recorded in their history tickets once in every fortnight by the medical officer.¹⁸

- If the medical officer after any periodical examination of any such prisoner is of the opinion that the prisoner is not fit for that particular kind of hard labour, then he shall not be employed for such labour but shall be placed on such other kind of labour as the medical officer may consider suited for him.¹⁹
- **The Superintendent has the power to send a prisoner for special treatment to a hospital or asylum outside the jail if the condition of the prisoner so demands.**²⁰



All the tests show that he genuinely has a cardiac condition. Probably because he is innocent really!

Recognising the Right to Medical facilities, the National Human Rights Commission recommended the award Rs. 1 lakh [1 Lakh = 1,00,000 units] to be paid as compensation by the government of Maharashtra to the dependants of an under-trial prisoner who died in the Nasik Road Prison due to lack of medical treatment. He died of cardio-respiratory arrest due to an advanced stage of pulmonary and abdominal tuberculosis and was also suffering from acute anaemia. The Commission noted that it was unfortunate that the disease was not diagnosed even though the undertrial prisoner had been in custody for more than one and a half years. In fact, at the time of his death, he was being wrongly treated for dysentery and

anaemia while he was actually in the terminal stage of tuberculosis. The Commission also asked the state government to take comprehensive steps to control the spread of tuberculosis and other infectious diseases in the prisons and to install, wherever, lacking, adequate diagnostic facilities.[NHRC News Letter, September 1999].

1.4.5 Right to Bail

The Supreme Court of India has ruled in the case of *Moti Ram & others vs. State of Madhya Pradesh* that releasing a person on bail should be the rule and keeping a person in jail should be the exception. If it can be ensured that the accused will neither flee nor tamper with the evidence nor threaten the witnesses; if his health so demands and the offence charged is not serious then he should be released on bail. In addition, there should not be too much insistence on bringing financial surety or solvency for releasing a person on bail.

- Where the person is arrested for a bailable offence or if security proceedings are initiated against him/her under Chapter 7 of the Code of Criminal Procedure, s/he can as a matter of right ask to be released on bail.²¹
- It is the duty of the arresting police officer or the duty Magistrate to inform the person of the offence with which s/he is being charged and also whether it is a bailable or not.²²
- If it is bailable, then the police officer or the Magistrate is duty bound to release the person then and there if s/he or s/he is prepared to give bail.²³
- The arresting police officer or the court before which the person is produced has the power to release him or her on his or her executing a bond without sureties for his or her appearance in court thereafter.²⁴
- Neither the police officer nor the Magistrate can fix the bail amount as too high without due regard to the facts and circumstances of the case.²⁵ For example, **if a prisoner has been charged with stealing anything worth Rs. 1,000 s/he cannot be obligated for a bail amount of Rs. 10,000.**²⁶
- If the bail amount has no reasonable relation to the nature of offence alleged against a prisoner then s/he can firstly point out the prohibition contained in S. 440[1] and secondly appeal to the Sessions Court or to the High Court for the reduction of the bail amount.²⁷

- The arresting police officer would be guilty of the offence of wrongful confinement²⁸ if s/he does not inform the arrested person about his/her right to bail in bailable offences or fixes too high a sum as the bail amount and thereby refuses to release on bail and detains the person.²⁹
- **Even in case of a non-bailable offence, court can direct that any person under the age of sixteen years or any woman or any sick or infirm person accused of such an offence be released on bail.**³⁰ If this section is made fully operational, then there will be no custodial deaths of sick and infirm under-trials.
- If the case of an under-trial prisoner accused of a non-bailable offence is pending before a Magistrate and more than 60 days have elapsed after the first date for the recording of evidence was fixed then s/he has the right to be released on bail subject to the satisfaction of the Magistrate. The Magistrate has to record reasons for not doing so.³¹



How about bail for me? I'm only a pick-pocket!

1.4.6 Right to Speedy Trial³²

It is the fundamental right of every under-trial prisoner and those who have appealed against their conviction to any higher court – be it the Sessions Court, High Court and the Supreme Court that their

case be heard and disposed of quickly, fairly and justly. **The courts are duty bound to ensure this to all prisoners.**

- Under the Jail Manual it is the duty of the Superintendent to inform the concerned court and Official Visitors at the time of their visit to the jail of all cases of under-trial prisoners pending for more than one month. For those pending for more than three months, notice has to be given to the District Magistrate and the District and Sessions Judge. Where cases are pending for more than six months a special notice has to be given to the Inspector General.³³
- If the prison officials deliberately do not send the prisoner to the court on the appointed day and his/her case gets further adjourned, then they are guilty of violating this right.
- If the escorting police personnel does not actually produce the prisoner before the Magistrate and simply sends the warrant to be signed by the Magistrate for the extension of the prisoner's remand, then the escort is equally responsible for the violation of this right.
- If the Magistrate adjourns the case of the prisoner irresponsibly or signs the remand warrant in the prisoner's absence or without due consideration, then the Magistrate is guilty of violating this right.
- If the prosecution and the investigating police team do not submit the charge-sheet or produce all the witnesses on the appointed days, then they are also responsible in their failure to ensure the right to speedy trial of the prisoner.
- The Superintendent is duty bound to inform the prisoner concerned about the period of limitation under the Limitation Act of 1940 to appeal or apply for revision against an order of conviction and provide him/her with the facility to appeal or apply expeditiously.
- If the officials in the Registrar's office at the concerned court do not assign the appropriate case number to the appeal or revision application filed by the prisoner and thus his/her case gets delayed then they are also responsible for violating this right.
- When a copy of the order or sentence is dispatched from the Appellate or Revisional court, the same has to be personally delivered to the prisoner and an acknowledgement has to be obtained from him or her. This would ensure that it reached the prisoner on time and does not get misplaced in transit.

1.4.7 Right to Free Legal Services³⁴

- It is the fundamental right of all poor and indigent prisoners to be provided with free legal aid in the prosecution of their case at different levels of their trial.
- The Magistrate is duty bound to offer the facility to the accused the moment s/he is produced before him or her for the first time even if the accused has not asked for it out of ignorance.
- The Magistrate is under a duty to supply copies of all documents such as the First Information Report, statements of witnesses, charge sheet, etc. **free of cost** to the accused to enable him/her to know the details of the case and start preparing the defence.
- The Magistrate or the Judge is duty bound to furnish the accused with a free transcript of the judgement when s/he is sentenced to enable the prisoner to prefer an appeal if s/he so desires and to ensure that there is no delay which may later result in an appeal being barred by the Limitation Act of 1940.
- If the prisoner wishes to appeal, s/he may present a petition of appeal and copies accompanying the same to the Superintendent or the officer in charge of the jail who is duty bound to forward the petition of appeal and copies thereof to the proper Appellate Court within the period of limitation.³⁵
- Where the accused is not in a position to defend him/herself, the Magistrate is duty bound to appoint a committed and competent lawyer having sufficient experience in criminal matters for the defence of the accused at the expense of the government.
- The Magistrate is duty bound to refer such cases to the District Legal Services Authority.



Legal Aid Camp in progress in Central Jail, Indore, Madhya Pradesh.

The government cannot plead financial or administrative inability in any such situation.

The office of the District Legal Services Authority is located in the Sessions Court complex itself. The District and Sessions Judge is the ex-officio Chairperson of this Authority. If any prisoner is not getting free legal services, bring it to the notice of the Sessions Judge. If s/he does not take due interest in the discharge of his or her duties, then you can inform the Chief Justice of the High Court who is the ex-officio Patron of the State Legal Services Authority.

Please refer to **Annexure 1A** at the end of this chapter for more information on Free Legal Services.

1.4.8 Right to have Interviews with One's Lawyer³⁶

- Every prisoner has the right to have interviews with his/her lawyer at any reasonable hour after taking appointment from the Superintendent. The conversation can be within the sight but outside the earshot of any officer, if the officer is deputed to be present there.
- The Supreme Court has ruled that lawyers nominated by the District Magistrate, Sessions Judge, High Court and the Supreme Court will be given all facilities for interviews, visits and confidential communication with prisoners, subject to discipline and other security considerations.³⁷

Please refer to **Annexure 1B** at the end of this chapter for Mr. Justice S.P. Bharucha's order in this regard.

1.4.9 Right against being Detained for More than the Period of Sentence imposed by the Court

- All prisoners have the right not to be detained for a day more than what the trial court has mentioned in the sentence.³⁸
- The prison officials are therefore under a duty to maintain proper registers with numbered pages showing when each prisoner is to be released and inform them of their due date of release well in advance.³⁹

1.4.10 Right to Protection against being forced into Sexual activities

In the isolated and unprotected environment of a prison, instances of prisoners being forced into sexual activities [including rape and sodomy] by fellow inmates and prison staff are very high. In addition to causing physical injury and severe psychological trauma to the prisoners, it carries a potential high risk of transferring sexually transmitted diseases including HIV/ AIDS.

Since prisons are required to provide a safe environment:

- All prisoners have the right to be protected by the prison officials from being forced into any form of sexual activity by staff or fellow inmates.
- They have the right to approach the Jailor, the prison doctor and the Superintendent against any such aggression who then have to ensure that it is not repeated and that the aggressor is dealt with appropriately, as necessitated.
- If the aggression doesn't stop even then, the prisoner has the right to complain about this to the District Magistrate or the Sessions Judge at the earliest.

Please also refer to *Munna vs. State of Uttar Pradesh*⁴⁰ and *No Escape: Male Rape in US Prisons*.⁴¹

1.4.11 Right against Arbitrary use of Handcuffs and Fetters

- The Supreme Court has ruled that no prisoner shall be handcuffed or fettered routinely or merely for the convenience of the escort. Even in extreme circumstances, where handcuffs have to be put on prisoners, the escorting party shall record the reason for doing so in writing and take the court's permission either beforehand or if that is not possible then soon after.⁴²



A prisoner in the jail hospital at Ranchi, Jharkhand.

- Further, no bar fetters can be imposed on the prisoner for the night or for excessively long periods, unless permitted by the trial court.

1.4.12 Right against Torture, Cruel and Degrading Punishment

- The Supreme Court has ruled that the Right to Life & Liberty guaranteed under Article 21 of the Constitution of India includes the right to use every faculty or limb through which life is enjoyed. Hence **Cruel, Inhuman, Degrading treatment or Punishment** is not permissible.⁴³
- Therefore, all prisoners have the right not to be harmed physically or psychologically while they are in jail either by the jail staff or by any of their fellow inmates. But at the same time, the prisoners are duty bound to follow the rules of the jail in order to maintain discipline and order in the jail. *Please see Chapter 2 for details.*
- In case any prisoner is harmed by a fellow inmate or jail staff without any ground whatsoever, then s/he has the right to complain to the immediately superior authority who is then duty bound to undertake an inquiry into the incident.

*Please refer to the orders of the National Human Rights Commission given in **Annexures 1C and 1D** about the responsibility of the District Magistrate and Superintendent to report the death of any person in police and judicial custody within 24 hours of the occurrence.*

1.4.13 Right not to be punished with Solitary Confinement for a prison offence

Keeping a person in solitary confinement for prolonged periods of time can result in irreparable psychological harm to the prisoner. When such a person is released, the society is at a greater risk of being harmed by him/her. Society is best protected when prisoners leave prisons as better human beings rather than less able to act as responsible citizens. Prisons thus become antithetical to their traditionally professed role of protecting the society.

- Beginning with *Sunil Batra (I) vs. Delhi Administration*,⁴⁴ the Supreme Court has time and again ruled that no prisoner can be put away in solitary confinement as a matter of routine.
- Solitary confinement is by itself a substantive punishment, which can be imposed only by a court of law. Prison authorities cannot inflict this

punishment according to their own whims and caprices without the express order of the court.⁴⁵

- Though S. 30[2] of the Prison Act authorises the prison authorities to impose solitary confinement on a prisoner under sentence of death, the Supreme Court has ruled that this expression should mean only that prisoner whose sentence of death has become final, conclusive, indefeasible and which cannot be annulled or voided by any judicial or constitutional procedure.

1.4.14 Right against Arbitrary Prison Punishment

- Every prisoner has the right to have information as to the precise provision of the Prisons Act and Rules that s/he is alleged to violated. S/He has the right to be heard in defence and also the right to be told of the decision of disciplinary proceedings and to appeal as provided in rules made under the Act.
- A prisoner can be awarded only such punishment by the Superintendent which will not affect his/her health.
- Upon being convicted of a prison offence, the prisoner has the right to be examined by the jail doctor to determine the extent to which such punishment will affect his/her health and the doctor has to certify the extent of punishment which the prisoner can undergo without injury to health.
- No punishment in the form of reduced diet or of change of labour shall be executed until the prisoner has been examined by the medical officer who if s/he considers the prisoner fit to undergo the punishment, shall certify accordingly.⁴⁶

1.4.15 Right to Air Grievances and to Effective Remedy

- Every prisoner has the right to make a complaint regarding his or her treatment in the jail unless the complaint is evidently frivolous. For this right to be effective, the complaint must be dealt with promptly and confidentially, if necessary.
- If necessary, the complaint may be lodged on behalf of the prisoner by his or her immediate family members, friends or lawyer.
- The Supreme Court has ruled that **Grievance Deposit Boxes** shall be maintained by or under the orders of the District Magistrates and the Session Judge which will be opened as frequently

as is deemed fit and suitable action taken on complaints made by prisoners. It also ruled that access to such boxes should be afforded to all prisoners.⁴⁷

- District Magistrates and Sessions Judges are duty-bound to personally visit prisons in their jurisdiction and afford effective opportunities for prisoners to express legal grievances. They should make expeditious inquiries and take suitable remedial action. In appropriate cases reports shall be made to the High Court for it to initiate, if found necessary, habeas corpus action.⁴⁸
- A prisoner can complain to Members or Special Rapporteurs of the state and National Human Rights Commission when they come to visit the prison or through post.
- All such complaints should contain the exact and **Truthful** details of the incident, the names of people involved, the list of witnesses who were present during the incident, etc.



A Complaint Redressal Session in progress in Central Jail, Sagar, Madhya Pradesh.

1.4.16 Right to evoke the Writ of *Habeas Corpus* against prison authorities for Excesses

- When every attempt to seek redress for one's genuine complaint fails, the prisoner can straightaway appeal to the High Court under Article 226 of the Constitution of India for the issuance of a writ of *Habeas Corpus*. This right would be available to any prisoner against any action of the jail authorities which is not commensurate with the sentence passed by the court or other actions expected of the prison authorities.
- If this action fails to bring in the required change, the prisoner can petition to the Supreme Court under Article 32 of the Constitution of India for the protection of his fundamental rights. This is a guaranteed Fundamental Right of every citizen under the Constitution.⁴⁹

1.4.17 Right to be Compensated for violation of Human Rights

- The Supreme Court has ruled that any person who's fundamental Right to Life and Liberty is violated, is entitled to claim monetary compensation from the State.⁵⁰
- Even the National Human Rights Commission has recommended the award of compensation in cases where it has found that human rights of prisoners have been violated.

1.4.18 Right to Visits and Access by Family Members of prisoners

The Supreme Court of India has ruled in *Sunil Batra (II)*⁵¹ that:

- A sullen, forlorn prisoner is a dangerous criminal in the making and the prison is the factory.
- Visits to prisoners by family and friends are a solace in isolation; and only a dehumanised system can derive vicarious delight in depriving prison inmates of this humane amenity.
- The whole habilitative purpose of sentencing is to soften, not to harden, and this will be promoted by more such meetings.

- Therefore, prison authorities are under a duty to make due provisions for the admission of such

persons into prisons, with whom prisoners may desire to communicate.

- Such allowances shall be subject to considerations of security and discipline of the prison for which, the visitors shall disclose their true identity and address to the Jailor and they can be searched for any prohibited articles.⁵²

1.4.19 Right to Write Letters to Family and Friends and to Receive Letters, Magazines, etc.

- The prisoner has the right to meet members of his/her family and friends and write letters to them. S/He is also allowed to get copies of papers and magazines, etc. at the prisoner's own cost.

1.4.20 Right to Reformative Programmes

The treatment of persons sentenced to imprisonment has to aim at establishing in them the will to lead law-abiding and self-supporting lives after their release and to enable them to do so. The treatment of prisoners through reformative programmes has to be such as will encourage their self-respect and develop in them the sense of responsibility.

- Under this umbrella, prisoners have the Rights to Education, Counselling, Learning of Meaningful skills, Vocational training, Meditation, etc.⁵³



Prisoners engaged in Vipassana Meditation in Central Jail, Baroda, Gujarat.

1.4.21 Rights in the context of Employment of prisoners and Prison Wages



Prisoners at work on the power loom in Central Jail, Jabalpur, Madhya Pradesh.

The Supreme Court has ruled in *Sunil Batra (II) vs. Delhi Administration* that, **Punishment of rigorous imprisonment obliges the inmates to do hard labour not harsh labour.** A vindictive officer victimising a prisoner, by forcing on him/her particularly harsh and degrading jobs, violates law's mandate.

- Civil prisoners have the right to carry on their trade and profession inside the jail after obtaining permission from the Superintendent.⁵⁴
- Such civil prisoners have the right to keep their entire earnings if they use their own implements. If the implements are supplied from the jail, then the Superintendent can deduct the cost and maintenance charges of such implements.⁵⁵ But such deductions cannot be too high and unreasonable.
- A criminal prisoner who has been sentenced to rigorous imprisonment or who has offered to work voluntarily has the right not to be employed for more than nine hours at a stretch on any working day except in cases of an emergency and that too only on the written sanction of the Superintendent.⁵⁶
- No prisoner shall be required to perform *begar* and other similar forms of forced labour which are prohibited as exploitation under Article 23 of the Constitution of India.
- No prisoner shall be put to domestic work with any official in the prison administration. Such work shall not be considered as meaningful or gainful,

even if some monetary compensation is offered.

- Prisoners shall, in no case, be put to any work which is under the management, control, supervision or direction of any private entrepreneur working for profit of his organisation.
- Prisoners sentenced to rigorous imprisonment are entitled to receive remuneration from the proceeds of their work. But it is subject to certain deductions prescribed by the state government for the maintenance of prisoners and prison buildings and for paying compensation to victims.⁵⁷

The Supreme Court has ruled in *State of Gujarat vs. High Court of Gujarat* (1998) 7 SCC 392 that prison wages in any case cannot be less than minimum wages.

1.4.22 Right to Information about Prison Rules

- Copies of jail rules should be exhibited both in English and in the local language in some place to which all persons in the prison have access.⁵⁸ If necessary, these rules should be explained orally at the time of admission.
- The Supreme Court has ruled that the state governments should take steps to prepare in Hindi and other regional languages a prisoner's handbook of rights and circulate copies to be kept in prisons to bring legal awareness to the inmates.⁵⁹

The information to be given should concern the disciplinary requirements of the prison; authorized methods of seeking information and making complaints and such other matters as are necessary to enable prisoners to understand both their rights and obligations and to adapt themselves to the life of a prison.

It is to work towards the realisation and protection of these rights that prison visitors are appointed.

Finally, Remember

- Those of us who have till date managed to escape being caught doing anything illegal or immoral do not have the moral superiority over those who either have been caught or have been illegally framed.
- As we learned from the Internal Emergency imposed in India in 1975, any one of us could find ourselves in a prison tomorrow, even through absolutely no fault of our own. We should strive to establish a standard of treatment which protects prisoners' rights as if our own rights hung in the balance. They do.

Annexure 1A

Free Legal Services⁶⁰

What are legal services?

Legal services include the rendering of any service in the conduct of a case or legal proceeding before any Court/ Authority/ Tribunal and the giving of advice on a legal matter. These are provided by way of:

- Providing Advocates at state expense;
- Paying Court fee on behalf of the eligible persons;
- Bearing expenses for the summoning of witnesses; and
- Paying other incidental expenses connected with litigation.

Who is eligible to receive free legal services?

Any person who is either:

- A member of a Scheduled Caste/ Scheduled Tribe;
- A victim of trafficking in human beings or 'begar' as referred to in Article 23 of the Constitution;
- A woman or a child;
- A mentally ill or otherwise disabled person;
- A victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake, or industrial disaster; or
- An industrial workman; or
- In custody, including that of a protective home, juvenile home, psychiatric hospital, psychiatric nursing home; or
- Having annual income less than Rs. 25,000 or such other higher amount as prescribed by the state government if the case is before a court other than the Supreme Court, and less than Rs. 50,000 or such other higher amount, as prescribed by the Central Government if the case is before the Supreme Court.

Where to go for free legal services?

For obtaining free legal services, the eligible persons may contact Legal Services Authorities in every state, district and *Taluk/ Mandal*.

- Chief Justice of state High Court is Ex-officio Patron-in-Chief of State Legal Services Authority.

- Serving or retired Judge of the High Court is Executive Chairman of State Legal Services Authority.
- A member of Higher Judicial Service is Member-Secretary of State Legal Services Authority.
- District judge of every district is Ex-Officio Chairman of District Legal Services Authority.
- Senior Civil judge of every Taluk/ Mandal is Ex-Officio Chairman of Taluk Legal Services Committee.

What are *Lok Adalats*?

- *Lok Adalats* are supplementary forum for conciliatory settlement of disputes.
- All categories of cases can be settled through *Lok Adalats* except criminal cases which are not compoundable.
- *Lok Adalats* have acquired a statutory base and the awards passed by the *Lok Adalats* are deemed to be the decrees of the civil court or the order of any other court, and are binding on all the parties to the dispute.
- There does not lie any appeal to any court against an award passed by *Lok Adalat*.
- Permanent and continuous *Lok Adalats* are being set up in all the districts for encouraging the parties to resolve their disputes and differences amicably.

What more do Legal Services Authorities do?

They have also undertaken the following Programmes/ Schemes:

- Legal Aid Counsel" scheme for all the courts of Magistrates in the country to give timely and free legal assistance to the persons in custody;
- Legal aid and advice to prisoners in jail;
- Legal literacy and legal awareness campaign;
- Counselling centres for guiding the public on legal issues;
- Legal aid clinics and camps to cover even the remotest areas including tribal areas for giving guidance to the people on legal matters; and
- Undertake social justice litigation regarding consumer protection, environmental protection

or any other matter of special concern to weaker sections of the society.

Free legal aid may be obtained in any court of law upto the Supreme Court and in any Tribunal, Revenue Court as well as departments of Government and other bodies discharging quasi-judicial functions. The legal aid is available in all civil, criminal, revenue and administrative matters.

Legal service may be given in all or any one or more of the following modes, namely:

- By payment of court fee, process fee, expenses of witnesses, preparation of the paper book, lawyer's fee and all other charges payable or incurred in connection with any legal proceedings;
- Through representation by a legal practitioner in legal proceedings;
- By supplying certified copies of judgments, orders, notes or evidence and other documents in legal proceedings;
- By preparation of appeal paper book, including printing, typing and translation of documents; and
- By drafting legal documents.

For further information and help, please write to the Member Secretary, National Legal Services Authority [NALSA], New Delhi and Chairpersons/ Member Secretaries of the State Legal Services Authorities, which are usually located in the High Court complexes. Please check up the website of the NALSA for more details including all the important orders and directions given by the committee. Address of the Supreme Court Legal Services Committee is also given in the Appendix.

Annexure 1B

S. P. Bharucha

Judge

Supreme Court of India

&

Executive-Chairman

National Legal Services Authority



6, Moti Lal Nehru Marg,

New Delhi-110 011

Tel.: (Res.) 3010597

3015908

D.O.NO. 6(7)/98-NALSA/

30th October, 1998

Dear

An advocate from Chandigarh had addressed a letter to my predecessor in NALSA pointing out the difficulties experienced by advocates while seeking interviews with the detainees lodged in jails. He complained that the jail officials were not allowing advocates to meet detainees without Powers of Attorney in their favour; also, the behaviour of the jails officials was not courteous towards advocates. He requested that visiting hours for advocates should be more and proper arrangements should be made in jails for interviews between detainees and advocates.

The matter was taken up by NALSA with the jails authorities in Delhi, who have now agreed that the production of a Power of Attorney before allowing an interview would not be insisted upon and a meeting would be permitted provided the detainee agreed to the interview and, in token, signed a Power of Attorney in favour of the advocate.

We all know that every prisoner lodged in jails has an unquestionable right to meet his lawyer. Any unreasonable restriction on this right must go. A detainee should have sufficient time for a meaningful interview with his advocate and there should be proper arrangements in every jail in this behalf. An advocate, being an officer of the Court, is entitled to due courtesy and cooperation from jail officials. All State Legal Services Authorities are under an obligation to protect this valuable legal right of the persons in custody.

I am, therefore, to request you to take such steps as are necessary to ensure that in your State proper arrangements for interviews between detainees and their advocates are made in every jail.

With regards,

Yours sincerely,

To

All the Chief Justices of the
High Courts in their capacity
as Patrons-in-Chief of the
State Legal Services Authorities

(S.P. Bharucha)

Annexure 1C



Letter to all Chief Secretaries on the reporting of custodial deaths within 24 hours.

No. 66/SG/NHRC/93

**National Human Rights Commission
Sardar Patel Bhawan
New Delhi**

14 December, 1993

From: **R.V. Pillai**
Secretary General

To: Chief Secretaries of all States
and Union Territories

Sir/ Madam,

The National Human Rights Commission at its meeting held on the 6th instant discussed the problems of custodial deaths and custodial rapes. In view of the rising number of incidents and reported attempts to suppress or present a different picture of these incidents with the lapse of time, the Commission has taken a view that a direction should be issued forthwith to the District Magistrates and Superintendents of Police of every district that they should report to the Secretary General of the Commission about such incidents within 24 hours of occurrence or of these officers having come to know about such incidents. Failure to report promptly would give rise to presumption that there was an attempt to suppress the incident.

2. It is accordingly requested that the District Magistrate/ Superintendents of Police may be given suitable instructions in this regard so as to ensure prompt communication of incidents of custodial deaths/ custodial rapes to the undersigned.

Yours faithfully,

Sd/-

(R. V. Pillai)

Annexure 1D



Letter to all Chief Secretaries clarifying that not only deaths in police custody but also deaths in judicial custody to be reported.

R. V. Pillai
Secretary General

F.No. 40/3/95-LD
राष्ट्रीय मानव अधिकार आयोग
National Human Rights Commission

June 21, 1995

To

Chief Secretaries of all States and
Union Territories

Sir/ Madam,

Vide letter No.66/SG/NHRC/93 dt. December 14, 1993, you were requested to give suitable instructions to DMs/SPs to ensure prompt communication of incidents of custodial deaths/ custodial rapes.

2. A perusal of the reports received from DMs/ SPs in pursuance of the above mentioned communication reveals that reports are received in the Commission from some of the States, only on deaths in police custody. The objective of the Commission is to collect information in respect of custodial deaths in police as well as judicial custody. May I, therefore, request you to have instructions sent to all concerned to see that deaths in judicial custody are also reported to the Commission within the time frame indicated in my letter of December 14, 1993?

Yours faithfully,

Sd/-

(R. V. Pillai)



Duties of Prisoners

CHAPTER 2

In addition to the special protections granted to prisoners in the form of rights outlined in the previous chapter, prisoners, by nature of their position under the state, also have responsibilities. In order to maintain order and discipline in the prison, prisoners are required to observe the following duties and prohibitions:⁶¹

- To obey all lawful orders and instructions issued by competent prison authorities.
- To abide by all prison rules and regulations and perform obligations imposed by these rules and regulations.
- To maintain the prescribed standards of cleanliness and hygiene.
- To respect the dignity and the right to life of every inmate, prison staff and other functionaries.
- To abstain from hurting religious feelings, beliefs and faiths of other persons.
- To refrain from making false or exaggerated allegations.

- To use government property with care and not to damage or destroy the same negligently or wilfully.
- To help prison officials in the performance of their duties at all times and maintain discipline and order.
- To preserve and promote a congenial correctional environment in the prison and be responsive to it.
- Not to loiter around unnecessarily and mingle with prisoners in other categories.
- Not to participate in any conspiracy nor attempt to attack other prisoners or prison officers.
- Not to interact with prison guards unnecessarily.
- Not to indulge in the illicit traffic and consumption of prohibited articles.
- To maintain good conduct and strive towards obtaining remission with disciplined and diligent work.



3.1 Traditional Concept of Prison Visiting System

Since prisoners are totally under the control and supervision of the prison staff for almost all their basic needs, the potential for human rights violations increases tremendously. Additionally, the practice of locating prisons outside the city limits closes them to public participation and scrutiny.

This perpetuates an atmosphere of secrecy where corruption and violence can breed in the absence of transparency.

To improve prison conditions and to ensure that prisoners' rights are not violated, it is important to establish systems through which prison conditions and the behaviour of staff can be constantly monitored. The Prison Visiting System is one such mechanism where people from the outside community are appointed by governments to go into the prisons and monitor the human rights situation there.

The traditional prison visiting system thus serves to Monitor prison conditions and act as a Check on the prison administration.

However, focusing blame only on prison officials without addressing systemic and other issues has neither greatly improved prison conditions nor reduced the instances of human rights violations of prisoners. Some of the larger issues which need to be addressed are:

- Uninformed and biased public opinion
- Responsibility of other organs of the criminal justice system such as the Police and Courts for problems like overcrowding and delayed trials
- De-motivating working conditions for prison staff
- Bona fide errors
- A complete lack of political will to usher in reforms.

Prisons do not exist in isolation from society. Rather, they express society's will as one of the most important organs of the criminal justice system.

The present system will work if and only if all the concerned governmental agencies assigned the task of administering it and the outside community, for whose benefit the system has been created, work together in a coordinated manner.

3.2 New Model: The Positive-Engagement Approach

Experts and groups already working in prisons do not see the watch-dog approach as being very effective in curbing human rights violations or improving prison conditions.⁶² Based on their long-standing experience, they are of the strong belief that the human rights situation in prisons will improve only if civil society groups provide services which supplement and complement the efforts of the prison administration.

One of the best-known examples of this approach was the transformation of Tihar jail, Delhi. Previously notorious for violence and human right violations, it became a model prison under the leadership of Dr. Kiran Bedi, during her tenure as the Inspector General of Prisons May 1993 – May 1995.⁶³ Though things have changed in Tihar since then, the example is still relevant.

This Positive Engagement Approach necessitates a modification in scope of the present prison visiting system from a merely monitoring mechanism to one which combines both monitoring and supporting functions.

In such a scheme, visitors go to their assigned prisons more often and spend more time in each visit. Frequent observations and continued presence keep the prison administration vigilant and at the same time provide officials with supplementary resources not easily available from the government.

This approach has in fact been understood and advocated since the Fourth United Nations Congress on Prevention of Crime and Treatment of Offenders (held in Japan in 1970), where a full session was devoted to the 'Participation of the public in the prevention and control of crime and juvenile delinquency.'

Even the All India Committee on Jail Reforms [popularly known as the Mulla Committee after the Chairperson of the Committee – Justice A.N. Mulla] has advocated for the same approach. Relevant excerpts from its chapter on **COMMUNITY INVOLVEMENT IN**

CORRECTIONS⁶⁴, are being reproduced below for the benefit of the reader⁶⁵ –

"A society, it is said, gets as many criminals as it deserves. **Prisons are in a way a reflection of the general social conditions in the community outside.** Social factors such as the general degeneration of moral values, socio-economic disparities, corruption and the resultant frustration, combined with people's apathy towards deviants and community's minimal involvement in the prevention of crime and treatment of offenders, contribute to the creation of conditions that generate crime in society and retard the progress towards the achievement of correctional goals of reformation and rehabilitation of offenders."

3.3 The Public's Responsibilities

"If crime is on the rise in India, it would not be entirely incorrect to say that it is due to the failure of the existing State appointed guardians of law and order – the police, the judiciary and the prisons.

However, it should be realized that the **governmental institutions** have not, in fact, 'failed'; they are and **will always be inadequate by themselves to deal with this proliferating social problem in the absence of whole-hearted voluntary participation by the public** both in the prevention of crime and in the treatment and rehabilitation of the offender.

If the Indian society wishes to have fewer criminals, it shall have to take a two-pronged approach to solve the problem:

- First, to counteract socio-economic conditions which contribute to crime
- Second, to extend all possible help and cooperation to the treatment devices enabling an offender to return to the social milieu as a normal citizen.

These considerations also place a demand on the judicial process for greater vigilance on the protection of the rights of the weak, and quicker and less expensive dispensation of justice without in any way favouring the strong and the affluent. They demand that the people placed in positions of eminence should provide to the masses individual inspiration by setting examples of high moral standards.

Under the existing social conditions, general social reform has become a primary pre-condition for crime prevention. **Society's involvement in the**

prevention of crime cannot be conceived of without self-examination and self-empowerment by the community at large. This will have an indirect on crime and corrections but that impact will be sure and lasting.

The second approach of the community towards crime control **should be its involvement in the programmes for treatment and rehabilitation of offenders.** There are a number of ways in which individuals or groups can offer support to governmental action in these fields. Under systematic procedures the governmental agencies operating in these areas can delegate some basic functions of treatment and rehabilitation of offenders to community groups or individuals offering to cooperate on a voluntary basis. But it should be borne in mind that such voluntary public participation is not to be random participation by laymen. It has to be a systematic and planned participation in which the role and functions of voluntary groups and individuals should be well defined by a centralised authority. Such participation again should be an integral part of the departmental programmes in which certain functions likely to be better handled by private individuals or groups should be assigned to them on a voluntary basis under statutory authorisation.

3.4 Two forms of Public participation in Corrections

1. Community-based treatment programmes for the deviants; and
2. Involvement of the community in institutional correctional work, after-care and rehabilitation of offenders.

The objective in both these forms of public participation is the same, i.e., to motivate and help the offender to reassimilate into the society as a normal individual.

The first kind of public participation, namely, **COMMUNITY-BASED CORRECTIONAL PROGRAMMES**, have grown out of the change in emphasis in penal philosophy from one of punishment to a focus on reformation. The protection of society, it is held, can be sought better by reclaiming the offender rather than by imposing on him temporary restraints. Segregation of the offender from the community is justifiable only from the point of view of public safety. The process of community-based corrections essentially requires that the treatment of the offender be conceived within the normal interactions of a free community.

'It may call for integrating him into the community by placing him in a social institution in which he can satisfy his requirements without law violation.'⁶⁶

Probation, leave, open institutions, conditional premature release, etc., are some of the examples of community-based correctional programmes.

The second form of public participation is **COMMUNITY INVOLVEMENT IN INSTITUTIONAL CORRECTIONAL PROGRAMMES**. The modalities through which community groups and individuals can offer support to governmental action in institutional correctional work, after care of offenders and their rehabilitation can be many and varied. But much will have to be done by way of educating the public opinion and creating public consciousness before active participation of the community can be ensured in this field.

One major reason why Japan has been able to effectively control crime during the past few decades is its success in generating public awareness of the role and responsibility of the community in the prevention of crime and treatment of offenders.

'...informal social control through family, school and community have traditionally been effective in Japan where there has been a great emphasis on such ties in preventing and controlling crime problem.'⁶⁷

By systematic and sustained efforts at basing the treatment of offenders in the community and by inducing the community to participate in the reclamation of the criminal, the Government of Japan has been able to educate the public that **THE CRIMINAL IS A MEMBER OF THE SOCIETY AND CONTINUES TO BE SO EVEN AFTER CONVICTION.**

The society has a duty towards him – the duty of building in him/her a stronger resistance for evils and an attitude of self-dependence. The community can demonstrate through examples precepts and through normal social interactions that one can get what one needs through righteous means and lawful methods."

3.5 Selected Recommendations of the Mulla Committee

The Committee then went onto give the following recommendations:

- "Public participation in prevention of crime and treatment of offenders must be made part of our National Policy on Prisons.

- Through an intensive public education drive the society should be made aware of the role it can play in the prevention of crime and treatment of offenders. The entire community of correctional workers should be involved in it.

The proposed National Commission on Prisons should locate and enrol individuals and community groups from every walk of life willing to serve in the correctional field at the national level.

- The work of identifying and enrolling voluntary workers and agencies at the state, district and sub-divisional levels should be done by the Department of Prisons and Correctional Services.
- Selection of volunteers should be very carefully and cautiously done giving due consideration to their personal qualities, judgement, attitude, motivation, reputation and ability to get along with people. The Inspector General of Prisons and Director of Correctional Services should also be empowered to de-recognize any undesirable organisation or individual, wherever grounds for such action exist.
- The government should give due patronage to voluntary agencies and individual workers concerned with the correctional work. It should allocate adequate funds for the development of a strong voluntary sector and give proper social and state recognition for high standards of service in this field.
- Selected and enrolled individuals and community groups should be given training and orientation, wherever necessary, and should then be given statutory authority for doing voluntary work in the field of corrections. Their roles and functions should be distinctly defined vis-à-vis the paid staff.
- Voluntary workers should receive all possible help and advice at all levels. Supervision and consultation from headquarters organization, regional offices and institutions should always be available to them.
- They could also be appointed as Non-official members on sentence reviewing boards for district and central prisons."

Then comes its most important recommendation:

"Eminent citizens interested in correctional work could be appointed as **Visitors to prisons** or as prison correspondents for a regular and unprejudiced feedback to the state and Central Governments about the conditions prevailing in correctional institutions and the problems faced by them."

This point expressly authorizes and supports the need for the Prison Visiting System to combine both monitoring and supporting functions, extending its mandate beyond the traditional boundaries. But in the absence of any National Commission for Prisons and in the light of the changed circumstances, this task of identifying and enrolling such individuals and groups can be given to the National and State Human Rights Commissions and the National and State Commissions for Women.

The New Model of the Prison Visiting System thus seeks to correct human right violations as well as improve prison conditions through increased community participation and by focusing on human resource development.

One of the purposes of this Handbook is to further the above Goals.

is presently lying vacant and the Senior Law Officer is looking after the affairs.⁶⁸

In November 2002 the Union Ministry of Home Affairs allocated **Rs. 1,800 Crores**⁶⁹ for prison modernisation to all state governments. This constitutes 75% of the total budget and state governments are expected to contribute the remaining 25%. It is after a gap of almost 20 years that the Union government has allocated so much money for prison modernisation. As part of this programme, Madhya Pradesh has been allocated Rs.155.14 Crores. The Perspective plan of the M.P. Prison department to utilise this fund is as follows:

Proposed scheme	Amount in Crores
Construction of 6 new jails	40.00
Increasing the capacity of 53 old jails	73.14
Reforms and Renovation	4.00
Sanitation and providing potable drinking water	8.00
Construction of staff quarters for nearly 2,300 personnel who do not have any accommodation	30.00

Visitors and other interested readers are requested to keep this in mind and work with the prison department for the proper and timely utilisation of this grant.

4.2 Official Prison Visitors in Madhya Pradesh

In Madhya Pradesh, following officials are Ex-Officio Visitors to jails within their respective jurisdictions:⁷⁰

1. Commissioner of Division.
2. Inspector General of Police.
3. Director of Health Services.
4. District and Sessions Judge [or Additional Sessions Judge where there is no District and Sessions Judge].
5. District Magistrate.
6. Deputy Inspector General of Police.
7. Additional District Magistrate.
8. Sub Divisional Magistrate.
9. Civil Surgeon [or Medical Officer where there is no Ex-Officio Visitors Civil Surgeon] where s/he is not already in Medical charge or in-charge as Superintendent. But in case of Central jails, the Commissioner of Division has to nominate a suitable officer.

4.3 Non-official Visitors – Their Appointment and Number

Madhya Pradesh's Jail Manual stipulates that the state government may appoint Non-official Visitors for all the jails in the state. These appointments shall ordinarily be made on the recommendation of the Commissioner of Division in which the jail is situated.⁷¹ But presently, the power of appointing Non-official Visitors rests with the *Zila Sarkar* [District Government] in each district. In any case, the manual further provides that:

- their number shall ordinarily be **six** each for Central jail, **three** each for District and **two** each for Sub jails.⁷²
- the state government may also appoint **two** or **more** lady visitors to jails accommodating female prisoners.⁷³

All members of the state legislature [MLAs] representing urban or rural constituencies, shall during their term of such membership, be ex-officio Non-official Visitors to the jails situated within the district of their constituencies.⁷⁴

In addition to the above mentioned categories, there are others also who visit or may be allowed to visit a prison. For example – Members and Special Rapporteurs from the National and state Human Rights Commissions, the National and state Commissions for Women and other people specially allowed by the prison or district administration for research purposes, etc. – **Rule 820[1]**

4.4 Period of Appointment

Every Non-official Visitor is to be appointed for a period of **three years** and is eligible for re-appointment on the expiry of each term of office.⁷⁵ Their appointment shall be notified in the Official Gazette.⁷⁶

But **Rule 815[6]** of the manual says that – 'Notwithstanding anything contained in sub-rule [2] the state government may, at any time, without assigning any reasons, cancel the appointment of a Non-official Visitor, before the expiry of his term of office. Such cancellation shall be notified in the Madhya Pradesh Gazette and intimation thereof shall be given to the Inspector General of Prisons, Madhya Pradesh and the Superintendent of the jail concerned.' **Rule (6-a)** further provides that on cancellation of the appointment under sub-rule (6),

such visitor shall cease to be the member of the Board of Visitors.

These rules could allow the state to terminate the tenure of committed prison visitors who highlight the government's refusal to rectify repeated instances of human rights violations. To prevent the unjust silencing of valid criticism, the discretion to terminate the tenure of prison visitors should be linked with the responsibility of giving reasoned decisions. It should be exercised only when the visitor has misused his/her position to jeopardise security and discipline in the jail, is not regular with visits, or does not show enough enthusiasm towards the task. All such reasons should be supported by facts and not rely on baseless allegations.

Rule 816 [2] creates a duty on the Non-official Visitor who is about to absent himself for a period of six months or more from the station where the jail is located, to report the circumstances to the appointing authority, in order that a substitute may, if necessary, be appointed, and in the event of failure to report so, the visitor shall be regarded as having vacated office on the expiry of three months from the date of his departure.



Board of Visitors

5.1 Importance of the Board of Visitors

Non-official Visitors often find that in many areas, they have no power or influence to move the concerned authorities to adopt necessary changes. Issues such as delays in the cases of under-trial prisoners,⁷⁷ and the appointment of qualified, experienced and committed doctors⁷⁸ are most effectively and exclusively dealt with by Official Visitors. In addition, one precise and strict order from the concerned Official Visitor can put great pressure on petty officials in the district administration to listen and make needed changes.

However, due to Official Visitors' other responsibilities, they may not be in a position to visit the jail regularly and know the full extent of existing problems. Therefore, the role of Non-official Visitors acting as the eyes and ears of Official Visitors, becomes vitally important.

The greatest power for change in the prison system lies in this useful partnership between Official and Non-official Visitors.

To coordinate the work of these two parties, there is a provision for the establishment of a Board of Visitors for each jail, to be constituted by the Divisional Commissioner.

5.2 Composition of the Board of Visitors

The Board is selected triennially by the Commissioner of the Division in which the jail is situated from amongst the Official and Non-official Visitors of that jail. In Central and District prisons, the Board is to consist of the District Collector as the Chairperson and one other Official visitor and two Non-official Visitors as members. For Sub jails, situated outside the district headquarters, the Additional District Magistrate [ADM] or the Sub Divisional Magistrate [SDM] is the Chairperson of the Board.⁷⁹

5.3 Functions to be performed by the Board

1. To meet once in a quarter.⁸⁰
2. To inspect the jail once in each quarter on dates to be fixed by the Superintendent in consultation with the Chairperson of the Board.⁸¹

3. To prepare a roster of visits for the next 12 months in the first meeting after its constitution. This roster would permit each and every visitor a monthly visit to the jail.⁸²
4. To make recommendations about the redressal of grievances and complaints of prisoners apart from living conditions in prisons, and
5. To help the prison administration in the development of correctional programmes.⁸³

5.4 CHRI's suggestions for Non-official Visitors:

- **If a formal Board of Visitors has not been constituted for your jail,** the Non-official Visitors themselves should form an association and go as a delegation to the Commissioner of Division asking him/her to constitute a board. The association should point out that in addition to carrying out the duty defined by Rule 815[3], the Commissioner, by creating a Board of Visitors, will gain the advantages of greater cooperation, communication, and effectiveness among all visitors.
- **Visit the jail with an Official Visitor.** Get the Commissioner, District Magistrate, or at least the SDM to visit the jail with you for a practical and hands-on appraisal of its problems. Prepare for the visit in advance by coordinating it with the Superintendent or Jailor and preparing a list of problems along with their causes and measures needed to resolve them. Such a format will not only identify problems, but also make solutions more likely and achievable.
- **Avoid wasting time on destructive politics** within your group. To be most effective, Non-official Visitors must work together in a cooperative spirit.

Mr. G.P. Tamrakar [presently Superintendent, Central jail, Gwalior] was successful in getting all the concerned officials to address and resolve problems in the Central Jail, Sagar through the system of Coordination Committees thus achieving precisely what the Boards of Visitors were supposed to achieve. Please contact him for help.

To save time, the Board of Visitors, can divide duties amongst the members according to each person's background, expertise, and capacities. For example:

If there is a **lawyer** amongst you, s/he can focus on legal matters such as delayed trials of under-trial prisoners, premature release of convicts, remission for work performed, parole, release on probation, etc.

- If there is a **doctor** in your team, s/he can work on matters relating to the health and hygiene of prisoners.
- If there is a **female social worker**, then she can address the rehabilitative needs of women prisoners.
- If there is a **teacher** in your group then s/he can arrange educational classes for illiterate prisoners as well as the proper and timely education of prisoners' children living in the jail.



Non-official and official visitors with the jail Superintendent at Central Jail, Sagar, Madhya Pradesh.

Finally,

Visitors should get their names, addresses and telephone numbers displayed prominently near the main gate of the prison. Get them published in the local newspapers also, so that family members of prisoners, NGOs and social workers can contact you without difficulty.

But remember not to misuse or abuse your position with undue publicity or illegal requests.

Duties of Visitors

According to Rule 817[1] of the Madhya Pradesh Jail Manual,

It is the duty of the visitors to satisfy themselves that the law and rules regulating the management of prisons and prisoners are duly carried out in the jail, to visit all parts of the jail and to see all prisoners, and to hear and **inquire** in to any complaint that any prisoner may make to him or her.

To carry out such a complex task, it is helpful to break it down into smaller parts. The following sections detail:

- How to begin: Initial Suggestions for New Visitors
- "Looking for 'The Good Prison'"
- Number of Visits to be made by Visitors
- Official Visitors' specific Duties and Obligations

- Questions to be asked, possible Obstacles, and Suggestions for Action for both kinds of visitors.
- Issues on Medical facilities.

6.1 How to Begin: Initial Suggestions for New Visitors

- **On your First visit**, get a complete map of the prison complex from the prison authorities to be sure that you are not kept away from places of un-official torture.
- Familiarise yourself with all the parts of the prison and prison staff before you start your visit.
- Find out where the different categories of prisoners are lodged, where the doctor sits, etc.
- Since you are required by the legal provisions in the manual to visit all parts of the prison and meet all prisoners, the prison authorities are

bound to help you by providing a guideline of the prison.

Before we come to the section on duties, it is important for the visitors not to get misguided in their work. The visitors would be required to distinguish between what they are shown or they get to see and what is actually happening in their prison. For this purpose, I shall prefer to selectively quote Dr. Vivien Stern from her book – *A Sin Against the Future: Imprisonment in the World*. She has visited prisons in more than 30 countries, worked extensively on prison related issues, been the Director of the National Association for the Care and Resettlement of Offenders [NACRO], U.K. and is presently Senior Research Fellow at the International Centre for Prison Studies, King's College, London.

6.2 “Looking for ‘The Good Prison’”⁸⁴

“One objective of penal reformers is reformed prisons. What do the ‘reformed prisons’ look like? How would lay people unschooled in the carceral world know? How does one tell whether the prison one is entering is a really decent humane place, or is one being presented with cover-up of a hell-hole of brutality and misery? This is not an easy question to answer. Brutality is easy to hide. It will not necessarily be at all obvious to casual visitors what is really going on. They might not interpret the signs that an informal and violent prisoner power structure rules the roost, that staff brutality is routine or that corruption is epidemic. We have heard about the clean-ups and whitewashing that go on in many prisons when visitors are suddenly expected. Wonderful nutritious food suddenly appears...A pile of freshly baked white loaves stands untouched in a tray. ‘They eat very well here.’ ‘The prisoners are very shy but we found one prepared to talk to you.’ A cell full of underfed, pasty-faced teenagers is ruled by a prisoner in his thirties. His job is to keep order. ‘He is like a father to them.’

Covering up is easy but there are some pointers and indications that can give the visitor some clues in interpreting what is being shown. We should imagine a prison visit. It starts at the gate, the entrance, the place where the visitor first appears and asks for admittance. It is not a good sign if you are greeted by a member of the staff who reels off, ‘I am required to say that if you are taken hostage no negotiations will be entered into for your release.’ Neither is a sullen doorkeeper, who ignores you for a long time as you stand there waiting to be noticed.

Once into the prison it is important to listen. Noise is reassuring. Dead silence is not. Behind the cell doors

are perhaps several hundred, perhaps over a thousand, living, breathing human beings. If there is not a sound coming from anywhere, no voices, no music from radios, no sound of activity, what are they doing? Why can they not be heard?

If the visitors enter a dormitory full of prisoners and they all stand up when the visitors enter and look uneasily at one prisoner and wait for that prisoner to decide what is going to be said, it may be that this dormitory is under the control of a cell-boss with henchmen to enforce control.

You could be shown prisoners’ living quarters in a poor country, an empty room with rows of bedding laid out on the floor. Most of the prisoners have one blanket and a tiny pile of belongings. On one or two places there are three or four blankets, pillows and a lot of possessions. Why are some of the prisoners doing so much better than the others?

You might be told, ‘We won’t bother to visit the punishment cells. There is no one in them today.’ Maybe, maybe not...The well-equipped education block with no one in it mid morning on a weekday prompts questions. A strip cell with padded walls, no natural light, no furniture but a concrete slab, and no record of how often it is used might do so too.

One touchstone of the system that casts some light on the underlying philosophy of those in charge is whether one of the punishments they can impose on prisoners is to restrict or take away their family visits. Another measure is do prison staff ever get charged and taken before a court for assaulting prisoners, that is, does the rule of law apply equally in prisons?

What are the good signs that give not a certainty but an indication that the prison might be a humane and decent place? It is probably encouraging to see when you arrive at the entrance that other people at the gate are waiting to get in: for example, outside visitors, groups, teachers, counsellors, volunteers. If you see prisoners and staff talking to each other with some mutual recognition that they are both human beings you could be somewhat reassured. If the punishment block is included in the visit plan without being asked for, this is a good sign. If the offer is made ‘Please talk to the prisoners if you like’ and the staff showing you round move away out of earshot, this may be an indication that there are no shameful secrets.

If there are some flowers and a few pictures in the visiting room, it suggests that a person in charge has given some thought to the feelings of the visitors,

coming on a long journey to see a family member in a distressing environment. Prisoners' art on the walls, noticeboards with up-to-date information about what is going on in the prison and services of help to prisoners in prison and on release, noise, drama and music, a prisoners' newspaper or magazine are all signs of an environment trying to draw out potential and keep prisoners' talents alive."

6.3 Number of Visits to be made by Visitors

Official rules determining the number of visits in Madhya Pradesh

- Rule 816[1] prescribes that at the first meeting of the Board of Visitors in the calendar year, a roster of visits shall be prepared for the ensuing twelve months.
- This roster shall permit of a monthly visit being made to each jail by a visitor, either Official or Non-official.
- In addition, every Non-official visitor may, should s/he so desire, visit the jail twice a month outside the prescribed roster, with or without giving notice to the jail Superintendent. All visits shall be made between the hours of opening and lockup.
- Visits will not be permitted on Sunday or on other holidays except between 8 a.m. and 10 a.m.⁸⁵
- Compared to states like Rajasthan, where visitors cannot visit a jail without giving prior notice to the superintendent, **visitors in Madhya Pradesh can visit the jail without giving any prior information of their intended visit.** Also, in Rajasthan, the visitors have to get special permission from the District Magistrate to make more than one visit in a month whereas in Madhya Pradesh, there is no such restriction.

While states vary in their restrictions about prior notification and permission, **there is no upper limit to the number of visits that visitors can make in Madhya Pradesh.**

General Guidelines for visits

- Since there is no upper limit to the number of visits, visitors should visit the prison as often as needed to either encourage reform or maintain improved conditions.
- Only repeated visits can tell you what is going on inside the apparently 'Model Jails' that have sprung up in a number of places.

- Visit the jail only for bona fide reasons and not for reasons that are extraneous to your responsibilities.
- Do not indulge in corrupt practices with the prisoners or the prison staff.
- Ensure that your visit does not create a problem for the prison officers or staff in discharging their normal duties.
- Wherever possible, visit the prison at a time when neither the prison staff is busy with urgent work nor are the prisoners locked up.
- Encourage staff to view your visits as opportunities for collaboration to improve conditions and solve problems.

6.4 Official Visitors' specific Duties and Obligations⁸⁶

Designation	Obligations	Responsibilities
Commissioner of Division	<ul style="list-style-type: none"> ■ Constitute Board of Visitors. ■ Visit the jail once every three months. 	<ul style="list-style-type: none"> ■ Visit the jail personally. ■ If that is not possible in a particular instance, depute another responsible officer to visit and report. ■ Obtain government orders in response to visitors' notes.
Inspector General of Police	<ul style="list-style-type: none"> ■ Ensure an adequate number of police guards to accompany prisoners to courts and hospitals. 	<ul style="list-style-type: none"> ■ Visit personally at least once every quarter. ■ If that is not possible then obligate the DIG to visit and report.
Director of Health Services	<ul style="list-style-type: none"> ■ Find out the status of medical facilities in the jail, health problems of prisoners and provide solutions to them. ■ Depute adequate number of well-qualified and experienced doctors to all prisons in the state. 	<ul style="list-style-type: none"> ■ Visit personally. ■ Otherwise ensure that the Civil Surgeon or Medical Officer of the district visits the jail regularly and discharges his/her duties professionally.
District Magistrate	<ul style="list-style-type: none"> ■ Organise quarterly meetings of Boards of Visitors. ■ Be personally present at such meetings. ■ Attend to matters concerning probation, parole, temporary leave, emergency leave, delay in preventive detention matters etc. ■ Take interest in solving other problems of prisoners. 	<ul style="list-style-type: none"> ■ Visit personally. ■ Otherwise ensure that the Additional District Magistrate/SDMs visit and report to the DM on a monthly basis. ■ Call for periodic status reports from the Superintendent. ■ Take appropriate decisions on visitors' notes and ensure their timely implementation.
District and Sessions Judge	<ul style="list-style-type: none"> ■ Dispose off the cases of under-trial prisoners in an appropriate and timely manner. ■ Take timely action on the appeals of prisoners. ■ Ensure that copies of the decision and order are supplied on the day of judgement itself. ■ Take instantaneous action on the applications and requests of prisoners during visits to jails. 	<ul style="list-style-type: none"> ■ Visit personally. ■ Otherwise ensure that the Additional District & Sessions Judge/Judicial Magistrate visit and report to the Sessions Judge on a monthly basis. ■ Call for periodic status reports from the Superintendent. ■ Take appropriate decisions on visitors' notes and ensure the timely implementation of the directions of the Supreme and High Courts.

6.5 Questions to be asked, possible Obstacles and Suggestions for Action for both kinds of visitors⁸⁷

Types of Questions to Ask	Possible Obstacles or Problems faced by Prison Staff in Implementing Visitors' Suggestions	Suggestions for Action
Buildings <ul style="list-style-type: none"> ■ Are the buildings safe? ■ Do they need repair, plastering, etc? 	<ul style="list-style-type: none"> ■ The Public Works Department (PWD) does not pay proper attention to letters sent by the prison department and at times pleads lack of funds. 	<ul style="list-style-type: none"> ■ Point out problems clearly and suggest the appropriate course of action. ■ Being members of the society, the visitors should bring adequate public pressure on the Commissioner of Division and other authorities to set things right.
Overcrowding <ul style="list-style-type: none"> ■ If there is overcrowding, what arrangements are being made for prisoners' safekeeping? 	<ul style="list-style-type: none"> ■ More people are being sent to prison under sections 151, 107, 116 of the CrPC. The processing of applications by eligible prisoners for release on probation, parole, temporary release, etc. is often delayed by officers in the district administration and other wings of the criminal justice system. ■ Continuance of section 433-A in the CrPC is ensuring that some convicts remain in prison for life without the scope of getting the benefit of remission and get released early. [See Chapter on Convicted Prisoners for details]. 	<ul style="list-style-type: none"> ■ Convince the Sub Divisional Magistrate to release less dangerous prisoners on personal bond rather than send them to prison. ■ Move to get section 433-A deleted through the Parliament and state legislature. ■ Ensure that applications for release on probation are disposed off within a maximum period of 2 months after being sent from the prison. ■ Advocate that more weight be given to the objective and informed opinion of the Probation Officer than that of the District Magistrate and Superintendent of police. ■ Advocate with the Governor and Chief Minister for awarding pardon and remission to eligible prisoners undergoing life sentence.
Drainage <ul style="list-style-type: none"> ■ Is the drainage system proper? If not, what are the defects? ■ Are drains being cleaned periodically? 	<ul style="list-style-type: none"> ■ The PWD is responsible for the maintenance of pipes and drains and more often that not, it pleads lack of funds. 	<ul style="list-style-type: none"> ■ Exercise your influence with officials of the PWD to do their job in a timely and effective manner.
Water Supply <ul style="list-style-type: none"> ■ Is water available in sufficient quantities? ■ Is the mode of storing water, safe? 	<ul style="list-style-type: none"> ■ Water is not available in sufficient quantities from the water supply board. ■ Water purification sets are not available in jails. 	<ul style="list-style-type: none"> ■ Help in the installation of water purification sets and water coolers. ■ Influence the municipal corporation to provide more

	<ul style="list-style-type: none"> ■ There is a lack of adequate facilities to store water in proportion to the number of prisoners. ■ At times, sufficient quantity of water is not made available by the water supply board even for bathing purposes. 	<p>water to the jail and charge less in terms of taxes and levies.</p> <ul style="list-style-type: none"> ■ Help with the implementation of rainwater harvesting techniques in jails situated in arid, semi-arid, remote, and backward areas.
Water Wells <ul style="list-style-type: none"> ■ Are the wells cleaned regularly? 	<ul style="list-style-type: none"> ■ Earlier, prisoners used to be deputed for this task and they used to earn remission for the same. The present lot of prisoners is not interested and perceives this task to be dangerous. 	<ul style="list-style-type: none"> ■ Put pressure on the PWD to do this job. ■ If that is not forthcoming, work on determining an alternate course of action.
Food <ul style="list-style-type: none"> ■ Are food items being stored properly? ■ Are they of good quality? 	<ul style="list-style-type: none"> ■ With increase in overcrowding, it is difficult to find adequate space to store food items hygienically. 	<ul style="list-style-type: none"> ■ Visitors may suggest innovative and viable alternatives.
Weight and Quality of Vegetables <ul style="list-style-type: none"> ■ Do the vegetables match in weight with the prescribed weight chart? ■ Are they clean and of good quality? 	<ul style="list-style-type: none"> ■ When vegetables are peeled for cooking, their weight goes down whereas in buying them peeled, their nutrients are lost. 	<ul style="list-style-type: none"> ■ The visitors may suggest innovative and viable alternatives.
Food Issued <ul style="list-style-type: none"> ■ Is the food issued correct in quantity and properly cooked? 	<ul style="list-style-type: none"> ■ In the absence of a trained cook, the food prepared is not very tasty. ■ Inmates get items issued from the store to cook it themselves. This is bound to create problems. 	<ul style="list-style-type: none"> ■ There has to be an official initiative for the appointment of cooks to jails. Please utilise your influence to advocate for the same. ■ See if visitors can arrange cookery training classes for prisoners sentenced to life imprisonment and others who volunteer for the same. ■ See if putting women prisoners to cook for all sections of prisoners would resolve the problem.
Rations <ul style="list-style-type: none"> ■ Are rations available for all prisoners in full numbers? 	<p>–</p>	<ul style="list-style-type: none"> ■ If the visitors note any problem or discrepancy in the issue of full rations, then they should pursue the matter to a satisfactory conclusion.

Oil and Condiments <ul style="list-style-type: none"> ■ Are oil and condiments added to the curry in the presence of some responsible officer? 	<p>–</p>	<ul style="list-style-type: none"> ■ In case of any problem or discrepancy take necessary action.
Clothing <ul style="list-style-type: none"> ■ Do prisoners have the prescribed quantity of clothing and bedding in their possession? ■ Is the prescribed extra blanket issued during cold months? ■ Are they in serviceable order? ■ Is the bedding put out in the sun everyday or whenever possible? 	<ul style="list-style-type: none"> ■ Many prisoners do not take care of their clothing and they either tear it or burn it off. 	<ul style="list-style-type: none"> ■ Please give your appropriate suggestions in dealing with such prisoners. ■ If you notice any discrepancy, please follow it up to a satisfactory conclusion.
Bathing <ul style="list-style-type: none"> ■ Are the prisoners required to bath regularly? 	<ul style="list-style-type: none"> ■ Some prisoners do not prefer to bathe regularly and since their personal hygiene suffers, they then become ill. ■ Whenever some of them are forced to take a bath, they complain to the courts of being tortured! 	<ul style="list-style-type: none"> ■ The visitors may give suggestions for the maintenance of hygiene of such prisoners. Health education instruction may increase prisoners' interest in maintaining themselves.
Labour <ul style="list-style-type: none"> ■ Is productive work available for labouring prisoners? ■ Who checks the work done in the evening? ■ Is the output of each convict properly recorded on the work tickets? 	<ul style="list-style-type: none"> ■ Traditional industries have become obsolete and non-profitable. ■ Factory sheds are being converted into dormitories because of overcrowding. ■ Since jail industries are closing down there is not enough work available for prisoners. ■ Hence, prisoners sentenced to rigorous imprisonment cannot be put to work. 	<ul style="list-style-type: none"> ■ Formulate ideas on how those sentenced to rigorous imprisonment can be dealt with in the absence of any work in the jails. ■ Research the possibility of starting productive industries to create work for prisoners.
Remission <ul style="list-style-type: none"> ■ Is ordinary remission for industry given with reference to the actual tasks performed? 	<ul style="list-style-type: none"> ■ Prisoners convicted under the Narcotic, Drugs & Psychotropic Substances [NDPS] Act and for other serious offences like dacoity with murder, etc. are not given the benefit of remission. ■ Hence, they do not take any interest in completing the tasks assigned to them. ■ With such prisoners, the threat of punishment is ineffective. 	<ul style="list-style-type: none"> ■ Take up this matter at Parliamentary and state legislative levels to ensure the necessary amendments. ■ Check with individual convicts in your jail, to see whether remission is being awarded for the actual work done and determine if there are any malpractices.

<ul style="list-style-type: none"> ■ Are there any convicts who are not receiving remission for industry for failure to perform tasks? ■ If so, have efforts been made to enforce work by means of punishment? 	–	<ul style="list-style-type: none"> ■ Find out ways of motivating disinterested and de-motivated prisoners to work without being punished.
Punishment <ul style="list-style-type: none"> ■ Is the ratio of punishments in the jail unduly high? 	–	<ul style="list-style-type: none"> ■ Discuss ways to ensure discipline and control prohibited behaviour inside the jail without resorting to punitive action.
Discipline <ul style="list-style-type: none"> ■ Are convicts regularly searched for contraband? 	–	–
<ul style="list-style-type: none"> ■ Are convicts prevented from wandering about? 	<ul style="list-style-type: none"> ■ Due to a shortage of guards, this duty cannot be successfully discharged. ■ Using convicts to monitor other prisoners is insufficient. 	<ul style="list-style-type: none"> ■ Advocate for the immediate recruitment of an adequate number of prison guards and staff members.
<ul style="list-style-type: none"> ■ Are gangs of convicts marched in proper order? 	<ul style="list-style-type: none"> ■ Due to a shortage of guards, this duty cannot be successfully discharged. ■ This shortage also creates security problems. 	<ul style="list-style-type: none"> ■ Advocate for the immediate recruitment of an adequate number of prison guards and staff members.
Habitual Offenders <ul style="list-style-type: none"> ■ Are habitual offenders separated from others at night and is their separation from others by day carried out as far as possible? 	<ul style="list-style-type: none"> ■ The problems of overcrowding and lack of adequate staff create obstacles in implementing this rule. ■ Hence habitual offenders end up influencing circumstantial and first time offenders negatively. 	<ul style="list-style-type: none"> ■ Advocate with the government for the expansion of existing jails, construction of new ones and recruitment of adequate staff members. ■ Each state should have a separate jail for all such habitual and or hardened criminals. ■ Suggest new measures for segregating habitual offenders from first time offenders.
Undertrial Prisoners <ul style="list-style-type: none"> ■ Are there any undertrial prisoners who have been detained in jail unduly long? 	<ul style="list-style-type: none"> ■ The courts take unduly long time in processing their cases. ■ Due to a shortage of police escorts, nearly 45% of under-trial prisoners are not produced in courts on their due dates. ■ Not all prisoners are produced before their judges by the accompanying police escorts. In such instances, their remand dates get extended for unduly long periods. 	<ul style="list-style-type: none"> ■ An adequate number of police escorts must be provided to satisfy the requirements of the jail. ■ The presiding judges should hear all prisoners lodged in court lockups – in person and on the same day. ■ If you come across any prisoner whose case should be brought to the notice of the state government, refer the case to

	<ul style="list-style-type: none"> ■ This leads to anger, frustration, and even illness amongst these prisoners. 	<p>the state and if the case of any undertrial prisoner has been unduly delayed, draw the District Magistrate's attention to the case. [Rule 817[7](ii)].</p> <ul style="list-style-type: none"> ■ Please also refer to the Chapter on Undertrial Prisoners for help on video conferencing.
Lunatics <ul style="list-style-type: none"> ■ Are there any mentally insane civil offenders in jail who have been detained under observation longer than the period allowed by law and if so, on whose warrant? 	<ul style="list-style-type: none"> ■ Non-criminal mentally ill people are arrested under section 151 of the CrPC and sent to prison as a matter of routine. Such a situation creates lots of problems. 	<ul style="list-style-type: none"> ■ Pressurise the district administration to shift them from prisons to better mental institutions outside the jail.
Criminal Lunatics <ul style="list-style-type: none"> ■ Are there any mentally insane criminal offenders in jail who have been unduly detained? 	<ul style="list-style-type: none"> ■ There are no separate facilities to keep such prisoners. ■ There are no trained officials to counsel them or to help them take care of their personal hygiene. 	<ul style="list-style-type: none"> ■ Please check up the order of the National Human Rights Commission to shift mentally ill prisoners from prisons, given in Annexure 6A to this chapter. The NHRC has sent two more orders dated 17th December 1998 and 20th February 2001 in this regard. Please follow them up. ■ Please also get in touch with Prof. R. Srinivasa Murthy of People's Action for Mental Health, Bangalore for help on the correct course of action for mentally ill prisoners. ■ Advocate for the appointment of an experienced psychiatrist in each Central jail, at the very least.
Women Prisoners <ul style="list-style-type: none"> ■ Are women prisoners thoroughly screened from the view of male prisoners? 	<ul style="list-style-type: none"> ■ Female offenders come in the view of male prisoners when they are being taken out to court and being brought back. 	<ul style="list-style-type: none"> ■ Suggest practical solutions to this problem.
Juveniles <ul style="list-style-type: none"> ■ Are juveniles under the age of 18 separated, both by day and night from adults and are those juveniles who have arrived at the age of puberty separated from those who have not, as required by section 27[2] of the Prisons Act? ■ Do juvenile prisoners receive instruction? 	<ul style="list-style-type: none"> ■ There are no juvenile prisoners in jails after the implementation of the Juvenile Justice Act of 1986. 	<p>—</p>

Adolescents <ul style="list-style-type: none"> ■ Are all adolescent prisoners of ages 18 to 20 or 22 separated at night, both from juveniles and adults? 	<p>–</p>	<ul style="list-style-type: none"> ■ See if this rule is being violated. ■ Suggest concrete and comprehensive plans of action for their education, training and rehabilitation.
Cells <ul style="list-style-type: none"> ■ Is every solitary cell utilised at night? ■ Are prisoners kept in solitary confinement as a matter of routine and administrative convenience? ■ Are prisoners handcuffed and fettered for unduly long periods of time including in the night? 	<ul style="list-style-type: none"> ■ On the recommendation of the doctor or visiting psychiatrist, ill and insane prisoners have to be segregated into such cells. 	<ul style="list-style-type: none"> ■ Note the harmful effects of placing people in solitary confinement and suggest viable alternatives. ■ Enquire about the necessity of such procedures and find out whether a medical officer is visiting such inmates every day. ■ Enquire whether there are legitimate reasons with permission from courts for such treatment and suggest alternatives.
Appeals <ul style="list-style-type: none"> ■ Has there been any undue delay in forwarding appeals to courts, or in the receipt of courts' order on appeals? 	<ul style="list-style-type: none"> ■ Copies of orders, etc. are not made available to prisoners on time from courts to enable them to appeal from jails. ■ The delay occurs in other departments like the Court Registry and at times, it takes upto 10-12 years for the final decision to be taken, even at the High Court level. 	<ul style="list-style-type: none"> ■ The judge should hand over the copy of the judgement and order to the convict at the very time of reading it out. ■ Visitors should take initiative in addressing and solving these problems. ■ Check up with the district and state level legal services authorities and make arrangements for provision of timely and effective legal services to prisoners.
Garden <ul style="list-style-type: none"> ■ Is the whole vegetable supply of the jail obtained from the jail garden? ■ If not, can this be done? 	<ul style="list-style-type: none"> ■ There are no equipments to irrigate, sow and maintain the gardens. ■ In many places, there is no barbed wiring or fencing and therefore vegetables get eaten by animals or stolen by people. 	<ul style="list-style-type: none"> ■ Contact Agricultural research institutes and the Institute of Rural Management [IRMA] at Anand, Gujarat and Mitraniketan, Trivandrum, Kerala about techniques for increasing productivity, soil conservation, water shed management, etc. ■ Donate farming equipments suited to the needs of the prison.

6.6 Issues on Medical facilities

- If doctors, nurses and compounders [male and female] are not present in your jail or are not deputed in adequate numbers or are not visiting regularly or discharging their duties professionally, raise the matter with the government seriously. Use all your contacts and clout including positive political influence to get committed, sincere and experienced doctors appointed to your jail in adequate numbers.
- Assist the Director of Health Services in your state in identifying experienced and committed doctors and medical experts from your local area who could be associated with the jail hospital on a honorary basis until time full time doctors are appointed.
- Seek out a good and experienced doctor from your area and take him/ her to the Superintendent or the Jailor and work out a programme for utilising his/her services. So far as women prisoners are concerned, arrange for a sincere, committed and experienced female doctor along with a female nurse.
- Get doctors and NGOs to promote preventive health care and information on HIV/AIDS. AIDS Awareness Group [AAG] is one such NGO working in Tihar jail, Delhi. AAG spreads awareness about HIV infection and AIDS. It trains prison staff and other prisoners in Tihar jail in dealing with biases and misconceptions about the infection and disease in the jail.
- Approach the Madhya Pradesh Human Rights Commission [or your state's commission]. The Commission is doing some serious work in this direction. Also get in touch with the state unit of the Indian Red Cross Society, the Indian Medical association and the local Rotary club for help.

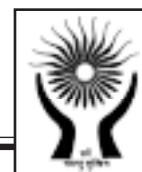
Please check the order of the National Human Rights Commission on medical services in prisons, given in **Annexure 6B** to this chapter.

So far as **Tuberculosis** is concerned,

- The Directorate General of Health Services, Government of India has developed a scheme for the involvement of NGOs in fighting TB in prisons under the Revised National Tuberculosis Control Programme. You will get copies of the same from the State level Directorate of Health Services of the institution mentioned above.
- Also get in touch with World Health Organisation [WHO] and the International Committee of the Red Cross [ICRC], Geneva to know more about their joint programme on controlling and fighting

TB in the prisons of the world. Contact details are given in the Appendix to this Handbook. Some useful literature giving practical advice on dealing with TB in prisons can be downloaded from the following two websites addresses, namely – <http://www.who.int/gtb/publications/prisonsNTP/PDF/tbprisonsntp.pdf> and http://www.who.int/gtb/publications/prisons/PDF/98_250.pdf.

Annexure 6A



Letter to Chief Ministers/Administrators of all States/Union Territories on mentally ill persons languishing in prisons.

Justice Ranganath Misra
Chairperson

राष्ट्रीय मानव अधिकार आयोग
National Human Rights Commission

11, September, 1996

My Dear Chief Minister,

It has come to the notice of the Commission that several mentally ill persons, as defined in Section 2(1) of the Mental Health Act, 1987, have been languishing in normal jails and are being treated at par with prisoners. The Commission has also come across cases where such detention is not for any definite period.

The Lunacy Act, 1912 and the Lunacy Act, 1977 have been repealed by the Mental Health Act which has come into force with effect from 1.4.1993.

The Mental Health Act does not permit the mentally ill persons to be put into prison. The Patna High Court has last week directed the State of Bihar to transfer mentally ill persons languishing in the jails to the mental asylum at Ranchi.

While drawing your attention to the legal position and order of the Patna High Court, we would like to advice that no mentally ill person should be permitted to be continued in any jail after 31 October, 1996, and would therefore, request you to issue necessary instructions to the Inspector General of Prisons to enforce it.

After 1st November, 1996, the Commission would start inspecting as many jails as possible to find out if any mentally ill person is detained in such jails and invariably in every such case, it would award compensation to the mentally ill persons or members of the family and would require the State Government to recover the amount of such fine from the delinquent public officer. A copy of this letter maybe widely circulated to the Inspector General of Prisons, Superintendents of every jail and members of the jail staff and other district level officers.

With regards,

Yours sincerely,

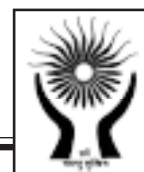
Sd/-

(Ranganath Misra)

To

All the Chief Ministers/ Administrators of States/UTs

Annexure 6B



Letter for all IG (Prisons) Chief Secretaries of States/Administrators of Union Territories regarding Prisoners Health Care-periodical medical examination Of undertrials/convicted prisoners in the Jail.

Lakshmi Singh
Joint Secretary

राष्ट्रीय मानव अधिकार आयोग
National Human Rights Commission
D.O. No.4/3/99-PRP & P
11 February, 1999

Dear

Subject:- Prisoners' health care-periodical medical examination of undertrials/ convicted prisoners in various jails in the country.

The Commission has taken note of the disturbing trends in the spread of contagious diseases in the prisons. One of the sample-studies conducted by the Commission indicated that nearly seventy-nine percent of deaths in judicial custody (other than those attributable to custodial violence) were as a result of infection of Tuberculosis. These statistics may not be of universal validity, yet what was poignant and pathetic was that in many cases, even at the very first medical attention afforded to the prisoners the tubercular infection had gone beyond the point of return for the prisoners. The over-crowding in the jails has been an aggravating factor in the spread of contagion.

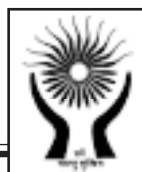
One of the remedial measures is to ensure that all the prison inmates have periodic medical check-up particularly for their susceptibilities to infectious diseases and the first step in that direction would necessarily be the initial medical examination of all the prison inmates either by the prison and Government doctors and in the case of paucity or inadequacy of such services, by enlisting the services of voluntary organisations and professional guilds such as the Indian Medical Association. Whatever be the sources from which such medical help is drawn it is imperative that the State Governments and the authorities incharge of prison administration in the States should immediately take-up and ensure the medical examination of all the prison inmates; and where health problems are detected to afford timely and effective medical treatment.

Kindly find enclosed proceedings of the meeting of the Commission held on 22.1.99 which also include a proforma for health screening of prisoners on admission to jail. The Commission accordingly requires that all State Governments and prison administrators should ensure medical examination of all the prison inmates in accordance with the attached proforma. The Commission further requires that such medical examination shall be taken-up forthwith and monthly reports of the progress be communicated to the Commission.

With regards,

Yours sincerely,
Sd/-
(Lakshmi Singh)

To
Chief Secretaries of all States/UTs.



PROFORMA FOR HEALTH SCREENING OF PRISONERS ON ADMISSION TO JAIL

Case No.....
Name.....Age.....Sex.....Thumb impression.....
Father's/Husband's Name.....Occupation.....
Date & Time of admission in the prison.....
Identification marks.....

Previous History of illness

Are you suffering from any disease? Yes/ No

If so, the name of the disease:

Are you now taking medicines for the same?

Are you suffering from cough that has lasted for 3 weeks or more Yes/ No

History of drugs abuse, if any:

Any information the prisoner may volunteer:

Physical examination:

Height..... Cms. Weight..... kg Last menstruation period

- | | |
|---------------------|-----------------------------------|
| 1. Paller: YES/NO | 2. Lymph Node enlargement: YES/NO |
| 3. Clubbing: YES/NO | 4. Cyanosis: YES/NO |
| 5. Icterus: YES/NO | 6. Injury, if any |

4. Blood test for Hepatitis/STD including HIV, (with the informed consent of the prisoner whenever required by law)

5. Any other

Systemic Examination

1. Nervous System



2. Cardio Vascular System
3. Respiratory System
4. Eye, ENT
5. Gastro Intestinal system abdomen
6. Teeth & Gum
7. Urinal System

The medical examination and investigations were conducted with the consent of the prisoner after explaining to him/her that it was necessary for diagnosis and treatment of the disease from which he/she may be suffering.

Date of commencement of medical investigation

Date of completion of medical investigation

Medical officer



7.1 Powers of Prison Visitors as defined by the Jail Manual

The Madhya Pradesh Jail Manual clearly states that:

- Visitors can visit any part of the jail to satisfy themselves about the management of the prison and prisoners.⁸⁸
- Prison visitors have the authority to visit all prisoners⁸⁹ except those who are on hunger strike or are ill and not allowed to be interviewed on medical grounds or such prisoners as the government may from time to time specify as special class prisoners or persons specifically debarred from visitors.⁹⁰
- A visitor also has the authority to call for and inspect any book or other record in the jail. If the Superintendent declines to produce the same or considers their production undesirable, he/ she must record the reasons in writing.⁹¹

- If a prison inmate is being punished by the jail Superintendent for making a 'groundless' complaint to the prison visitor, the visitor has the right to be told by the Superintendent, in writing, a brief statement of the facts and the punishment proposed. If the visitor dissents from the decision of the Superintendent, he/ she can ask for the case to be submitted to the Inspector General [IG] of Prisons. The IG too is required to communicate his orders to the visitor, who can then address the state government regarding the case if s/he chooses so.⁹²

7.2 Visitors' Responsibility to Not Abuse their Role

To be effective, visitors must carry out their duties responsibly and ethically. A few suggestions to avoid misuse of this power:

- Since prison visitors are appointed to act as a check on the abuse of power by prison authorities, they must not abuse their own power

to simply show-off in front of prisoners or to weaken the moral authority of the prison staff over the prisoners.

- If your relative or acquaintance is lodged in the jail, it is un-ethical to demand special treatment for him or her as distinguished from what is normally given to everybody.
- Visitors are to be advocates of fair and just treatment for prisoners in general, not for individuals with whom they may have ties.
- Neither you nor those whom you invite to provide services in the jail should look towards gaining publicity from the plight of poor and disadvantaged prisoners. Such attempts are highly un-ethical, immoral and counterproductive.

7.3 Restrictions placed on Visitors

- No visitor may issue any order or instructions to any subordinate jail officer.⁹³
- Similarly, Female Non-official Visitors shall not issue any orders or instructions to the Matron or female warders, but will communicate their recommendation in writing to the Superintendent in a visitors' book kept specially for this purpose.⁹⁴
- Non-official or Official Visitors shall not hold conversation with any undertrial who may happen to be their relation.⁹⁵
- A visitor who retains an official connection with the jail is precluded from giving publicity in the press or otherwise to matters connected with the jail's administration.⁹⁶

The last provision is necessary to prevent unscrupulous people from jumping to conclusions and giving a distorted picture to the media without verifying situations completely. This creates a number of problems. In one of the jails in Madhya Pradesh, a Non-official Visitor went to the media with false stories about a prison Superintendent simply because 'he did not show proper regards to the prison visitor's political mentor.' Later on, realising the ethical responsibilities of prison visitors and their immense potential of doing good work, this visitor admitted his mistake and apologised to the Superintendent in public.

Apart from imposing the above-mentioned restriction, **Rule 817[10]** also provides that:

"Should there be any complaint which a prisoner may make to a visitor about his/her own treatment or that of any other prisoner or about the conduct of any officer, or should the visitor observe any matter of which notice ought to be taken, the visitor should refer

it to the Superintendent who is solely responsible for everything that occurs in the jail.

It is also open to the visitor, if s/he so desires to represent the matter to the government."

This provision enables Non-official prison visitors to approach various agencies of the government in relation to their work. A visitor may therefore approach the District Magistrate, the Commissioner of Division, the Sessions judge, the Chief Justice of the state High Court, Director of Health Services, the Director General & Inspector General of Prisons, the Jail minister, the Principle Secretary [Jail], Principle Secretary [Home], the State and National Commissions for Women, the State and National Human Rights Commissions, etc.



Visitors' Notes

8.1 Requirements of the Jail Manual

The Madhya Pradesh Jail Manual requires visitors to write notes about their visit to the jail to enable the government to take necessary steps to address any issues raised. The Jail Manual thus prescribes that:

- Every visitor shall, after, s/he has completed a visit to the jail, record in the visitors' book prescribed by Section 12 of the Prisons Act, the date and hour of the visit and may enter therein any remarks or suggestions s/he may wish to make.⁹⁷
- Entries in the visitor book shall be made in the visitor's own handwriting.⁹⁸
- The remarks recorded must include complaints made by the prisoners, which in his/her opinion deserve the notice of the government.⁹⁹

- The visitor may record in the visitors' book any remarks or suggestions with regard to the internal arrangement of the jail or the state of discipline maintained therein.¹⁰⁰

8.2 General Guidelines

Remember

To actually bring about a change in prison conditions, it is important that visitors not only spell out the flaws but also attempt to find practical solutions. To this end, keeping accurate notes is an indispensable tool.

1. Visitors must be regular in writing notes, jotting down specifics immediately such as the time they arrived and the time they left the prison.
2. Notes should identify problems along with their actual causes and possible solutions.
3. Notes should be comprehensive and focused on target issues. They should avoid using generic

language and words that do not convey anything substantial about the prison's condition.

- A bad example is the note, – "Condition in the prison was found to be okay," This statement does not convey any specific information about the 29 issues appended to Rule 820 in the jail manual.
- A good example is found in the annexure to this chapter, the Annual Report of the Board of Visitors to the Erlestoke prison in England. The Report is written in a systematic, balanced, and positive manner. The Board has highlighted positive and new developments, along with the issues that need special attention. Prison staff have been encouraged and congratulated for their sincere efforts. When issues are brought out specifically, accurately, and in a way that supports the work of prison staff without compromising on basic standards of treatment for prisoners, they are more likely to get the serious attention they deserve.

If it is not possible to cover all 29 issues in one visit, visitors must divide the issues between themselves as suggested in Chapter 5. If a group of visitors has divided responsibility for the target areas, they should meet after assessing their assigned areas to report back to the group, and individuals' notes should include these reported results.

8.3 Keeping a Prison Visitor's Diary

For keeping a personal record and systematizing official work, it is absolutely important that the visitors also maintain their own diaries, where they make entries similar to those in the visitors' notes. This record can also help the government to evaluate your performance at the end of your term.

- The entries should be made on each date a visit is conducted.
- They should contain a summary of observed problems, their causes, and the visitor's suggestions.
- They should contain the name of particular prison officials to whom any suggestions or requests were made.
- They should also note any follow up action taken by the visitor and the prison authorities.

8.4 Following-up on Notes

Simply writing notes is not enough. On your subsequent visits insist on checking the progress made on your notes and suggestions. Invite collaboration on solutions, but also be persistent, pursuing matters with higher officials if necessary. **Being communicative, consistent, and firm about your expectations will ensure that you are taken seriously.**

Supporting these efforts, the Jail Manual lays down the duty of the prison superintendent and the Inspector General in very clear terms. Rule 817[9] of the manual provides that:

- A copy of any remarks recorded by a visitor, together with the Superintendent's reply and note of any action taken thereon, shall be forwarded through the District Magistrate to the Inspector General.
- The Inspector General may, if in his/her opinion it is necessary, forward the correspondence for the information and orders of the government.
- A copy of the orders (if any) of the government or the Inspector General shall be forwarded to the visitor through the Superintendent of the jail.

If the orders are not forthcoming and your notes are not being taken seriously, then you should approach the officials or agencies mentioned at the end of the previous chapter.¹⁰¹ But before doing so, it is important that you determine the cause and who is individually responsible for acting on the problem. It is important to realize that certain systemic issues like overcrowding and delayed trials are beyond the control of prison officials, and to not waste time blaming the wrong parties.

Before you approach outside agencies, inform jail officials that you propose to do so and see if this in itself leads to an improved response. If this notice does not result in changed behaviour then you should approach the officials or agencies mentioned at the end of Chapter 7 without delay.

Annexure 8

Annual Report of the Board of Visitors to Her Majesty's Prison at Erlestoke (1999)¹⁰¹

Her Majesty's Prison Erlestoke is a closed training prison for convicted male adults which has a capacity for 310 prisoners.

There is a current total of five lodging units of which four are category 'C' and one category 'D.' The category 'C' units are Wren, Alfred, Wessex and Kennet with a total capacity for 260 prisoners. The category 'D' unit is Sarum with a capacity for 50, accommodating prisoners in open conditions although still within the perimeter fence. All category 'C' units have single cell accommodation with integral sanitation and in the Kennet unit, cells also have showers. The category 'D' prisoners have their own rooms with access to sanitation at all times.

Apart from the Wren unit, the accommodation at Erlestoke is of a high standard. This, combined with spacious gardens and grounds, efficiently run facilities and a good prisoner/staff relationship helps to create a relaxed atmosphere throughout the prison.

An analysis of current prisoner population shows that 49% are serving sentences of up to four years, 40% between four and ten years and 11% are serving over ten years or a life sentence. Almost half of the prisoners at Erlestoke are in the 25-35 age-group with 33% being over 35. There are currently three prisoners over 60 years old.

Introduction

This report covers the period between 1st September 1998 and the 31st August 1999. The introduction of Home Detention Curfew [HDC] has allowed the early release of some lower risk prisoners to serve the remainder of their sentences outside the Prison. This scheme certainly has had an effect on prisoner population numbers.

It has been noticeable that the age profile of the prisoner population has changed over the period covered by this report. Prisoners in the 21-25 age-group currently stands at 18% compared with 11% last year. There has been a proportionate reduction in the 25-35 year age group. Erlestoke is presently operating at 97% of operational capacity.

The **Board of Visitors** wishes to highlight its concern about the unprecedented number of attempted suicides, assaults, incidents of alleged bullying and prisoners being transferred to other establishments for their own protection. We believe that there is a link with the change in prisoner profile. **Suggestion:** The urgent implementation of rigorous anti-bullying and suicide awareness strategies by the Prison must be a priority.

Earlier this year Governor¹⁰³ Mike Cook was moved virtually overnight to The Verne Prison on detached duty and his subsequent permanent promotion to this post has left Erlestoke to manage for several months with staff acting on temporary promotions. During this period only three of the eight member Senior Management Team have been undertaking their normal duties. The uncertainty created has affected the morale throughout the establishment. The Board of Visitors welcomes the recent appointment of Jayne Blake as Governor. However we are highly critical of the Prison Service for the considerable delay in making this key appointment.

Erlestoke continues to attract adverse publicity about the *availability of drugs* in the prison. This problem is being tackled by the successful introduction of a drugs dog; increased perimeter security and a new 16-bed drugs rehabilitation unit which is due to open next February.

The only major incident during the year was the tragic death in custody of Paul Cook on the 17th July 1999.

Finally the Board would like to thank Acting Governor Ian Acheson and his staff for their help and support during this reporting period.

Accommodation

1. The Wren Unit

- As reported in previous years, the major problem in the Wren unit is the building itself. It is the oldest accommodation block in the establishment and houses the greatest number of prisoners, but seems to be continually being worked on by the Works Department.¹⁰⁴ Most of this work has been

in enhancing the building e.g. in-cell electricals and fitting of replacement windows but, more often than not the work has taken longer than expected because of other requirements within the establishment. This has caused frustration for both staff and prisoners.

- The **Board of Visitors** still considers that the Prison Service should seriously look at the option of closing the Wren unit and building a new unit for both accommodation and regime activities.

2. The Wessex Unit

- This block continues to house enhanced regime prisoners. The main event of the year was the introduction of in-cell television. This has been a great success. This has been well received by the prisoners, with no incidents or vandalism so far.
- Although the inside premises of the building are satisfactory, the block's exterior condition has continued to decline. This is despite an assurance from the Prison Service following our 1998 report that external re-decorations would be under taken last summer.

3. The Alfred Unit

- This unit houses sixty prisoners on standard regime. *The tragic death of Paul Cook occurred in this unit and was handled in a very professional and caring way by the staff on duty.* This affected staff morale for some time afterwards.
- Like the Wessex unit, this unit is still in need of external refurbishment.

4. The Kennet Unit

- The Kennet has a super-enhanced regime and is the newest and best accommodation in the Prison. *There is an excellent relationship between staff and prisoners and general behaviour is very good.* The Unit is in a good state of repair and cleanliness. Prisoners are currently converting a TV room into a Dining Room/Interview Area/Store as a 'self help' project.

5. The Sarum Unit

- The building and its problems do not change. The flooring in the kitchen remains unsatisfactory and the ventilation system in the kitchen and wash rooms does not work. The latter could only be corrected by the

installation of a more powerful unit which is a large job.

- The paint shop of the prison repainted all the cells in the course of the year and they do look much better as a result.

General

Many staff complain about the lack of a proper mess room which means they have to stay back and wait for the rush to ease out during meal breaks.

Areas of Special Interest

Education

- The Trowbridge College was successful in its bid for the prison education contract for the academic year 1999-2000. The squeeze between costs and budget has meant that some reductions of provision have had to be made by shortening the working day and cutting some part-time hours. Demand for courses remains high with the inevitable waiting lists. The Open Learning programme continues to be the most popular and the most effective. The Vocational programme with its emphasis on key skills is showing good results. Not all prisoners can take advantage of the education programmes because some are transferred to Erlestoke with insufficient time left before release to achieve anything.
- Accommodation remains poor for Carpentry and Joinery. Where should drama productions be held has been an issue. Yet the staff, ably led by Cynthia Beetlestone, continue to provide an excellent service, endorsed by a Trowbridge College internal inspection under FETC guidelines in October 1998.

Library

- In the last year, education has relinquished its responsibility for the prison library. There have also been substantial changes in staffing, which has resulted in an unsettled period. There is now a part-time Librarian from the Wiltshire Library Service, supported by two Prison Officers and a number of prisoners. It continues to provide a popular and well-used service. New provision includes an in-house magazine. The Prison Management is commended for its £7000 budget for library books in addition to what is provided by the County service.

Farms and Gardens

- The year began with high expectations of success in the competition for the Windlesham Trophy. Unfortunately Erlestoke did not progress to the semi-final stage in the competition. However this should not detract from the quite marvellous work that is done in this area. The gardens are neat and tidy and the floral displays are outstanding. The vegetable section has done extremely well and all produce this year not required in the kitchen has been supplied to Leyhill Open prison.
- One member of staff has departed for a better job and this has added an extra burden to the already overworked staff. However, the job specification for this position has been prepared and the vacancy will be advertised in the very near future.
- We understand that some of the more experienced workers were transferred to Leyhill Open prison in mid-season; this gave rise to considerable difficulties, which could only be overcome by the training of other prisoners. Malcolm Rainbow deserves much praise for the effective way in which he handled that situation, and indeed for his excellent all round work.

The Works Department

In addition to normal maintenance work, the Works Department has undertaken/overseen the following improvements at the establishment:

- Conversion of the Segregation unit into a Drug Rehabilitation Unit. This work is due for completion early in the next year.
- Provision of toilet facilities to the sports field.
- Re-furbishments of the showers in the bathrooms.
- Provision of new buildings to provide a large Boardroom/ Multi Faith room and a new group room in association with the Drug Rehabilitation Unit.
- Additional security measures.

The **Board of Visitors** is concerned that the Works Department is required to give priority to capitalised improvement works. This means that planned revenue maintenance works such as external refurbishment of the Alfred and Wessex units are deferred and the maintenance standard of the premises declines.

Canteen

- The Prison Canteen continues to be run in a most efficient and user-friendly manner by Mr. Stanway. During the past year, prices have had to be

increased to bring them in line with outside prices, on instructions from the Home Office.¹⁰⁵ This gave rise to vociferous complaints from the prisoners. As a means of reducing the impact of a sudden price hike, Mr Stanway decided to implement the rise in easy stages and this has gone some way in defusing the situation.

Suggestion: Should a similar situation arise in the future it would be helpful if the Administration were to indicate to prisoners, by way of notices, the reasons for the increase.

- There have been a few minor problems due to a change of supplier some months ago when items ordered were not delivered. Apart from this, all is well and Mr. Stanway deserves to be congratulated.

Race Relations

- *Erlestoke should be proud of its Race Relations policy.* It is a team effort by all those associated with the establishment and although major incidents in this area are rare, the ones that have arisen have been handled with a sympathetic, professional and efficient manner. Outside agencies have been welcomed to the prison for their input and the Chaplain and Kitchen staff have worked hard in ensuring that prisoners' requirements are met.
- The Race Relations meetings chaired by Mr. Mike Brown are well run and offer a forum for both staff and prisoners to air their views. These meetings are held in the Multi-Faith Room which in itself is a credit to the work on Race Relations that takes place in the Prison.

Security

- There have been some very significant improvements over the last two years and though not stopping the entry of drugs and contraband, they have made life much more difficult for the transgressors. The Governor and officer for Security have been very positive. Security has been strengthened in the following ways:
 - Closed Circuit TV [CCTV] for Visitors room.
 - Closed visits facilities.
 - Sniffer-dog search and Mandatory Drug Testing follow up on drug suspects.
 - Cabin for checking visitors.
 - CCTV around perimeter. The ground work is under-way.
 - Some visitors were rejected as a result of routine dog inspections.

- Close liaison with the Wiltshire Constabulary.
- All this makes the direct passage of drugs into the prison much more difficult.
- It is very worthy of note that OSG Officers in Erlestoke at the gate are doing a very good job. Their standards are professional and high. The removal of prison officers has resulted in no diminution of standards whatsoever.

Segregation

- Work is almost complete on the conversion of eight cells into a Drug Rehabilitation Unit. A temporary building is being installed in the small exercise yard for the use of the Rehabilitation unit but this leaves little or no room for the exercise of prisoners on segregation.
- The Governor's adjudications and meetings including with the Board of Visitors are currently held in the board room in this building. This unit is also used for searching prisoners after visits from relatives or friends. There are two holding cells and one strip cell and therefore if there are a large number of adjudications, an appointment system has to be used.
- There is still only light usage of cellular confinement for Rule 45 and there have been some prisoners segregated this year for good but none have been held for longer than 48 hours.

Reception

Officers have had to become more flexible in their approach to the work following the change in the pattern of reception of new prisoners. The fact that delivery times and numbers are often not adhered to sometimes produces management problems in the establishment. *However Officers are doing all they can to manage these issues.*

Mandatory Drug Testing Unit

- The unit has effectively managed an increase in the number of risk assessed tests which are now required as part of the assessment for changes from Category C to Category D.
- The recent prison instruction 'Drug Strategy', has resulted in a change in the punishment for use of Class B drugs which is that additional days will be replaced by a fine and a return to the basic regime class. Use of Class A drugs will still attract additional days and a frequent testing regime.
- It has been agreed that in future this Unit will refer all prisoners with a second positive test for Class A drugs to the Drug Rehabilitation Unit.

- Because of resource implications it has not been possible to introduce voluntary testing during the past year.
- The cause of the sudden increase in the use of cocaine over a two month period in the summer has not been determined.

Health Care Centre

- The Centre has received from the Prison Service a certificate of commendation for promoting health improvement in prison.
- The British Heart Foundation has made a donation towards the purchase of a Defibrillator for the Prison. Training in the use of the machine and in emergency response has been provided for two nurses and two prison officers.
- Problems with an increase in the waiting list for dental treatment are being resolved following the establishment of a new contract with a dentist who is currently attending four additional hours.
- A nurse led Asthma Clinic commenced in March 1999 and takes place twice a year.
- The Acupuncture course has been re-designed. It now takes four weeks to complete and takes into account the needs of individual clients and their prison employment requirements. The course includes a relaxation session which is led by a prisoner and supervised by the nursing staff.
- *A comprehensive Health Care Booklet has been devised and is given to each new prisoner at Reception. Information is provided on all available health services. A confidential drug use questionnaire is also included and responses will be collated for epidemiology purposes.*
- Nursing staff have done well to continue to provide a first class service over a long period of resource problems.
- There is general concern about the overall nursing cover particularly in emergency situations.

Probation Services

- The responsibilities of the probation staff, known as the Throughcare Unit, include Induction, Sentence Management and Risk Assessment, Offending Behaviour programmes, Lifer work, Temporary Release and Parole. It also has the responsibility for training prison staff on issues such as sentence management and the Personal Officer role. The current Senior Probation Officer started at Erlestoke on 1st September 1999. He is, as the Throughcare Manager, a member of the Senior Management Policy Group that is responsible for managing the prison as a whole.

He is also a member of the Throughcare Policy Group, chaired by the Deputy Governor. This group has been dormant for much of 1999 but it is hoped that the current re-profiling will see a reactivation.

- The unit has striven hard, with near total success, to meet last year's increased target of 30 group work courses in spite of the inevitable pressures and shortage of resources. *The excellent co-operation between Probation Service and Prison Service officers is most commendable.*
- The post of a part-time Psychological Assistant added last year is now a full-time post.
- The unit is housed together with the one administering the Enhanced Thinking Skills course [ETS] which is a five week resource intensive course to create a dedicated team with two rooms set aside for group-work courses that already address violence, drug and alcohol abuse, drug-dealing and thinking skills. These rooms have recently been extended and refurbished in preparation for the ETS course. It has proved impossible to introduce the parenting workshop mentioned a year ago.

Kitchen

- New equipment has improved the standard of working conditions and the quality of the food produced and delivered to the units and barracks. If the promised changing/rest room for Staff is provided then it would enable the National Vocational Qualification course [NVQ] to be taught.
- There have been few complaints about the standard of food during this reporting period. The staff members are to be congratulated for their considerable effort in preparing and introducing a new four-week menu including healthy options. The District Council's Environmental Health Officer is recommending that the kitchen be recognised under the Heartbeat Award Scheme.

Chapel/ Church

- There has been an increase in the number of prison visitors and the twice-a-year family services and monthly friends and visitors evenings all help to back up the pastoral care given by the Chaplaincy team.
- During the past year, there has been an increased attendance at the Church services. A very successful Festival named – Building Bridges was held and £800 was raised for three charities.

Multi Faith Room

The opening of the new Multi Faith Room has provided separate facilities for Muslims, Sikhs, Buddhists, and members practicing Judaism and the Jehovah's Witnesses. The lack of this facility was identified in the Chief Inspector of Prisons Report on the Prison, which was published last year.

Physical Education

With reduction in staff and long term sickness issues, there has been a consequent reduction in the range and frequency of activities on offer. Reduced access to physical education facilities has been one of the main complaints by prisoners during the year. The weight-lifting section of the gym is always popular and the football team is frequently at the top of the local league. The Physical Education staff members have had to work hard, juggling courses, sports and games to ensure that every prisoner gets his share of physical education. There are not enough Officers qualified in Sports and Games to ease the situation. With additional funding perhaps more could be persuaded to qualify.

The Waiting Room

The facility is well used and appreciated by visitors.

The Search Area

This is situated in the sterile area where a small number of visitors are admitted at a time for searching. *They have to wait in the open and we are still awaiting the construction of a protective cover over the search area.*

The Visits Room

- The numbered tables allow officers to direct prisoners to particular seats which can be more closely observed by the CCTV cameras. *Generally it is a pleasant environment and most prisoners appreciate it,* although they do comment that it still takes a long time to process their visitors through the gates and search area.
- Creche facilities for young children are very successful and are supported at weekends by local Mothers Union members.

Lifer Unit

- This unit continues to improve with dedicated officers and efficient administration. The accuracy of the pre-transfer reports has been

corrected and in fact this unit has been complemented by the concerned supervising agency on its accurate paperwork. Lifer Reviews are now conducted on specified days twice a month which ensures that all parties are usually available.

- The Induction process continues to improve and within a week of admission, a Lifer will have been allocated a Lifer trained case officer. Twenty five officers have been trained for this role. Lifers have access to the unit officers whenever they are available but the fact that many are housed in Kennet and the unit is in Wessex continues to be a problem.

Outside Working Parties

- The staff say with justification that the opportunities for outside work would increase significantly if there was more publicity about the availability of category 'D' prisoners to help with outside schemes. At present it is left to the individual members of the involved staff and word of mouth, to arrange work outside the Prison.
- Whilst problems are usually expressed over transport arrangements, it is actually more the lack of a driver. A case has been made for a part-time employee, possibly retired from the Prison Service, working four hours a day.
- At present there are 15 prisoners working outside and about 8 more eligible if work was available. An extra driver would certainly help.

Construction Industry Training

- Instructors directly employed by the prison currently run courses in painting and decorating, bricklaying and engineering drawing.
- An average of twelve prisoners throughout the year participate in bricklaying. Whilst the emphasis is on teaching practical skills, prisoners wishing to proceed to National Vocational Qualification level can do so.
- The engineering drawing course normally has nine prisoners, however at present twelve prisoners are under instruction. In addition to engineering drawing and office skills, prisoners have an introduction to computer repair and maintenance, programming and Computer Aided Design [CAD]. Prisoners are also taught basic drawing skills which may lead to building drawing applications.
- Painting and decorating continues to be popular. A maximum of eight prisoners participate with many gaining units at National Vocational Qualification level-1. High standards of

workmanship are attained by most prisoners and they are able to undertake minor interior decorating works around the prison.

- Despite considerable budget reductions over recent years it is a credit to the instructors that the high standard of all Construction Industry training courses has been maintained.

Sewing Machine Repair Workshop

- The sewing machine repair workshop has maintained the quality of its work following recognition last year of the British Standards Institute under the requirement of BS EN 1502:1994.
- It is believed to be the only sewing machine repair workshop in the UK public or private sector to be awarded the British Standards Kite Mark.

Serious Incidents/Rule 45/Authorised Restraints

- The only serious incident during the reporting period was the tragic death in custody of Paul Cook.
- There were no authorisations under rules 45 or 48 for the continued Segregation of Prisoners, use of the special cell or medical restraint during the reporting period.

Work of the Board of Visitors

■ Training

- A local training session has been incorporated into monthly Board Meetings and most members have attended National Training Courses this year.
- Board Members also took part in a very realistic "incident" training exercise organised by the Prison's Training Staff.
- The Board held a very successful day-long special meeting on 'Team Performance Review.'

■ Meetings

- *The Board meets 12 times a year, on the third Tuesday of each month. Whenever possible Board members attend meetings within the Prison relating to their areas of special interest.*

■ Rotational Visits

- *Rotational visits are carried out on a weekly basis by the Board members. Written reports are prepared for each monthly meeting, together with the Governor's written replies*

on important issues. Each Board Member has areas of special interest, but reports cover all areas and activities of prisoners, staff and the administration of the Prison.

■ **Induction/ Orientation Talks**

- Induction/ Orientation talk are also carried out on a weekly rotation with a Board member attending to meet the new Prisoners each Tuesday at 2:00 p.m.

■ **Applications**

- *Applications by prisoners to see Board Members are normally dealt within a few days unless, after discussion with the prisoner, he wishes to see the whole Board of Visitors at the monthly meeting.* During the reporting period, there were fifty-four applications from prisoners. These covered a wide range of matters including lost property, escorted visits, employment, phone calls, reduced physical education and association facilities. Many related to matters from former prisons and the comparatively low number of applications to the Board of Visitors highlights the effective way in which officers deal with complaints from prisoners.

■ **Training visits to other prisons**

- During the present reporting period, Board members made training visits to The Verne and The Weare Prisons in Dorset.

■ **Achievements**

- Ms. Jenny Budgell continues to be a member of the NAC Working Party on income generation within the Prison Service. Ms. Budgell has recently been appointed to the Board of Visitors at the new HM Prison and Young Offenders Institute Ashfield, Bristol. It is hoped that she will be able to retain dual Board Membership.
- Ms. Christine Ligo has been appointed as a National BOV Trainer and also as Chairman of the BOV at HM Prison and Young Offenders Institute Ashfield, Bristol. Like Jenny Budgell, it is hoped that Ms. Christine Ligo will be able to retain dual Board Membership.
- Mr. Arthur Williams has been named as one of four Board of Visitors members nationally to serve on disciplinary panels if required.



9.1 General Guidelines for Investigating Complaints

Generally speaking, when investigating into complaints made by prisoners, both Official and Non-official Visitors should follow a three-fold approach to arrive at the truth:¹⁰⁶

- **First**, interview the particular prisoner or prisoners concerned, to find out their experiences and difficulties.
- **Second**, interview the authorities to find out their position on the prison system, conditions of detention, and problems encountered thereof.
- **Finally**, form your own independent and impartial judgements after gathering full information.

When you receive a prisoner's complaint, instead of jumping to conclusions and rushing to the Superintendent or the Human Rights Commission, you should first get all the facts of the case. Encourage the complainant to talk about the matter

to the jail official who is immediately responsible for the welfare and discipline of prisoners. If there is fear or suspicion that redress will not be forthcoming from that particular officer, then encourage the prisoner to approach a higher officer.

So far as possible, try to sort out prisoners' petty complaints such as verbal abuses between prisoners, etc. amongst the prisoners themselves. Encourage them to foster respect for each other. The prison is a highly charged and tense place and it is very important that small disputes are not allowed to blow up into major problems.

For genuine complaints, encourage the prisoner to have the moral courage to stand by his/her allegations.

9.2 Specific Methods of Investigating Complaints

To determine the validity of a complaint, it is important to conduct interviews privately and extract as many substantiated details as possible.

If an escort has been sent with you, then take the prisoner/s aside and talk outside the earshot of the escort, even if you are still within sight. The Supreme Court has ruled in *Sunil Batra [II]* that prisoners can be interviewed within the eyesight [if need be so] but outside the earshot of the prison staff. If you deem that it would not be safe for the prisoner to be interviewed in the presence of the escort, then you should devise such a plan as seems most appropriate to you in the given circumstances.

The facts you gather should include:

- The exact date and time of the incident.
- Names of all the people involved including witnesses.
- Who exactly committed the act complained against, and this person's exact position within the prison (including designation if a prison official).
- Whether it was done alone, in a group, or in collusion with other prisoners or officials.
- The complainant's suppositions about the actors' motives.
- In addition, try to determine if there is corroboration for the prisoner's account by talking to multiple co-inmates and witnesses.

Try to finish the interviews within the same day. Don't interview the prisoners only. Be both persistent and calculated about finding time to get the jail staff's version of events through the same process described above. Protect the complainant from being forced to change his/her statement by letting all parties concerned know that you have collected evidence from numerous sources and will follow the matter to a conclusion.

If, after getting the facts verified from all the sides and having subjected them to an objective and unbiased analysis, you come to the conclusion that the allegations are true and that the prison authorities are not ready to accept responsibility for the same, then you should consider approaching the Sessions Judge or the District Magistrate. You should inform them of all the facts of the case and get back to the prison as soon as possible if you fear that any harm will be caused to the prisoner.

Remember

- It is of utmost importance to protect the safety and security of the prisoner while determining the validity of his/her complaint. If necessary, recommend for his/ her transfer to a safer prison.

- There is no justification for prison officers to unleash violence on anybody except in self-defence when a riot breaks out or to control a prisoner who is bent upon attacking and injuring other prisoners.
- This also applies if a prisoner is trying to jeopardise the discipline in the jail or for other legitimate reasons that are duly recorded in the register kept for recording punishments awarded to prisoners.
- Do not take official records on face value, but verify for yourself, the reasons cited for resorting to violence.

Finally, remember to:

- Verify all the facts of the complaint before acting and avoid scolding prison staff in public without verification of complaints as this can hamper a speedy redressal of problems and increase tension.
- Investigate thoroughly to limit false complaints which weaken the moral authority of prison officials and lead to problems of disorderliness and discipline.
- **Note down all oral submissions and try to gather as much documentary evidence as possible.**
- Maintain the respect and cooperation of prison officials so that you can be an effective advocate.
- Invite a collaborative rather than adversarial relationship so that officials become facilitators of reform instead of obstacles to change.

10.1 Problems of Undertrial Prisoners

- Undertrial prisoners constitute nearly 75% of the average jail population.
- Currently, there are more than 2.286 Lakhs of such prisoners waiting anywhere from one month to more than 10 years for their trials to begin and conclude.
- Many of them are from socio-economically depressed sections of society and vulnerable to the bias and callousness of the system.
- Since many of them are poor, they cannot afford to hire a good lawyer to fight their cases and get justice within the time frame specified by law.
- While awaiting trial, they loose contact with their family members; contract infectious diseases in jails; and face violence and torture from co-prisoners and staff.



Where to put him? Set him free. All the cells have been taken up by business tycoons, stockbrokers, bank officials, politicians...

10.2 Remedies for Undertrial Prisoners

For such prisoners, prison visitors can play an important role and accomplish a number of things.

Firstly, if there are prisoners in your jail accused of only **Bailable offences**, then point this out to the Sessions Judge and get them released on bail or personal bond without sureties.

Secondly, if there are prisoners accused of Petty Offences who are willing to confess voluntarily, bring their case before the **Special Courts in prisons** [popularly also known as **Jail Adalats**].

Jail adalats are courts within the jail premises, set up on the orders of Dr. A. S. Anand [the then Chief Justice of India] to deal with backlog of cases concerning petty crimes. In a letter dated 29th November 1999 [annexed at the end of this chapter], – Dr. Anand asked the Chief Justices of all the High Courts to organise Jail Adalats to dispose off cases of undertrial prisoners who were willing to confess to their crimes defined as Petty offences. For the purposes of jail adalats, petty offences mean and include the following:

- a) Offences punishable under sections 160, 279, 294, 298, 323, 334, 336, 337, 338, 341, 342, 343, 346, 352, 354, 355, 358, 403, 417, 421, 422, 423, 424, 427, 428, 447, 448, 482, 483, 486, 494, 497, 498, 500, 501, 502, 504, 506 [Part I], 508 and 509 of the Indian Penal Code; and
- b) All offences under any Act other than the Indian Penal Code which are punishable with up to two years imprisonment.

After a prisoner confesses to his/her crime, then depending upon the period already served in jail and the seriousness of the charge, the presiding magistrate may either release the prisoner instantly¹⁰⁷ or order release after further time in jail.

Jail adalats have been organised in a number of places and as of 2nd February 2001 more than 8000 such cases were disposed off all over the country after these courts started functioning from early 2000. If such courts have not been organised in your jails, getting them started offers important benefits:

- Speedy trial and disposal of cases benefits undertrials and reduces the workload of judges.
- Timely processing limits damaging contact between first time offenders and hardened professional criminals.
- Reduction in overcrowding to some extent.

Encouraged by the success of such jail adalats, the Union Law Ministry has urged and advised states governments and Union Territories to make space for exclusive courts in jail premises. In a communication sent to states it has also advised them to set up **legal aid cells** composed of panels of both male and female advocates to give advice to the inmates and draft legal documents once or twice a week.¹⁰⁸

Despite their benefits, jail adalats raise some problems. Confessing results in a permanent record entered against the prisoner's name. Those who are innocent but confess to get out of prison sooner, may unfairly be denied government jobs, a passport, or be harassed by the police when crimes are committed in their locality. A better solution would allow prisoners to apply to be released on Personal Bond or on Probation even after confessing, or would allow a temporary criminal record to be erased upon proof of good behaviour.

Visitors should also persuade presiding judges to apply other forms of sentences as mentioned below in Sub-section **10.3 – Alternatives to Imprisonment**.

Thirdly, explore whether **Fast Track Courts** are being run or can be better facilitated.

The Union government has directed all state governments to constitute Fast Track Courts [FTCs] to speed up trials. The FTCs are to give priority to Sessions cases pending for over two years and other criminal cases involving undertrials. Accordingly, from 1st April 2001, all undertrial cases from the district and subordinate courts were to have been transferred to the FTCs for speedy disposal. Additionally, about 10 Lakh Sessions cases out of the 2.4 Crore pending cases are also to be transferred to the FTCs. The Centre has allocated Rs. 202.27 Crore for the establishment of 1,734 FTCs to make them functional by 1st April 2001 and has obtained the consent of the Chief Justices of the High Courts and Chief Ministers for the creation of these courts. The progress of these courts will be monitored by the High Courts.¹⁰⁹ The courts will be required to refrain from adjournments except in emergencies. A fast track court is expected to complete recording of evidence within a week. Judges and lawyers are expected to be patient and cooperative failing which, fast track courts will serve no purpose.¹¹⁰

Visitors can help address the shortage of judicial officers by identifying retired judges and good advocates and persuading them to volunteer as presiding officers in FTCs.

Fourthly, facilitate mediation for prisoners accused of **Compoundable Offences**.

For undertrial prisoners involved in **Compoundable offences**,¹¹¹ visitors should get in touch with the other party and try to mediate an amicable solution. You should ensure that the prisoner is genuinely repentant of misdeeds; is willing to apologise and compensate the victim or his/her family members for their loss. Encourage the victim to consider accepting a reasonable amount of compensation [where necessary] to meet the costs of treatment, rebuilding property, or other costs resulting from the crime. Where there is such a mutual willingness, encourage the parties to bring their amicable settlement to the notice of the presiding judge and request him or her to compound the case and close the matter. A settlement will reduce hostilities and bring a swifter conclusion for both parties.

For more information on how to assist prison officers with jail adalats and in compounding of offences between prisoners and victims, please get in touch with Professor B.B. Pande. He has done a lot of work on these issues in Tihar jail, Delhi.

Fifthly, if **Video Linkage** is not established between the prison and court, convince the government of your state about its cost-effectiveness and numerous benefits.

Through the Integrated Services Digital Network [ISDN] technology, courts and prisons can now be connected through video linkage. The technology simply requires that a video camera and television be set up in a separate room in the prison complex and linked to another set put up in the chamber of the presiding magistrate. All prisoners who have to be produced in a particular court on a particular day can then be produced before the video camera, one by one.

Despite a prisoner's right to appear before a judge if his/her detention is to be extended, many prisoners don't get this opportunity due to a shortage in the number of escort vehicles and police personnel. Although Section 167[2][b] of the Criminal Procedure Code, 1973 [CrPC] says that - "No Magistrate shall authorize detention in any custody under this section unless the accused is produced before him" often the escorting police personnel gets the period extended from the court instead of actually producing the prisoner in front of the magistrate. This practice is widely reported, despite the strict requirement of the law.

Video linkage ensures that the magistrate can personally inquire whether the person has filed his/her bail application or not; find out the prisoner's period of stay in the jail; the details of the crime s/he is alleged to have committed and other personal details. In deserving cases, the judge can release the prisoner on bail. The judge also gets the opportunity to find out whether the prisoner really needs to be lodged in jail anymore; whether his/her health is being affected by poor conditions, whether the trial has been delayed for an unduly long time; whether the prisoner is getting legal aid, etc.

The introduction of this scheme would require a slight amendment in the CrPC. Section 167[2][b] of the CrPC has to be amended to read as follows – "No Magistrate shall authorize detention in custody under this section unless the accused is produced before him either in person or through the medium of electronic video linkage." To begin with, this amendment can be brought in by an Ordinance of the Governor and can later on be incorporated into the CrPC by the legislative assembly, as was the case in Andhra Pradesh. In fact, Andhra Pradesh was the first state in the country to introduce this scheme successfully with active cooperation between the state High Court, the state government and the jail department. The cost-benefit analysis and other advocacy strategies to be used with state governments for the introduction of this scheme can be best provided by Mr. M.R. Ahmed, DIG, [Prisons], Andhra Pradesh. Please get in touch with him for further details. This scheme is now being applied in Delhi, Bangalore, Mumbai and other places too.

Summary of Video Linkage's advantages¹¹²

- All prisoners can be produced on a timely basis.
- Magistrates have to personally observe prisoners and interact with them directly instead of mechanically signing the extension of remand papers forwarded by the escorting police personnel and the court staff.
- Prisoners get to speak freely to the Magistrates to vent their grievances.
- There is a reduction in the number of adjournments resulting from the accused not being present at all or not being produced on time for the hearing.
- It opens the possibility of digitizing documents and court records, thereby systematizing, simplifying and speeding up the whole process.

- It contributes to the speedy trial of cases by reducing the length of the whole process.
- An early adjudication can check the overcrowding of jails and lessen the exposure of first time offenders to full fledged criminals.
- It obviates the need to produce remand prisoners in courts. The extension of remand or release on bail can take place electronically from the prison itself.
- Prisoners will be relieved of the repetitive periodical strains of being taken to court just for the sake of extending their judicial remands.
- The safety and security of the prisoners transported to and from courts will vastly improve since it will minimize interaction and fights between warring gangs in the jail vans during transportation and in court lock-ups.
- It will reduce congestion in the jail vans and court lock-ups which leads to unhealthy and insecure conditions.
- The police will not have to spare personnel already in short supply, to escort undertrials to courts or worry about prisoners trying to escape during transit.
- It will help contain the menace of smuggling into prisons prohibited/ contraband articles like drugs, currencies, weapons, telecom equipments, etc. by reducing the visits of prisoners to the outside world until they are released on bail, discharged or acquitted.
- In addition, this technology can be further tested and improvised to conduct full-fledged trials.
- Most importantly, it saves a lot of financial and manpower resources, and needs no recurrent investment.



Inaugural session of Video Conferencing in Central Jail, Chanchalguda, Hyderabad, Andhra Pradesh.

10.3 Alternatives to Imprisonment

Imprisonment is the punishment most commonly imposed on people who are sentenced upon conviction. But experts like Dr. Vivien Stern and leading prison reforms committees have concluded that among other things:

- It destroys people's lives; creates social outcasts and makes it difficult to reintegrate into society.
- Despite the heavy financial costs¹³ involved in imprisoning people, it fails to reform and rehabilitate criminals.
- Imprisonment does not guarantee a reduction in the crime rate.
- It contributes to the transformation of a first time offender into a professional and hardened criminal.

But, some of the major **Alternatives to Imprisonment** can be:

- Verbal sanctions, such as admonition, reprimand and warning.
- Conditional discharge.
- Economic sanctions and monetary penalties, such as fines and day-fines.
- Confiscation or an expropriation order.
- **Restitution to the victim or a compensation order.**
- Suspended or deferred sentence.
- Release on Probation under judicial supervision.
- **A Community service order.**
- Referral to an attendance centre.
- House arrest.
- Some combination of the measures listed above.

Please also refer to the **United Nations Standard Minimum Rules for Non-Custodial Measures** [The Tokyo Rules], for further details. Website address – http://www.unhchr.ch/html/menu3/b/h_comp46.htm.

Visitors should identify pragmatic and reform-minded judicial authorities in their state and then advocate with them to consider the options mentioned above. The judicial authority, having at its disposal a range of non-custodial measures, should take into consideration in making its decision: the rehabilitative needs of the offender, the protection of the society and the interests of the victim, who should be consulted whenever appropriate. Such schemes will succeed only with the active cooperation of the police, higher judiciary and the community outside which will also include the families of the offender

and the victim, schools, and other secular and religious institutions.



No! I'm prepared to challenge in the supreme court!—a suspended sentence does not mean this!

Visitors should also pursue the matter with the High Court and state government for amending the existing penal laws such as the Indian Penal Code [IPC] to include alternatives such as Community Service.

Recently, the government of Andhra Pradesh has taken a lead among states by amending the IPC to include Community Service as one of the alternatives to the sentence of imprisonment. In fact, Community service has succeeded very well even in developing countries like Zimbabwe.¹¹⁴ Please do get in touch with the Mr. M.R. Ahmed – DIG Prisons, Andhra Pradesh, Penal Reform International, London and the International Centre for Prison Studies, King's College, London for further information.

If more people can be positively and effectively dealt with alternatives to imprisonment, it will reduce overcrowding, improve health conditions, facilitate offenders' return to society, reduce the number of prisoners who become professional criminals after their exposure to jail and save the cost of imprisoning and maintaining prisoners, to quite an extent.

Annexure 10



Dr. Adarsh Sein Anand
Chief Justice of India



Dear

November 29, 1999

The poor, illiterate and weaker sections in our country suffer day in and day out in their struggle for survival and look to those who have promised them equality-social, political and economic. We, who are responsible for upholding the Rule of Law in the country, may not be in a position to solve all of their problems but we can certainly contribute our might to nourish and safeguard the Constitutional goal of 'equal justice for all' to the extent possible. I am deeply pained when I notice that all over the country, a very large number of under-trial prisoners suffer prolonged incarceration even in petty criminal matters merely for the reason that they are not in a position, even in bailable offences, to furnish bail bonds and get released on bail. Many of them during such confinements only develop criminal traits and come out fully trained criminals.

I called for information from National Crime Bureau regarding the number of such under-trial prisoners in the country but they are not maintaining statistics in this regard. However, in Central Jail, Delhi only over 9000 prisoners were languishing as under-trial prisoners on 31st of July, 1999. According to one survey out of the total jail population in the country, under-trial prisoners constitute 73 %, many of whom are involved in petty offences and are ready and willing to confess their guilt but cannot do so unless a Police report is filed against them in a Court of law. Most of such prisoners are not likely to get severe punishments for the reason that the offences in which they are involved are petty or that they being first offenders may be entitled to the benefit of probation or may be let-off by the Courts on payment of fine only. It is neither just nor fair that persons involved in petty offences should suffer incarceration much beyond the ultimate punishment merely on account of the fact that they happen to be poor and under-privileged.

I, therefore, suggest, for your consideration, that every Chief Metropolitan Magistrate or the Chief Judicial Magistrate of the area, in which a District jail falls, may hold his Court once or twice in a month, depending upon the workload, in jail to take up the cases of those under-trial prisoners who are involved in petty offences and are keen to confess their guilt. "Legal Aid Counsel" may be deputed in jails to help such prisoners and move applications on their behalf on the basis of which the Chief Metropolitan Magistrate or the Chief Judicial

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Dr. Adarsh Jain Anand
Chief Justice of India



Magistrate may direct the investigating agency to expedite the filing of the Police report. Thereafter, if the prisoner voluntarily pleads guilty, he may be awarded appropriate punishment in accordance with law. There may be some cases in which the under-trial prisoners after moving such applications may change their mind and decide to contest the cases. Such cases may be transferred to the concerned Courts for trial in accordance with law. I feel, this exercise can go a long way in providing speedy justice to the poor under-trial prisoners and also reduce the jail population which is becoming a cause of concern.

I shall be happy to have your response and suggestions also, if any.

With best wishes,

Yours sincerely,

(A.S. ANAND)

**All the Chief Justices,
High Courts.**

2

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Convicted Prisoners

11.1 Problems faced by Convicted Prisoners

Convicted prisoners face a number of problems while they are in prison and even after their release. This chapter only addresses a few of them.

For a number of reasons, convicts face problems in earning Remission and getting released on Probation, Parole and premature release. The rules, procedure and practice vary from state to state leading to inconsistency and non-uniformity.

The problem is further complicated by the continuance of Section 433A in the CrPC introduced in 1978 which provides that "Notwithstanding anything contained in Section 432, where a sentence of imprisonment for life is imposed on conviction of a person for an offence for which death is one of the punishments provided by law, or where a sentence

of death imposed on a person has been commuted under Section 433 into one of imprisonment of life, such person shall not be released from prison unless he had served at least 14 years of imprisonment."

This is a blind and blanket provision which was introduced in a hurry without taking into consideration practical realities in prisons, the potential of prisoners to reform themselves, the personal and social dangers and cost of detaining a person for such a long time.

Apart from experts on prisons, even Pandit Jawaharlal Nehru and Mahatma Gandhi have commented on the non-utility and counter productiveness of long detention. This hampers the process of their reformation, rehabilitation and successful re-integration back into the society. Even the Mulla Committee has also come down heavily on this provision and recommended for its immediate removal from the statute book.

In this regard, the National Human Rights Commission is finalising its orders for all the states. Please get in

touch with Mr. Chaman Lal, Special Rapporteur for the Custodial Justice programme of the Commission for latest developments.

Another problem is the delay in decisions on appeals and the assignment of case numbers in the High Court Registry. At times it takes up to 10 years to get an appeal number from the registry.

On their release, most prisoners face bias and hostility from the community outside. This includes harassment from the police who consider them as criminals-for-life despite their reformation and release. Such taunts and harassment can make it difficult for prisoners to lead normal lives and may prompt them to return to a criminal way of life.

11.2 Things that can be done by Prison Visitors:

- Help jail authorities in introducing vocational courses and industrial activities which have a high market value and at the same time, are suitable to the social and cultural background of the inmates. With a better means of livelihood and social support on their release, they will feel empowered to stand up on their own and move forward in life. Some examples of initiatives include plans to introduce courses on Medical Transcription and Customer Call Services training in Tihar jail which are relatively cheap, less time consuming and have a greater demand in the job market.¹¹⁵ In another instance, The Euphoric Pharmaceuticals Ltd., an Ankaleshwar [Madhya Pradesh] based drug-manufacturing company, sponsored a three-day exhibition of some exquisite paintings by Subash, an inmate of Central jail, Jaipur along with durries, carpets and handicrafts manufactured by other inmates. The proceeds from the sale of the paintings went to Subash for the marriage of his two nieces who suffered in his absence.¹¹⁶
- Generate sufficient awareness and willingness in the society to accept reformed prisoners back into the social mainstream. Rather than being deviants, criminals are a reflection of society's weaknesses. Society's corruption, immorality, poverty and lack of opportunity contribute to criminal choices.
- Help them to get jobs when they are released.
- Invite private employers in different trades to see the work programmes and assess the training requirements inside the prison and the quality of the work done by prisoners. Such visits can help in diluting their apprehensions about ex-prisoners and might encourage them to employ prisoners in their establishments after their release.¹¹⁷

- Help in the formation of Ex-prisoners Aid Societies in each district and also at the level of the state/ Union Territory to help in the rehabilitation and re-assimilation of released prisoners. These societies could help in establishing After-care Homes or Transit Camps for those prisoners who do not have any place to go immediately on release. They could also keep regular contact with prospective employers in order to help ex-prisoners find a job.¹¹⁸



A Sessions Judge is one of the most important Official Visitors to any prison. Since offenders are sent to prison under the orders of the Court, Sessions Judges are more directly responsible for the welfare of prisoners. They have a major role in handling the problem of overcrowding by ensuring a speedy investigation and releasing eligible persons on bail. Until the 75% prisoners who are awaiting trial are handled properly, there will be no major improvements in jail conditions.

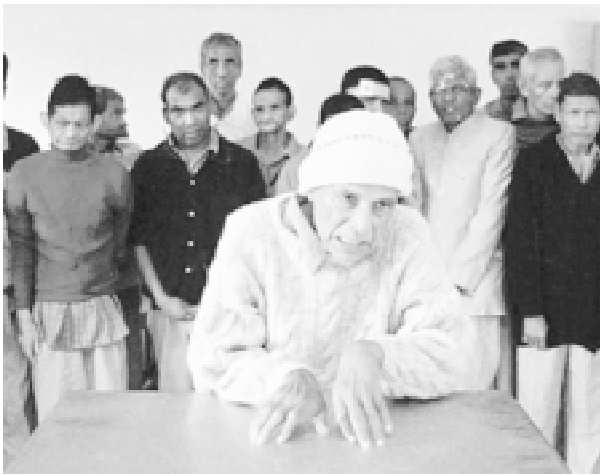
In fact, the Mulla Committee had recommended that in each prison the Sessions Judge be made the Chairperson of the Board of Visitors.¹¹⁹ The story of Ajoy Ghose illustrates how important it is that the judiciary ensures that people are not put behind bars and then completely forgotten:¹²⁰

Ajoy Ghose was arrested for murdering his brother in 1962. Subsequently he was certified as insane and therefore, unfit for trial. He was never brought

to court, and after his mother died in 1968, no visitors were brought to him either. He remained in the Presidency Jail of Kolkata for 37 years by which time, the witnesses and the trial judge himself had died. In 1995, the Kolkata High Court asked the West Bengal government to transfer him to a mental asylum. The order was ignored. He turned partially blind and virtually forgot human speech. A legal dilemma arose over his release from the jail – **he could not be released unless acquitted. He could not be acquitted unless tried. Since he was legally insane, he could not be tried either!**

Finally, in November 1999, the case came to the notice of the then Chief Justice of India, Dr. A.S. Anand who ordered his transfer from the Presidency jail to the Missionaries of Charity Brothers home in Kolkata along with the payment of Rs. 2 Lakh as compensation, to be given to the Missionaries of Charity Brothers to take care of Ghose.

CHAPTER 12



Ajoy Ghose at the Missionaries of Charity Brothers, Kolkatta after his release from the Presidency Jail.

Keeping the Sessions Judge involved in the Visiting System is one way to help prevent tragedies like that of Ghose from recurring. To accomplish this, Non-official Visitors can:

- Find out whether the Sessions Judge is visiting the jail or not. If not, a delegation of Non-official Visitors must apprise the judge of the condition of the jail in terms of the number of under-trial prisoners whose cases have been delayed, lack of legal aid and the various problems faced by them.
- Consult the Superintendent beforehand about the issues to be raised with the Sessions Judge and the manner in which they may be broached.
- Invite the Sessions Judge to visit the jail on any day. If he or she is not able to visit during working days due to excessive work pressure, arrange the visit on a Sunday or a day of special significance, like Independence or Republic day, Gandhi Jayanti, etc. During that visit, get the prisoners themselves to speak about their problems. Make sure to organise the visit properly in conjunction with the Superintendent or Jailor about the issues to be placed before the Sessions Judge.
- Get the undertrial prisoners to line up in single rows according to the courts in which their cases are pending. The longest line would indicate the court where the maximum number of cases is pending. On noticing this, the Sessions Judge can take the necessary steps to find out the reasons and give appropriate directions to the concerned Magistrate or Additional Sessions Judge to speed up the cases.
- Request the Sessions Judge to call for undertrials' records and in eligible cases, persuade him/her

to order the release of such prisoners on bail until their trial is finished.

- Bring to the judge's notice the other legal problems that are prevalent in the jail and point out all the specific remedies which a timely and fair intervention of the Sessions Judge could bring about.
- Point out the letter sent by the Justice J.S. Verma, former Chairperson of the National Human Rights Commission, to the Chief Justices of all the High Courts in the country asking them to direct the Sessions Judges to visit the jails and fulfil their duties. *A copy of this order is attached in the annexure to this chapter.* Follow it up by checking in the Registry of the High Court to see whether instructions have been issued or not. Even if no instructions have been issued, approach the Sessions Judge with a copy of this letter.

Annexure 12



Letter to the Chief Justices of all High Courts with regard to Human Rights in Prisons

Justice J.S. Verma
Chairperson

(Former Chief Justice of India)

राष्ट्रीय मानव अधिकार आयोग
National Human Rights Commission

सरदार पटेल भवन, संसद मार्ग, नई दिल्ली-110001 भारत

Sardar Patel Bhawan, Sansad Marg, New Delhi – 110001 INDIA

January 1, 2000

Dear Chief Justice,

As you are aware, one of the important functions entrusted to the National Human Rights Commission under the Protection of Human Rights Act, 1993, is to visit the prisons, study the conditions of the prison inmates and suggest remedial measures. During the last five years the Members of the Commission and its senior officer have visited prisons in various parts of the country and have been appalled by the spectacle of overcrowding, insanitary conditions and mismanagement of prison administration. The problem is further compounded by lack of sensitivity on the part of the prison staff to the basic human rights of the prisoners.

The State Prison Manuals contain provisions for District and Sessions judges to function as ex-officio visitors to jails within their jurisdiction so as to ensure that prison inmates are not denied certain basic minimum standards of health hygiene and institutional treatment. The prisoners are in judicial custody and hence it is incumbent upon the Sessions Judges to monitor their living conditions and ensure that humane conditions prevail within the prison walls also. Justice Krishna Iyer as aptly remarked that the prison gates are not an iron curtain between the prisoner and human rights. In addition, the Supreme Court specifically directed that the District and sessions Judges must visit prisons for this purpose and consider this part of duty as an essential function attached to their office. They should make expeditious enquiries into the grievances of the prisoners and take suitable corrective measures.

During visits to various district prisons, the Commission has been informed that the Sessions Judges are not regular in visiting prisons and the District Committee headed by Sessions Judge / District Magistrate and comprised of senior Superintendent of Police is not meeting at regular intervals to review the conditions of the prisoners.

Indeed in most of the jails, there is a predominance of under trials. Many of them who have committed petty offences are languishing in jails, because their cases are not being decided early for reasons which it is not necessary to reiterate. The District Judges during their visits can look into the problem and ensure their speedy trial. The Supreme Court in its several judgements has drawn attention to this fact and to the



attendant problems in prison administration arising therefrom. The Supreme Court has also emphasised the need for urgent steps to reduce their numbers by expeditious trial and thereby making speedy justice a facet of Article 21 of the Constitution a reality.

You may consider giving appropriate instructions to the District & Sessions Judges to take necessary steps to resolve the acute problem which has the impact of violating a human right which is given the status of constitutional guarantee.

I would be grateful for your response in this matter.

With regards,

Yours sincerely,

Sd/-

(J.S. Verma)

To

Chief Justices of all High Courts



Women Prisoners

13.1 Comments of the National Expert Committee on Women Prisoners on the Role of Visitors with regard to women prisoners

To address the problems of women prisoners, the National Expert Committee on Women Prisoners was set up in 1987 under the Chairpersonship of Mr. Justice V.R. Krishna Iyer. Its report contains a very comprehensive package of suggestions and recommendations.

Stating the importance of Non-official Visitors and Boards/ Panels of Visitors' role in relation to women prisoners, the Committee writes:

"The custom of having non-official visitors to jails exists but as members have noted, it remains on paper. Independent observers contacted by the Committee recommend that if women social

workers in the district can be involved and are given the necessary powers to visit the jails under the various Jail Manuals, they can help substantially in achieving the goals set out by the Committee. The Committee endorses this proposal and recommends that panels of visitors should be appointed on a permanent basis to all prisons. Such panels should draw their membership on a rotative basis from among enlightened, committed and activist women and meet monthly. More than two consecutive absences during scheduled visits of meeting should be taken as an indication of disinterest, and should call for replacement by a fresh nominee. The Committee would like to make it clear that these panels should not be allowed to become merely parking spots for well-meaning and well-known citizens who are unable to actually make themselves available for work on a sustained basis. Unfortunately expectations of productive work from members on various government committees and commissions continue to be belied and regrettably, even the present Committee is no exception.

The panel's terms of reference should include:

- Monitoring of prison and prisoner conditions;
- Implementation of jail reform;
- Legal, mental health and rehabilitative assistance required to be rendered;
- Staff conduct and difficulties;
- Prisoner grievance and discipline problems; etc.”¹²¹

13.2 Preliminary Questions to ask about Women Prisoners' Circumstances

Some preliminary questions targeting the treatment of women prisoners which prison visitors should ask:

- Are they completely segregated from male prisoners and guarded round the clock by female staff?
- Are there female doctors and female attendees for women prisoners?
- Are there sufficient facilities for them to remain in touch with family members? Are their family members coming to meet them regularly and offer all the necessary emotional, social and legal support? If not, why?

If a woman's family has stopped coming to see her in prison, then use your authority as a prison visitor to talk to family members to remove their un-informed bias and try to re-establish familial and social contact.

13.3 More Complex Issues: Women with Children, Delayed Trials, and Productive Activities

The following areas may require more time and effort to redress:

Arrangements for pregnant women and infants

- If there do not exist facilities for both pre-natal and post-natal care and treatment, talk to the Superintendent and Doctor and get them to make the arrangements. If they are not able to make arrangements due to reasons beyond their control, help them access alternative resources from the outside community.
- Arrange for infants' delivery to take place in a hospital outside the jail. If for practical reasons, this is not possible, get a qualified and experienced mid-wife to be present and ensure that the premises are completely sanitised before the delivery.

- If a child is born inside the jail, ensure that this is not mentioned in the birth certificate to prevent the child from being stigmatised in the future.
- Check that all children accompanying female prisoners are properly immunised against diseases at the right time.
- If there are women with nursing infants, arrange for a nursery or crèche so that infants shall be placed in proper care when their mothers are taken to court.
- When her children have come of age before the end of a woman's sentence, make arrangements for their education and welfare outside the prison. For assistance, consult your Superintendent and contact charitable organisations and trusts in your society. Refer to the next chapter for more details on Superintendents and organisations with experience in this area.

Delay in women's cases

- Find out whether there has been any delay in female prisoner's cases that is attributable to bias or callousness on the part of the police investigating the case, the judiciary or the prison staff.
- Find out if there is any female Judicial Magistrate or Sessions Judge in your area. Or whether the local Bar Council / Association is headed by a female Advocate or if there is a leading female lawyer in your area. If so, get her/them to visit the jail over a weekend; let the women prisoners apprise her/them of their situation and then motivate her/them to take up the issue with the judiciary.
- Find out whether the local Legal Services Authority in your area/ district is effectively functional. If so, then approach the Sessions Judge who is the ex-officio Chairperson of the district Legal Services Authority and get the Judge to help.

Productive activities

If arrangements do not exist to keep women prisoners engaged in creative and productive activities, help the prison administration in providing such services. Some suggestions are as follows:

- Begin with the arrangement of worthwhile literacy programmes. Get the educated prisoners in the group to teach their fellow inmates. Contact the local branch of the National Literacy Programme for this.
- Arrange work for them from the outside community. For example, bring in cut pieces of cloth along with given measurements so they can stitch dress items.
- Ensure that all such work programmes have market value; are dependent on market

requirements and suited to the women's background and creative interests.

- Items produced should be of the same quality as those produced outside. For example, if soap produced in jail does not generate sufficient lather, then it will have no value in the market.
- Put them in touch with Cooperatives managed by women¹²² and introduce them to micro credit schemes, Cottage Industries Promotion Councils in your area and encourage some of them to form self-help groups¹²³ that can work together after their release from prisons. Recently the **Madhya Pradesh Women's Finance and Development Corporation** has started a scheme called *Samarth* which can be applied to women prisoners also.
- Find out the existing mechanism for payment of wages from the jail authorities and if it has any defects, discuss their solution with the prison authorities. Help the prison authorities to open bank accounts in good cooperative banks so that all the earnings from prisoners' work get accumulated into one consolidated amount.

One other problem that is faced by women prisoners is that even if they are eligible for release on Probation, they are still unable to benefit from the same because of the absence of any suitable guardian who can exercise moral and social control over the prisoner. But most of the times it happens due to the prevailing unjust bias against women prisoners due to which their own family members do not come forward to obtain their release under guardianship. This causes untold miseries to women prisoners who are otherwise reformed and meet all the stringent requirements of the Probation law.

The **Kasturba Gandhi Trust** in Indore, Madhya Pradesh has come forward and offered guardianship to all eligible women prisoners hailing from the same district.

Ms. Radha Bhat, Joint Secretary of the Trust may be contacted to know about other such credible Gandhian institutions in other parts of the state and country which can help prisoners in their reformation, rehabilitation and reintegration.

Recently, CHRI has negotiated with *Action Aid, Bhopal* to get its partner NGOs working on issues concerning women, tribals, poverty alleviation, sustainable rural development, children, etc. to understand the plight of prisoners from the marginalized sections of the society including women and motivate them to offer atleast temporary social and economic support till the time they are able to

stand on their own, if they have nobody to turn to after their release. Please get in touch with Action Aid for further developments.

13.4 Some other useful Institutions

Under Section 10[1][k] of The National Commission for Women Act of 1990, it is the function of the **National Commission for Women** to – 'Inspect or cause to be inspected a jail, remand home, women's institution or other place of custody where women are kept as prisoners or otherwise, and take up with the concerned authorities for remedial action, if necessary.' Both the National Commission for Women of India and the Madhya Pradesh State Commission for Women have been visiting prisons lodging women and have given a host of recommendations to the concerned governments. The **M.P. State Commission for Women** has also involved women prisons visitors in its work. Please get in touch with them for further help and information on their programmes for women prisoners.

The Parliamentary Committee on Empowerment of Women has in its third report, given recommendations for improving the conditions of women prisoners and is monitoring their implementation. Visitors may address their complaints, queries and suggestions to this committee.

National Institute of Public Cooperation and Child Development [NIPCCD]. It is an autonomous body under the Department of Women and Child Development, Ministry of Human Resource Development, Government of India with a regional office in Indore, Madhya Pradesh. Even though NIPCCD presently does not have women prisoners on its agenda as such, it can be another body which can be potentially useful in addressing the problems faced by women prisoners.

United Nations Development Fund for Women [UNIFEM], India. Though it has not taken women prisoners on its agenda as of now, visitors and others working for women prisoners should certainly approach UNIFEM and motivate it to address problems faced by women prisoners.



When the sole breadwinner of a family is detained, it affects the rest of the family. Due to ignorance and bias against prisoners, their families are subjected to ridicule, contempt and ostracization. Often, families are exploited or children turn to illegitimate means of sustaining themselves in the absence of their parent. Dominant sections of the society lose no time in exploiting them. The number of problems they face is endless.

Similar is the situation of children living with women prisoners. The atmosphere in prisons is not at all conducive to their growth and development during their formative years. They grow up in an environment of violence, insensitivity and abusive language. Most jail manuals provide for their stay in jail up to the age of 5 – 6 years after which they cannot be kept in jails with their mothers. Their relatives generally do not prefer to take them back or adopt them and such children are thus invariably rendered destitute for no fault of theirs.

14.1 Some ways in which Prison Visitors can help:

- If prisoners have lost touch with their family and their family does not know their whereabouts, help re-establish contact.
- Write letters for illiterate prisoners and organise literate prisoners to teach others.
- Get in touch with prisoners' family members to inquire about their living conditions.
- Help destitute family members with whatever resources and contacts you have. Among other things this can prevent further crime by preventing abandoned or orphaned children from being compelled to adopt illegitimate means of supporting themselves.
- In collaboration with the Superintendent or the Jailor, arrange for admitting children staying with their parent in jail to a good residential school. With a good education, they will not be forced into crime or be affected by the stigma attached to their parents.



Children in Central Jail, Bilaspur, Chhattisgarh returning from a school outside the jail.

At the same time, the prison staff and their children also have important needs. Staff parents are often overworked and grossly underpaid, leading to the neglect of their own families and increased tension and stress while on the job. Providing activities for staff children, or easing the burden of staff parents in other ways can improve the prison atmosphere for everyone.¹²⁴

14.2 Some useful Individuals and Institutions

Dr. Lalji Mishra, Superintendent – Central Jail, Jabalpur, Mr. G.P. Tamrakar, Superintendent – Central Jail, Gwalior, Mr. Shyam Sunder Bissa, Superintendent – Central Jail, Jodhpur, Rajasthan have been working for children of prisoners. Names of some other individuals and organisations working on children of prisoners are given in Chapter 18. A few others have been profiled below:

The **SOS Children's Village, Bhopal** has taken three children of prisoners in its fold and is providing for



The Director & children from SOS Children's Village, Bhopal with children of prisoners in Central Jail, Bhopal, Madhya Pradesh.

their education and development in a very good atmosphere. Visitors can get the details of such villages in their states from the National Head Quarters in New Delhi and pursue the matter.

The **M.P. State Commission for Women** has been addressing issues concerning the health of such children in its work. Please get in touch with the Chairperson Dr. [Mrs.] Savita Inamdar for further details.

Recently, **The Art of Living Foundation**, Bangalore came up with a proposal to the prison department of the government of M.P. that where women prisoners are willing, the Foundation shall take their children to its *Ashrams* at Bangalore and Rishikesh where they will be provided with education till they are eighteen and they shall be taken back to the jails twice a year to meet their mothers.

Even though the **United Nations Children's Fund** [UNICEF], the M.P. Department of Women and Child Development and NIPCCD presently do not have programmes for such children, the visitors should advocate with these institutions to develop suitable programme or guide and support viable and sustainable initiatives undertaken by visitors and others.



Prison is an important part of the criminal justice system. Prison personnel are not only expected to detain prisoners sent to them by courts, but are also expected to convert offenders through corrective treatment and restore them back as useful citizens to the society. It is necessary to understand the genuine problems of the prison staff before we judge them unfairly.

However, prison personnel face a host of problems. Based on our own personal experience and the report of the Mulla Committee,¹²⁵ the following problems are highlighted here.

15.1 Problems faced by Prison Staff

Risky working conditions and Over work:

- A prison is an extremely hostile, volatile and dangerous place where criminals are kept for terms ranging upto life imprisonment. Prison personnel have to deal with offenders for the

longest period as compared to that done by any other branch of the criminal justice system.

- Amidst the congregation of all kinds of criminals in the prisons, the staff is not only engaged in hazardous and exacting tasks but is required to work under conditions of physical risk for prolonged hours. They face perpetual threats to themselves and their families.
- They are supposed to retain their calm even in the face of being verbally abused and taunted by murderers, rapists, dacoits and terrorists.
- On an average, the guarding staff in the prisons has to work for 12 hours a day. During emergencies this period extends even upto 14 – 16 hours a day.
- Severe shortage of staff leads to over deputation of the existing staff.
- Night duties are performed as a matter of routine.
- Leave reserve staff is inadequate with the result that long leave to prison personnel is a rarity.
- Even weekly off is generally not possible.

Inadequate salaries and irrational pay scales:

- The work performed by prison staff is no less risky or arduous than that performed by police officials. Even police officials admit that managing a prison is a more difficult job as they have to face the abuses and threats of hostile and dangerous criminals round the clock.
- Yet in many places, their salaries and other allowances are below that of police personnel. They are supposed to feed and clothe the prisoners to the best of the standards when their own pay is not sufficient to make ends meet in their homes and provide nutritious food and good education for their children. **This often leads to conflicting question in their minds about their role.**

Poor housing facilities:

- In most places, there is a lack of sufficient and properly maintained residential quarters for them. Their houses look worse than stables and without proper toilets and other necessary facilities.



Hutments of prison staff near Central Jail, Jabalpur, Madhya Pradesh.

- Due to lack of accommodation, prison guards are often constrained to live in those areas of the city which are infested with anti-social elements close to the underworld of crime.
- By their association with this element of the society, prison guards start developing vested interests in prison inmates either for material advantages or for averting physical threats to themselves and their families.

Little promotional avenues and lack of social recognition for their work:

- In most places, prison officers get recruited as Assistant Jailors and retire at the same rank even after 30 years of service.

- Lapses in prison administration generally find wide coverage in the mass media whereas the good work done by most of them is seldom reported.
- Problems commonly faced by prison personnel at various levels are hardly ever discussed at common forums.

Lack of staff welfare schemes:

- In many places, welfare schemes such as payment of compensation to the staff for injuries sustained in the discharge of their duties, staff welfare fund, cooperatives, medical and educational facilities for their families and children, subsidised canteens, messing facilities, are almost non-existent.

Uninformed and unsympathetic attitudes of other members of the criminal justice system:

- Often, they do not receive the proper cooperation and respect from the other members of the criminal justice system. Prison staff are perceived to be managers of the waste bins in the society.
- They are held responsible even for acts of omission and negligence on the part of the other members of the criminal justice system.

15.2 Consequences of all these problems

- The morale of prison personnel is often low.
- The accumulated discontent of prison staff erupts in the form of mental and physical ill health, violence against prisoners, subordinates and family members, and strikes and agitations.
- Poor working conditions become an excuse for the staff to avoid taking responsibility for problems.
- They fear that treating offenders humanely as emphasised by the courts through their judgements will make conditions unsafe. Untrained and unqualified staff has taken all such healthy directions in the wrong perspective and has interpreted them as leading to unbridled laxity in prison discipline.

15.3 Broad Recommendations of the Mulla Committee¹²⁶

- The efficiency of an organisation is determined by the calibre, training and motivation of the personnel manning it. This is particularly so in respect of organisations that deal with human

beings instead of machines. It follows that very special care and attention have to be bestowed on the selection and training of the staff, who are to manage the prison and correctional administration. The selectors of personnel in this area of public administration as in the other uniformed services have to look for:

- Physical fitness and courage,
- Leadership and man-management qualities,
- Dependability,
- A balanced personality,
- Endurance qualities,
- A broad interest in social welfare and
- A flair for human relationship.
- No department endeavouring to improve its personnel structure and trying to build up professionally efficient services can ignore the service conditions it offers its employees. A natural pre-condition for attracting persons of requisite calibre and qualities would be to create appropriate service conditions in the prison department. Without proper and attractive service conditions people with appropriate qualifications, right attitude and requisite intelligence would not be attracted to a service which not only requires great humanism but is also exacting and sometimes even monotonous.
- In order to ensure a constructive interaction between prison staff and the inmates it is necessary that the former are contented with their service conditions and are socially recognised for their services. This fact is very well recognised in other advanced countries in the world.

To cite the example of Japan, where correctional services are supposed to be of a higher order, officers of prison and other allied services are paid higher salaries than those of their counterparts in other civil services of the country. This is done in recognition of the nature of their duties and the social handicaps under which they have to function.

- Constructive action for building up welfare programmes will go a long way not only in raising the morale of the prison personnel but also in strengthening the ties between them and the government.
- Residential accommodation of good quality should be provided to all prison personnel. This will also ensure the ready availability of force within the prison campus round-the clock to meet any emergent situation. Otherwise also proper

residential accommodation for the staff is an essential ingredient of better institutional management.

- Treatment programmes conducted in prisons and other good work done by prison personnel should be given proper publicity and be highlighted through the media. This will help in boosting their morale.

15.4 CHRI's suggestions for Visitors

Without resolving some of the basic disparities and problems afflicting the prison staff such as their inordinately low pay scales; insecure working conditions; non-cooperation from other institutions of the criminal justice system; and absence of recognition and cooperation from society, we cannot realistically expect the prison cadre to adhere to standards in human rights protection.

Therefore,

- Establish an ongoing working relationship with the prison authorities of your jail based on honesty, integrity, and for solving problems. Work in a cooperative manner, avoiding unnecessary confrontation.¹²⁷
- Introduce yourself to all the jail staff and inform them that subject to your capacity, you are willing to help them on any legitimate issue. This will help you win the confidence of officials and improve the overall prison environment.
- Identify all problems for which the prison personnel are not responsible. Liase and advocate with the people or institutions which are responsible for them. Make them realise the consequences their negligence has on the prisoners, their families, and the prison staff. Then work out a plan of action in tandem with all concerned parties.

But Remember that:

- **Working in a cooperative manner does not mean that you will compromise when encountering prison personnel committing inherently brutal or corrupt acts.**
- In situations where you are convinced that prison personnel are violating prisoners' rights without any regard for human dignity and legal norms, **as a prison visitor, you have the obligation and power to set matters right.**

Approach difficult situations as a team. If that does not work, then approach the other institutions and individuals listed in this book.



Correcting Human Rights Violations

We have all behaved in ways which are inappropriate, unjust, immoral and illegal. None of us can claim exclusive moral superiority by having escaped legal repercussions. Apart from deliberate mistakes, we are all prone to inadvertent errors.

Keeping these points in mind, we should endeavour to point out mistakes and shortcomings in a positive and constructive manner and give the other party an opportunity to correct his or her behaviour and ensure that such an unbecoming conduct is not repeated in future. Our approach should be Corrective and Restorative and not Retributive.

The AIDS Awareness Group [AAG]¹²⁸ has a two-point suggestion based on their work in Tihar jail over the past 6 years.

- Visitors will be successful in a prison set up only if they work with the prison staff in a co-operative manner.

- So far as possible, a visitor's goal should be to **Correct** human rights violations and not simply to punish those responsible.

The strategy adopted and suggested by AAG in dealing with malpractices and human right violations by prison staff is as follows:

- To begin with, do not always take a confrontational stand.
- Begin by describing the consequences of his or her act to the erring prison official. Describe the unjust harm caused to the prisoner as well as the penal consequences that may entail the official if the act is exposed.
- If the official refuses to listen; does not rectify his or her behaviour; does not redress the harm caused nor refrains from behaving in a similar manner in future, report the incident to the officer or authority immediately senior to the official concerned.
- The Non-official Visitor should then monitor whether corrective action is taken by the erring official and his/her superior.

- If no such action has been taken, then take up the matter with the next higher authority.
- Initially attempt to ensure the anonymity of the violator and the victim while taking up the matter with the higher authority. By highlighting only the wrong, nobody will be wrongly victimised.
- Keep the matter within the prison to begin with to keep the prison official from feeling unnecessarily threatened or challenged. It is only if no positive response or rectifying action is forthcoming, that you should notify external agencies.

AAG claims to obtain a tremendous response with this approach. Problems usually get sorted out in the prison complex itself by the end of the same day.

On working with the prison authorities and getting the maximum out of their potential, AAG suggests the following measures:

- Keep the prison authorities informed of all important developments or incidents which come to your knowledge from your interaction with prisoners which have the potential to jeopardize the security and discipline of the prison. **This will earn you the trust and confidence of the prison authorities.**
- However, protect the identity of prisoners who give you information so that they are not wrongly victimized. When prisoners trust and feel supported by you, you will have a greater opportunity to help them and bring reforms to the system.
- Do not make frivolous or false complaints.
- Listen to the prison staff's genuine complaints and grievances. This will win them over and enable both of you to accomplish more through cooperation.
- Share the skills you possess with jail officials. That will open a channel of trust and cooperation. For example, apart from its regular work with prisoners, AAG also organises training programmes for prison staff on communication problems, lack of confidence and stress management.

The experience of AAG has been that with this sort of an approach, prison authorities respond, co-operate, and become accountable.

Remember:

Don't simply Criticize if you cannot help to Correct.

- The emphasis should always be on correcting and rectifying rather than just punishing a violation.

- **Punishment alone will not ensure that in future, the violator does not behave in a similar way.** Unless and until the root causes of such behaviour are addressed, we cannot ensure that they do not happen in future.
- Help to create an atmosphere and capacity where such violations would not take place.

Vipassana meditation has proven very useful in helping prison personnel deal with difficult and stressful situations: in making erring personnel realize their mistakes; rectify their behaviour and increase their sensitivity towards human values and dignity. Please see Chapter 18 for further details.



Under Section 12[c] of The Protection of Human Rights Act of 1993, it is the function of the National Human Rights Commission to:
 'Visit, under intimation to the state government, any jail or any other institution under the control of the state Government, where persons are detained or lodged for purposes of treatment, reformation or protection to study the living conditions of the inmates and make recommendations thereon.'

On receiving complaints from prisoners about mismanagement and custodial violence, and also acting suo moto, Members and officers of the Commission visit prisons across the country. Serious deficiencies noticed in many instances are pursued with the competent state authorities.¹²⁹ It has also recommended the payment of suitable compensation in many cases.

Since its inception the Commission has engaged in various activities related to prison reforms. These include:

- Taking cognizance of individual complaints;
- Improving prisoner's health conditions;
- Decreasing delays in prisoner's trials;
- Reviewing statewide infrastructural facilities in prisons and improvement therein;
- Standardizing rules relating to pre-mature release of prisoners;
- Monitoring the condition of mentally ill prisoners.

Pursuant to the directions of the Mumbai High Court in the case of *Muktaram Sitaram Shinde vs. State of Maharashtra* the Commission nominated 33 persons as its nominees to Boards of Visitors in 33 prisons across the state of Maharashtra. They included retired judges, police officers, lawyers, teachers, etc. These nominees are empowered to visit prisons on behalf of the Commission and obligated to report about the conditions prevailing therein. The Commission issues appropriate directions on the basis of reports submitted by such nominees.

The Commission has from time to time issued various directions and guidelines to the state governments concerning various issues related to Human Rights.¹³⁰ These have the force of law. We have appended some of the important instructions and guidelines in the relevant chapters. Visitors should follow up these instructions with the concerned prison officers, Sessions judges, District Magistrates, etc. in their states. Visitors can correspond with the Commission through its members and Special Rapporteurs. Since the Commission is overworked we would advise the visitors to exhaust all their options and available remedies before approaching it.

Members of the *Madhya Pradesh Human Rights Commission* have also been visiting prisons and hauling up the administration for laxity and fault. Please get in touch with the Chairperson or Secretary of the Commission for further details and help with your work.

This chapter profiles some individuals and organizations working in fields which have a direct or indirect link to prisons. Some of them may also be helpful in initiating developmental activities in your area, which could reduce those practicing crime as a means of livelihood. They may also aid in the rehabilitation of released prisoners.

Non-official Visitors should enquire about the social service, voluntary and government institutions and agencies working in their district, state and country and get to know about their work. Visitors should also form contacts with doctors, psychiatrists, lawyers, social workers in the fields of poverty alleviation, rural development, upliftment of women and dalits, environment, micro-credit and self-employment schemes, self-help groups, etc. After locating available resources, figure out as to how services and utilities can be channelled for the betterment of your own prison, prisoners, their family members and the families of victims. Below is a list of some of the organisations and individuals known to CHRI with their brief profiles. Their detailed addresses are given in the Appendix to this handbook. If readers know about more such dedicated and sincere organisations and individuals then please do let us know.

CHRI cannot claim absolute responsibility for the quality of work done by each one of them. It would advise the readers to measure that personally before entering into any kind of an alliance.

18.1 Individuals and Organisations working directly on Prisons and related issues¹³¹

Prof. B.B. Pande, teaches Criminal law and Criminology at the Campus Law Centre, Faculty of Law, Delhi University. He has run a project on providing legal aid and para legal services to poor prisoners in Tihar jail, Delhi; Beggar's Courts, Delhi and conducts legal literacy camps with the help of law students. Other details are given in the Chapter on Undertrial prisoners.

Dr. Hira Singh, began his career as a lecturer in the Department of Social Work, University of Lucknow and

then took up the job of a prison superintendent. He then went on to become the Director of the National Institute of Social Defence and consultant to the National Human Rights Commission. He was also a member in the Mulla Committee. Dr. Singh is a nationally and internationally known expert on prisons and has vast practical knowledge on the subject.

Dr. K.K. Gupta, presently Superintendent, Central jail, Raipur, Chattisgarh. He is credited with initiating reforms in the Central jail, Bilaspur [formerly in Madhya Pradesh] along with the then Commissioner of Bilaspur Division, Mr. Harsh Mander. They had introduced the concept of Transparency in jail administration and he was also instrumental in getting an NGO – 'Abhiyan' to start classes for children of women prisoners outside the jail.

Mr. M.M. Upadhyaya, Commissioner of Divisions, Jabalpur. Mr. Upadhyaya as the District Magistrate had initiated the scheme of jail adalats in Central jail, Jabalpur back in 1994 and has the track record of being a very good official visitor during his tenure in Jabalpur.

Mr. Mansharam Alawe, Superintendent, Central jail, Rewa, Madhya Pradesh. He has started a five-fold programme called *Panch Yojna* in Rewa Central jail including the education and rehabilitation of prisoners. He is also taking initiatives to teach the children of prisoners and prison staff.

Ms. Miriam Thomas, Advocate, Mandla, Madhya Pradesh. She is an advocate and committed social activist with vast experience of having worked with tribals and prisoners and represented their cases in courts.

Mr. S.N. Goenka. He teaches the time tested scientific meditation course of Vipassana without charging anything as fees. This course is taught to prisoners across many jails in the world and the remarkable transformative effect on prisoners is well studied and documented. Some jails in Madhya Pradesh have already arranged this course for their inmates and prison staff. Inspired by its success, the Ministry of Home Affairs, Government of India has asked all state governments to introduce Vipassana meditation in their jails.

Mrs. Shalini Tai Moghe [Padma Shri]. Her organisation the 'Bal Niketan Sangh' at Indore, Madhya Pradesh may be approached for helping children of prisoners.

Action Aid, India. It is a development funding agency and supports around 300 voluntary organisations across the country on issues like worsening status of women, dalits, children deprived of education,

drought and chronic hunger, rights of persons with disabilities and discrimination and exploitation of vulnerable groups like the tribals and the homeless. The National Human Rights Commission of India has asked it to conduct a study on the impact of the criminal justice system on poor and marginalized sections of the society. To that extent, it has visited jails across the country, collected data and started preparing its reports. It has regional offices in many state capitals including Bhopal and Raipur.

AIDS Awareness Group [AAG], Delhi. It has been working in Central jail, Tihar for almost eight years now and details of their work have given in the chapters on Correcting Human Right Violations.

Department for International Development [DFID], India. It is the department of the government of the United Kingdom and recently its India office has started a programme on structural reforms in the criminal justice system.

India Vision Foundation. It was set up by Dr. Kiran Bedi in 1994. It works in the fields of – Prison reforms, Education of Children of Prisoners, Education in urban slums, Drug Abuse Prevention, Crime Prevention and Police reforms, Empowerment of Women, Physical and Mental Disability, Rural Development and Promotion of Sports.

International Centre for Prison Studies [ICPS], King's College, London. It seeks to assist governments and other relevant agencies to develop appropriate policies on prisons and the use of imprisonment. It undertakes practical prison projects, taking into account the cultural, social and financial realities in the countries involved, at the request of international agencies, national governments and non-governmental organisations. Its projects concern Tuberculosis in prisons, alternatives to imprisonment, development of Restorative prisons, training of prison personnel in human rights, etc.

Nava Jivan Mandal, Pune, Maharashtra. It is one of the oldest organisations in India that is working towards the rehabilitation of prisoners and has retired police and prison officials, reformed prisoners, social workers, etc. as its members.

Navjyoti – Delhi Police Foundation for Correction, De-addiction and Rehabilitation. Set up by Dr. Kiran Bedi in 1987, it has been actively providing community services in the fields of – Drugs and Alcohol Prevention, Treatment of Addicts and their Rehabilitation, Education of Women and Children, Street and Working Children in Slums, Empowerment of Women, Children of Women Prisoners and Rural Development.

Penal Reform International [PRI], London. PRI is an international non-governmental organisation working towards penal reform in different countries of the world. It has members in over 80 countries of the world. It provides technical expertise and practical advice to NGOs and governments seeking to make specific reforms to their penal systems and helps penal reform activists and specialists to set up non-governmental penal reform organisations in their own countries. It also helps in developing models for alternatives to imprisonment as a form of punishment.

Penal Reform and Justice Association [PRAJA], Gurgaon, Haryana. It is the sister organisation of the Penal Reform International. Presently it is engaged in projects on the mental health and care of women prisoners and their children in the state of Andhra Pradesh and Rajasthan other than helping the government of Andhra Pradesh to introduce Community Service as an alternative to imprisonment.

Prayas, Mumbai, Maharashtra. It provides legal services to poor prisoners and helps in their rehabilitation after release by providing them with technical training and helping them to self-sustainable jobs. They post their staff at police stations, court complexes to give help to people who need it urgently. Their work extends to Observation home for children, Special homes for delinquent juveniles and protective homes for women. They also work for children of prisoners.

Prison Ministry India. They have branches in different states of the country. Its members and volunteers are engaged in providing moral and adult education, counselling to prisoners, education to children of prisoners, organise cultural activities in prisons and work towards the rehabilitation of prisoners.

Saathi, Pune, Maharashtra. It has been working for women prisoners and their children in the Yerwada prison for the last six years and has provided legal and medical services, educational programmes, and nursery for children of prisoners. It also tries to provide various aids and grants to children of prisoners who are not staying with their mothers in prison to enable them to meet their educational expenses. Now it is expanding its programme to male prisoners also.

Society for the Educational and Economic Development [SEED], Sriperumbadur, Tamil Nadu. It has been working for the children of prisoners and helps them to meet their parents in custody, provides them with market oriented income generating skills and training, etc. It provides them with hostel facilities where necessary.

Sudhar – Social Work in Prison, Bhopal. It is a recently formed NGO working on women prisoners and youth offenders and is working in close collaboration with Action Aid, Bhopal.

The Art of Living Foundation. It also offers meditation course to prisoners in various jails in India.

The United Nations Development Programme [UNDP], India. As part of its global commitment to reduce poverty, and improve access to justice for poor people it works with key stakeholders for simplifying and streamlining legal systems; improving legal aid for the poor; providing legal information for judges, lawyers, prosecutors and public defenders; also increasing the availability of legal information to the public; promoting alternative dispute resolution techniques; strengthening the active participation of civil society in justice sector reform; promoting justice and so on.

The United States Agency for International Development [USAID], India. It is the department of the government of the United States of America responsible for international development. Recently, it has also started a programme on reform in the Indian legal sector in collaboration with other such international institutions.

18.2 Other organisations that may also be contacted for help

Association of Voluntary Agencies for Rural Development [AVARD], Delhi. It works for rural development and has worked in the Chambal region of Madhya Pradesh for the rehabilitation of surrendered dacoits in early 1970s.

Centre for Science for Villages, Magan Sangrahalaya, Wardha, Maharashtra. It develops and supplies rurally appropriate technology to villagers, agriculturists and artisans. They can be very much helpful in developing small scale but profitable cottage industries which will cater to the needs of any village and at the same time ensure that people have year round vocation. Their help may also be enlisted to start profitable cottage industries in prisons.

Council for Advancement of People's Action and Rural Technology [CAPART], Delhi. CAPART is an autonomous body under the Government of India involved in catalyzing and coordinating the partnership between voluntary organisations and the government of India for sustainable development of rural areas. It works with the objectives of improving the quality of life in the rural areas, particularly the

poor and socially disadvantaged sections of the society. It has many regional offices in different states.

Development Alternatives, Delhi. Its objectives are to innovate and disseminate the means for creating sustainable livelihood and development on a large scale and thus to mobilise widespread action to eradicate poverty and regenerate the environment. Its strategy is to innovate through design, development and dissemination of appropriate technologies, effective institutional systems, environmental and resource management methods.

Ekta Parishad, Bhopal. It is a very well known mass based organisation working in Madhya Pradesh for the practical realization of the rights of rural and tribal people to resources from the land, forest and water bodies.

Mitrani Ketan, Trivandrum, Kerala is another institution on the same lines as Magan Sangrahalaya of international repute. It works by combining the visions and ideals of Gurudev Rabindranath Tagore and Mahatma Gandhi about an ideal education system and self-dependent ecologically sustainable village system. It provides education and practical vocational skills to rural and tribal children and youth enabling them to be self-dependant and thereby keeping them away from a criminal way of life.

Multiple Action Research Group [MARG], Delhi. It has produced a number of legal literacy materials for women and children. It has a full-fledged legal literacy wing and you should contact MARG for all the literature and videos they have prepared.

People's Action for Mental Health [PAMH], Bangalore, Karnataka. PAMH is a voluntary initiative to empower individuals, families and communities towards promotion of mental health, prevention of mental disorders and care of the mentally ill individuals.

Sanjivini, Delhi. It has been working since 1976, providing psychological counselling to people in distress, free of cost apart from referring serious cases to a panel of psychiatrists. They also offer training to suitable people in counselling skills.

You should try to get in touch with these organisations and individuals and learn from their experience. Ask them to help you begin similar initiatives in your region, taking into account the local differences in the root causes of problems. Most of them should be willing and happy to share their experience. The addresses of all these organisations are given in the Appendix.

Get in touch with good technical and industrial training institutes in your area and get the concerned teacher or head of department to visit your jail. Get him or her to make an assessment of the kind of training to be given or industries to be set up in the prison. The main factor is the suitability of such training to local needs and its market value. Most prison industries are outdated and not very profitable. Then help the prison administration to get the necessary machinery installed and trainers from the training institute to come and instruct the prisoners. Once a couple of senior or enthusiastic prisoners are trained, they can take on the job of training other prisoners. This would reduce the dependency on external trainers. One such training institute in Madhya Pradesh is S.V. Polytechnique, Bhopal. Please get in touch with Dr. K.B. Saxena, head of the department of Information Management Systems.

Make sure that the groups or individuals you bring to work in your jail are motivated towards the welfare of all – the prisoners, the prison staff and the society. They should not be members of various prison committees, mafia or political rivals, corrupt contractors, unscrupulous lawyers, etc. This kind of **help** would only create further problems in a sensitive institution like prison.

All members of Parliament [MPs], members of legislative assembly [MLAs] and members of local self-governing bodies are given large sums of money under the **Local Area Development Fund**, most of which usually remains un-utilised. The visitors – both Official and Non-official should use their contacts and influence with the local MLAs and MPs to channel these funds towards developing and improving the existing medical and other facilities inside their respective jails.

Since the government is always hard pressed for money and resources, you should help honest and sincere prison administrations with donations and contributions. You can both by yourself and by motivating others, donate under Section 80-g of the Income Tax Act. Do not donate money directly but give items and articles of a lasting value.

If you decide to donate items or articles to inmates, it should not be a one-time affair. Rather than single gifts to individuals, the prison administration requires your help in improving the system on a long-term basis and in such a way as will benefit all prisoners alike. For example, arrange for fans to be installed in all the barracks and kitchen; get eligible prisoners released on bail; help in rehabilitating released women prisoners; arrange for the long term education of children of prisoners.

18.3 Caution for Visitors

It is very Important to note that:

- **You** should not attempt to take over the primary responsibilities of the prison authorities.
- Since the State is holding the prisoners, it is the body which is principally and primarily responsible for their safe custody and well being.
- The outside community is at best expected to provide a support system.
- Community involvement in prison reforms should not encourage a tendency among prison staff to delegate their responsibilities to prison visitors and NGOs.
- If you see the development of such a practice amongst the prison officials of your jail, then you must immediately arrest the tendency. Otherwise you will find yourself burdened with unnecessary obligations and lack of accountability amongst the prison staff.

I would now conclude this Handbook with the following quote – **"Wherever combined determination is based on innate goodness...anything is possible"**¹³²

MAY ALL BEINGS BE HAPPY

Contact details of Individuals and Organisations¹³³

Madhya Pradesh Prisons

Mr. Arif Auqeel, Jail Minister, Madhya Pradesh. Opposite Old Secretariat, Bhopal, Madhya Pradesh. Tel: 0755-2551814 [O], 2544195/ 6 [R].
 Mr. Subroto Banerjee, Principal Secretary [Jails], Madhya Pradesh. Room No. – 448, 4th Floor, Vallabh Bhawan, Bhopal. Tel: 0755-2441037 [O], 2441447 [R].
 Mr. S.K. Das, Director General of Prisons. Madhya Pradesh Prison Head Quarters, Old Central Jail Campus, Jail road, Arera Hills, Bhopal, Madhya Pradesh. Tel: 0755-2558198 [O].
 Mr. A.K. Rawat, Deputy Inspector General [DIG] of Prisons. Tel: 0755-2573510 [O], 2557893 [R].
 Mr. A.K. Khare, DIG Prisons. Tel: 0755-2573518 [O], 2578252 [R].
 Mr. R.S. Vijayvargia, DIG Law with additional charge as the Chief Probation Officer, Tel: 0755-2573403 [O], 2763537 [R].
 Mr. B.L. Kori, Superintendent, Central jail, Indore. Tel: 0731-2540020 [O], 2540022 [R].
 Mr. G.P. Tamrakar, Superintendent, Central jail, Gwalior. Tel: 0751-2481921 [O], 2481051 [R].
 Dr. Lalji Mishra, Superintendent, Central jail, Jabalpur. Tel: 0761-2621752 [O], 2322103 [R].
 Mr. Mansharam Alawe, Superintendent, Central jail, Rewa. Tel: 07662-52563 [O], 255335 [R].
 Mr. P.D. Somkunwar, Superintendent, Central jail, Bhopal. Tel: 0755-2742250 [O], 2551032 [R].
 Mr. S.K. Dave, Superintendent, Central jail, Sagar. Tel: 07582-222225 [O], 273383 [R].
 Mr. Sanjay Pandey, Superintendent, Borstal School, Narsinghpur. Tel: 07792-236330 [O], 230443 [R].
 Dr. Suhel Ahmed, Superintendent, Central jail, Ujjain. Tel: 0734-2551020, 255021 [R].¹³⁴
 Mr. U.K. Gandhi, Superintendent, Central jail, Satna. Satna Rewa Highway, Satna, Madhya Pradesh – 485001. Tel: 07672-251164 [O], 251014 [R].

Directorate of Health Services, Madhya Pradesh¹³⁵

Mr. P.D. Meena, Commissioner of Health Services. 5th Floor, Satpura Bhawan, Bhopal, M.P. Tel: 0755-2441071 [O].
 Dr. Ashok Sharma, Director of Health Services. 5th Floor, Satpura Bhawan, Bhopal, M.P. Tel: 0755-2552958 [O], 2461999 [R].
 Dr. M.K. Joshi, Joint Director [T.B. Control]. 6th Floor, Satpura Bhawan, Bhopal, M.P. Tel: 0755-2597469, 2551670 [O].

Individuals

Dr. Arvind Tiwari, Reader, Department of Criminology and Correctional Administration, Tata Institute of Social Sciences. P.B. No. 8313, Deonar, Sion-Trombay Road, Mumbai, Maharashtra – 400088. Tel [O]: 022-25563290-96. E-mail: tiwari_a@tiss.edu.

Prof. B.B. Pande. C – 11, Delhi University Teachers Flats, Chattra Marg, Delhi University, Delhi – 110007. Tel: 011-27667387 [R]. E-mail: bbpande@hotmail.com.

Mr. George A. Vettikunnel, Research Officer, Inspectorate of Prisons. Central Building, Pune, Maharashtra – 411001. Tel [O]: 020-6138048.

Dr. Hira Singh. 183, Munirka Vihar, New Delhi – 110067. Tel: 011-26189063 [R].

Dr. K.B. Saxena, Head of Department of Information Management Systems, S.V. Polytechnique. Polytechnique Road, Near Chief Minister's house, Bhopal, Madhya Pradesh – 462016. Tel: 0755-2255034 [O].

Dr. K.K. Gupta, Superintendent, Central jail, Raipur, Chattisgarh. Tel: 0771-2526313 [O], 2529232 [R].

Mr. M.M. Upadhyaya, Commissioner of Division [Jabalpur]. South Civil Lines, Near Head Post Office, Jabalpur – 482001, Madhya Pradesh. Tel: 0761-2323000 [O], 2320001 [R]. Fax: 2321617 [O].

Mr. M.R. Ahmed, DIG [Prisons], Andhra Pradesh. Tel: 040-24566897 [O], 24577747 [R], 9848172937 [M]. Fax: 24400099. E-mail: riazuddinahmed@rediffmail.com.

Mrs. Margaret Alva, Member of Parliament and Chairperson, Parliamentary Committee on Empowerment of Women. 12, Safdurjung Lane, New Delhi – 110011. Tel: 011-23792777 [R]. Official Address – Chairperson, Parliamentary Committee on Empowerment of Women, Parliament House Annexe, New Delhi – 110001.

Ms. Miriam Thomas, Advocate. Nirmala Convent, Lalipur, Mandla, Madhya Pradesh. Tel: 07642-250604.

Mr. R.K. Saxena. Inspector General of Prisons [Retd.], Rajasthan. P-27, Madhuwan West – 2, Tonk Road, Jaipur, Rajasthan. Tel: 0141-2711725 [R]. Email: rk_saxena30201@yahoo.com.

Ms. Radha Bhat, Joint Secretary, Katurba Gandhi Trust, Indore, Madhya Pradesh.

Mr. S. Murlidhar, Advocate. Member in the Supreme Court Legal Services Committee, New Delhi.¹³⁶ 283, Supreme Enclave, Mayur Vihar Phase - I, Delhi - 110 091. Tel: 011-22755116, 22750861 [O], 22752180 [R]. Fax: 223782595. Email: murush@vsnl.com.

Mrs. Shalini Tai Moghe [Padma Shri]. 'Bal Niketan Sangh', 64, Pagnis Paga, Indore, Madhya Pradesh Tel: 0731-2475282, 2470074.

Mr. Shyam Sunder Bissa, Superintendent, Central jail, Jodhpur, Rajasthan. Tel: 0291-2513094, 2513382 [O].

Organisations and Institutions

Action Aid, India. Mr. Harsh Mander, Country Director. C-88, South Extension - 2, New Delhi – 110049. Tel: 011-5640571-76. Fax: 5641891. Email aaindia@actionaidindia.org. Website: <http://www.actionaidindia.org>. Mr. Shrirang Dhavale, Programme Manager, Madhya Pradesh. E-3/ 4B, Arera Colony, Bhopal. Tel: 0755-5290208, 2425324 [O]. Email: shrirangd@actionaidindia.org. Mr. Viraj Patnaik – Action Aid, Chhattisgarh. HIG – 10, Shankar Nagar, Raipur, Chhattisgarh. Tel: 0771-5022140, 5011596 [O]. For contact details of the other offices in India please check its website at <http://www.actionaidindia.org>

AIDS Awareness Group [AAG]. Mrs. Elizabeth and Mr. Siddharth Vatsayan. 119 Humayun Pur Ground Floor, Safdurjung Enclave, New Delhi-110029. Tel: 011-26187953 / 54 [O]. E-mail: aag@mantraonline.com. Website: www.a_a_g.org.

Association of Voluntary Agencies for Rural Development [AVARD]. Mr. P.M. Tripathi, President. 5 [First Floor], Institutional Area, Deen Dayal Upadhyay Marg, New Delhi – 110002. Tel: 011-23234690, 23236782 [O], Fax: 23232501. Email: avard@sdfat.ernet.in.

Central Social Welfare Board [CSWB]. Mrs. Mridula Sinha, Chairperson. Samaj Kalyan Bhavan, B-12, Tara Crescent, Institutional Area, South of IIT, New Delhi – 110016. Tel: 26866483 [O], 23016112 [R].

Centre for Science for Villages, Magan Sangrahalaya Samiti. Dr. (Ms.) Vibha Gupta, Chairperson. Kumarappa Road, Wardha, Maharashtra – 442001. Tel: 07152-245082 [O], 240956 [R]. Fax: 249542. E-mail: vibhacsv1@yahoo.com.

Council for Advancement for People's Action and Rural Technology [CAPART]. Head quarter office: India Habitat Centre, Zone 5A, 2nd Floor, Lodhi Road, New Delhi – 110003. Tel: 011-24642395. Fax: 24648607. E-mail: capart@caparthq.delhi.nic.in. Website: <http://capart.nic.in>. Regional Committee Address: Shri C.S. Pandey, Member Covenor, West Zone Regional Committee, CAPART, Navjivan Trust Complex, Ashram Road, Ahmedabad, Gujarat – 380014. Tel: 07975-27545072, 27545073. Fax: 07975-27545072. E-mail: rcc@rcahmd.delhi.nic.in. Area of operation: Maharashtra, Gujarat, Madhya Pradesh, Dadar and Nagar Haveli.

Department of Women and Child Development, Government of Madhya Pradesh. Dr. [Mrs.] Pragya Awasthi, Joint Director. 4th Floor, Paryavas Bhawan, Block – 2, Arera Hills, Bhopal, M.P. Tel: 0755-2555414 [O].

Department of Women & Child Development, Ministry of Human Resource Development, Government of India, C – Wing, Shastri Bhawan, New Delhi – 110001. Mrs. Veena Rao, Joint Secretary and Dr. Iyer, Secretary.

Development Alternatives. Dr. Ashok Khosla, President. B-32, Tara Crescent, Qutub Institutional Area, New Delhi – 110016. Tel: 011-26967938, 26851509, and 26851158. E-mail: tara@sdfat.ernet.in. Website: www.devalit.org.

Department For International Development [DFID], India. Dr. Vikram Menon, Governance Advisor. India. B – 28, Tara Crescent, Qutub Institutional Area, New Delhi – 110016. Tel: 26529123. Email: V-Menon@dfid.gov.uk. Fax: 26529296. Website: <http://www.dfid.gov.uk>. Regional Office in Madhya Pradesh – C/o The British High Commission, E – 7/642, Arera Colony, Bhopal – 462016. Tel: 0755-2294451/52. Fax: 2294453.

Ekta-Parishad. Mr. P.V. Rajagopal, National Convenor. Gandhi Bhawan, Near Polytechnique, Shyamala Hills, Bhopal, Madhya Pradesh – 462002. Tel: 0755-2660565 [O], 2661800 [R]. Fax: 0755-2710719. Email: vinodekta@rediffmail.com. Website: www.ekta-parishad.org.

India Vision Foundation. Ms. Kamini Gogia, Organising Secretary. 2 – Talkatora Lane, New Delhi – 110001. Tel: 011-23094761. Mobile: 9811056000. Fax: 23094061. E-mail: ivfindia@vsnl.com. Website: www.indiavisionfoundation.org.

Institute of Rural Management [IRMA]. Dr. Verghese Kurien, Director. Post Box No. 60, Anand – 388001, Gujarat, India. Tel: 02692-260391, 263260, and 261502. Fax: 260188. Website: <http://www.irma.ac.in>.

International Committee of the Red Cross, India. Dr. Umesh Kadam, Regional Legal Advisor. 47, Sunder Nagar, New Delhi. Tel: 011-24354394/95/96/456. Fax: 24353250. Email: new_delhi.del@icrc.org. Headquarters – ICRC, 19, Avenue De La Paix CH – 1202, Geneva Switzerland. Tel: 0041-22-734-6001. Fax: 7339674. Indian Red Cross Society – Red Cross Building, Red Cross Road, New Delhi – 110001.

Madhya Pradesh Human Rights Commission. Mr. Justice [Retd.] R.D. Shukla, Acting Chairperson. Paryavas Bhawan, Block 1, Arera Hills, Jail Road, Bhopal, Madhya Pradesh – 462011. Tel: 0755-2764505 [O]. Reception: 2572034. Fax: 2574028.

E-mail: mphrc@bom6.vsnl.net.in. For contact details of other members, please get in touch with the Secretary of the Commission Mr. Rakesh Bansal. Tel: 0755-2571935 [O].

Madhya Pradesh State Commission for Women. Dr. [Mrs.] Savita Inamdar, Chairperson. B Block, Old Secretariat, Bhopal, Madhya Pradesh. Tel: 0755-2531427 [O]. 9827031855 [M]. Fax: 2542394. For contact details of other members located in different parts of the state, please get in touch with the Secretary of the Commission Mrs. Manjula Vishwas. Tel: 0755-2545678 [O].

Madhya Pradesh State Legal Services Authority. Mr. Justice [Retd.] D.P.S. Chauhan, Chairperson. 574, South Civil Lines, Jabalpur, Madhya Pradesh. Tel: 0761-2327652, 2327651 [O]. Fax: 2328267. E-mail: root@mplsa.mp.nic.in.

Madhya Pradesh Women's Finance and Development Corporation. Mr. M.K. Chaturvedi, General Manager. 24, Maharana Pratap Nagar, Zone – 2, Bhopal, M.P. Tel: 0755-2557783, 2557622 [O]. Fax: 2557783.

Mitraniketan. Mr. K. Vishwanathan, Director or Dr. Reghu Rama Das, Project Coordinator. Vellanad, Thiruvananthapuram – 695543, Kerala. Tel: 0472-2882015, 2882045 [O]. Fax: 2882015.

Multiple Action Research Group [MARG]. Dr. Vasudha Dhagamwar, Executive Director, 205, 206 Shahpur Jat, New Delhi – 110049. Tel: 011-26497483, 26496925. Fax: 26495371. E-mail: marg@del2.vsnl.net.in. Website: www.indev.nic.in/marg.

National Commission for Women. Dr. [Mrs.] Poornima Advani, Chairperson. 4, Deen Dayal Upadhyay Marg, New Delhi – 110002. Tel: 23236204 [O], 23354826 [R]. General telephone numbers: 23236988, 23237166. Fax: 23236154. Complaints Cell: 23222369. Email: member_secretary@ncw-india.org. Website: www.ncw-india.org. For contact details of other members please get in touch with the Member Secretary Mrs. Sunila Basant. Tel/Fax: 011-2323 6271.

National Human Rights Commission [NHRC] of India. Dr. Justice A.S. Anand, Chairperson. Tel: 011-2334 7065, 2334 0891. Shri Chaman Lal, Special Rapporteur for Custodial Justice. Sardar Patel Bhawan, Sansad Marg, New Delhi- 110001. Tel: 011-23344345 [O]. General telephone numbers of NHRC: 23361611, 23361175, and 23340123. Mobile [For complaints after office hours and during holidays]: 9810298900. Fax: 23340016, 23366537. E-mail: nhrc@ren.nic.in. Website: www.nhrc.nic.in.

National Institute of Public Cooperation and Child Development [NIPCCD]. Mr. K.K. Singh, Joint Director [Women's Division], Dr. Dinesh Paul, Joint Director [Child Division]. 5, Siri Institutional Area, Opposite Hauz Khas Police Station, New Delhi-110016. Tel: 011-26963204, 26963002. Ms. Meenakshi Sood, Assistant Director [Library]. Tel: 26963778.

National Legal Services Authority [NALSA]. Contact Member Secretary, 12/ 11, Jam Nagar House, New Delhi – 110011. Tel: 23389682, 23385321, and 23382778. E-mail: nalsa@bol.net.in. Website: <http://causelists.nic.in/nalsa/>

Nava Jivan Mandal. Mr. S.A. Ranade, Director. Tel: 020-5654815. Mr. A.M. Chakradev, Liason Officer. 26 Shukrawar Peth, Bhaumharaj Lane, Pune – 411002, Maharashtra. Tel: 020-4481282.

Navjyoti – a Delhi Police Foundation. Ms. Arvinder Kaur, Organising Secretary. Address 1: Vikas Bhawan, Sanjay Amar Colony, Yamuna Pushta, New Delhi – 110006. Telefax: 011-23866312, 23866316, and 23866403. Address 2: 3rd Floor, Sarai Rohilla Police Station, New Delhi – 110007. Tel: 011-23610490, 23614287. Telefax: 23515075. E-mail: Navjyoti@del2.vsnl.net.in. Website: www.drughelpline.org.

Penal Reform and Justice Association [PRAJA]. Dr. [Mrs.] Rani D. Shankardass, Secretary General. 7A&B, Sector 14, Mehrauli Road, Gurgaon – 122001, Haryana. Tel: 0124-2323564, 2323959 [O]. [From Delhi dial 9124 instead of the STD Code]. Fax: 2323959. E-mail: paja_email@yahoo.com.

People's Action for Mental Health [PAMH]. Apartment No. C-301, CASA ANSAL, No. 18, N.S. Palya, Bannerghatta Road, Bangalore, Karnataka – 560076. Tel: 080-6587995. Contact Prof. R. Srinivasa Murthy, Professor of Psychiatry, Department of Psychiatry, National Institute of Mental Health and Neuro Sciences [NIMHANS], P.O. Box No. 2900, Bangalore – 560029, Karnataka. Tel: 080-6995251, 6995261 [O]. Email: Murthy@nimhans.kar.nic.in.

Prayas. Mr. S. Vijay Raghavan, Director. 9/ 1, B.D.D. Chawls, Worli, Mumbai – 400018, Maharashtra. Tel: 022-24902285, 24947156 [O]. E-mail: prayas1990@rediffmail.com.

Prison Ministry India. Post Box No. 3410, Yuvachethana Colony, 2nd Cross, Venkatpura, Koramangla Post Office, Bangalore – 560034, Karnataka. Tel: 080-5520859, 5523722 [O]. E-mail: pmin@vsnl.com.

Sanjivini. Dr. [Ms.] Ramani Sundareshan, Director. A-6 Satsang Vihar Marg, Qutub Institutional Area, New Delhi – 110016. Tel: 011-26862222, 26864488.

Saathi, Pune, Maharashtra. Contact Mrs. Meenakshi Apte. Tel: 020-5511564.

Self Employed Women's Association [SEWA]. Contact Mrs. Ila Bhat, Secretary. SEWA Reception Centre, Opposite Victoria Garden, Bhadra, Ahmedabad – 1, Gujarat, India. Tel: 079-25506477. Fax: 25506446. Email: sewamahila@wilnetonline.net.in.

Society for Educational and Economic Development [SEED]. Mr. Ramaswamy Palaniswamy, Director. Opposite to PWD Inspection Bungalow, Chennai Bangalore Highway, Venkatrangam Pillai Chatiram, Sriperumbudur – 602105, Tamil Nadu. Tel: 04111-362322.

SOS Children's Village, Bhopal. Dr. K.N. Pathak, Director. Khajuri Kalan Road, Piplani, Bhopal – 462021, M.P. Tel: 0755-2757588, 2755217 [O]. Fax: 2687625. Email: sosbhopal@sancharnet.in.

SOS Children's Villages of India National Coordination Office. A – 7, Nizamuddin [West] New Delhi – 110013. Tel: 011-24359734, 24357299 [O]. Fax: 24357298. Email: soscvl@vsnl.com. Website: www.soscvindia.org.

Sudhar – Social Work in Prison. Contact Mrs. Surekha Talari, Coordinator. HIG A/11. Block A, MPSRTC Building Complex, City Depot, Jawahar Chowk, Near Bhadbhada Road, Bhopal, Madhya Pradesh. Tel: 0755-5221405 [O], 2774436 [R]. Email: sudhar_prison@rediffmail.com.

Supreme Court Legal Services Committee. Mr. B.P. Bhat, Member Secretary. Room No. 109, Lawyers' Chambers, Post Office Wing, Supreme Court Compound, New Delhi – 110001. Tel: 011-23073970 [O]. Email: sclsc@nic.in.

United Nations Development Programme [UNDP], India. Contact Ms. Surekha Subarwal, Assistant Resident Representative of UNDP, India. 55, Lodhi Estate, New Delhi – 110003. Tel: 011-24628877. Fax: 24627612. Website: <http://www.undp.org.in>.

United Nations Children's Fund [UNICEF], India. Contact Ms. Sheema Sen Gupta, Child Protection Programme. UNICEF House, 73, Lodi Estate, New Delhi – 110003. Tel: 91-11-2690401-07 Extension: 1358. Email: ssengupta@unicef.org. Website: <http://www.unicef.org>.

United Nations Development Fund for Women [UNIFEM], India. Ms. Benita Sharma, 223, Jorbagh [Ground Floor], New Delhi – 110003. Tel: 011-24604351. Fax: 24698297. Website: <http://www.unifem.undp.org>.

United States Agency for International Development [USAID], India. Contact Ms. Dana Fischer Director, Social Development Programme. American Embassy, Shantipath, Chanakya Puri, New Delhi – 110021. Tel: 011-24198519. Fax: 24198454.

The Art of Living Foundation. For complete details on course and other centres around the world, please visit its website: <http://www.artofliving.org>. There are three centres in Madhya Pradesh:

Bhopal Information Centre. Contact Ms. Sujata Bansal 2/6 HIG, Geetanjali Apartments South T.T. Nagar, Bhopal – 462015, M.P. Tel: 0755-2460088, 2762784, 2422743. Email: sujatabansal@hotmail.com.

In Indore contact Sri. Anil Saine G – 9, Ahimsa Towers, 7, M.G. Road, Indore – 452001, Madhya Pradesh. Tel: 0731-2272438, 9826051641 [M]. E-mail: sainishree@hotmail.com.

Jabalpur Information Centre. Contact Mr. Lalit Bakshi. Shrivastava Enterprises, Shop No. 18, Ground Floor, Roopam Towers, Jabalpur – 482002, M.P. Tel: 0761-2316444, 2318055, 2668070. 9425153269 [M]. Email: vvkj_Jabalpur@rediffmail.com.

For details on Vipassana meditation, its reformative impact on prisoners, courses in jails and centres around the world, please visit the website: <http://www.dhamma.org>. You may also write to the Vipassana International Academy, Dhamma Giri, Igatpuri, Nasik – 422403, Maharashtra. Tel: 02553-244076, 244086. Fax: 244176. E-mail: info@giri.dhamma.org. Centres in Madhya Pradesh:

Dhamma Kanana Vipassana Centre, Bank of Wainganga, Rengatola, P.O. Garra, Balaghat. Contact Mr. Haridas Meshram – Ratan Kuti, 126, ITI Road, Buddhi, Balaghat – 481001. Madhya Pradesh. Tel: 07632-248145. Also Mr. Murli Makhija. Tel: 247534, 240005, 9827165434 [M]. Fax: 240234. Email: makhijabgt@yahoo.com.

Dhamma Pala Vipassana Centre, Bhopal. Contact Mr. Ashok Kela c/o Vipassana Samiti – E-1/ 182 Arera Colony, Bhopal – 462016. Tel: 0755-2462351, 2461243 [O], 2468053 [R]. Fax: 2468197. E-mail: mpvneer@sancharnet.in.

In Ratlam contact Dr. Narayan S. Wadhwani. Station Road, Ratlam – 457001. Tel: 07412-230933 [O], 267933 [R].

Indore Vipassana Samiti. B – 14, Industrial Estate, Polo Ground, Indore – 452015. Tel: 0731-2422330 – 33 [O]. Fax: 242234, 256131. Email: info@scientificindia.com. Contact Mr. P.N.Choudhary. Tel: 5082167. Mr. Vijay Jethani. Tel: 2481199.

Dhamma Bala Vipassana Centre, Jabalpur. Contact Vipassana Trust, Mani Distributors, 33 Dawa Bazar, Civic Centre, Jabalpur. Tel: 0761-5006252, 2310252. Fax: 2342719, 2391127. Email: dhammabalajabalpur@yahoo.co.in.

In Rewa contact Prof. C.K. Sharma. Upwan Nagar, Neem Chauraha, Paudha Baug, Rewa – 486003. Tel: 07662-230545 [O], 242982 [R].

International institutions and NGOs

Human Rights Watch. Website – <http://www.hrw.org/prisons>.

International Centre for Prison Studies, King's College, London. E-mail: icps@kcl.ac.uk. Website: www.prisonstudies.org.

Penal Reform International [PRI], London. E-mail: Headofsecretariat@pri.org.uk. Website: www.penalreform.org.

United Nations Office of the High Commissioner for Human Rights [OHCHR]. Palais des Nations 8-14 Avenue de la Paix CH-1211, Genève 10. Tel: [41-22]917-9000. Website: <http://www.unhcr.ch>.

United Nations Centre for International Crime Prevention [CICP], Vienna, Austria. Website: http://www.odccp.org/crime_cicp.html.

United Nations Crime and Justice Information Network [UNCJIN]. Serves as an electronic clearing-house for criminal justice related issues coordinated by the United Nations Centre for International Crime Prevention, Vienna, Austria. Website: <http://www.odccp.org/uncjin.html>.

United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders [UNAFEI]. Mikihiro Kitada, Director. 1-26 Harumi-cho, Fuchu-shi, Tokyo 183-0057, Japan. Tel: +81-42-3337021. Fax: +81-42-3337024/4656. Email: unafei@moj.go.jp. Website: <http://www.unafei.or.jp/english/index.html>.

United Nations Interregional Crime and Justice Research Institute [UNICRI]. Headquarter: Viale Maestri del Lavoro. 10 - 10127 Turin, Italy. Tel. (+39) 011 653 71 11. Fax (+39) 011 631 33 68. *Antenna office in Rome*: Viale delle Terme di Caracalla, FAO Building E220/222 - 00100, Rome, Italy. Phone: (+39) 06-57050250, 06-57050252. Fax: (+39) 06-57050256. E-mail: unicri@unicri.it. Website: <http://www.unicri.it>.

United Nations African Institute for the Prevention of Crime and Treatment of Offenders [UNAFRI].¹³⁷ Contact: N. Masambasita. Research and Policy Development Advisor, Naguru, P.O. Box 10590, Kampala, Uganda. Tel: 25641-221119 [O], 25677511210 [Mobile]. Email: masambasita@unafri.or.ug. Website: <http://www.unafri.or.ug>.

VERA Institute of Justice, New York. Website – <http://www.vera.org>.

World Health Organisation [WHO]. WHO, India, World Health House, Indraprastha Estate, New Delhi – 110002. Tel: 011-23317804. WHO Headquarters, Avenue Appia 20, 1211 Geneva 27, Switzerland. Tel: 0041-22-7912111. Fax: 7913111. Website: <http://www.who.int/en>.

This list is not exhaustive. For more information, please visit our website at <http://www.humanrightsinitiative.org/programs/prisonresource.htm>. We also request the readers to share information and contact details of other such individuals and organisations which are doing good work in prisons and for prisoners.

- ¹ The main rights are codified in Articles 14 – 32. The most important of these is codified in Article 21 as the Right to Life and Personal Liberty.
- ² Prisons and Jails have been used interchangeably and convey the same meaning throughout this book.
- ³ These can be downloaded from the website of the United Nations High Commissioner's Office for Human Rights, Geneva [<http://www.unhchr.ch/>]. Click on the link to Treaties in the home page and then go to the section on Human rights in the administration of justice.
- ⁴ (1980) 3 Supreme Court Cases, 488.
- ⁵ *Ibid*, at page 509.
- ⁶ For the complete list, please refer to the Standard Minimum Rules for Treatment of Prisoners [1955].
- ⁷ These are – Prisons Act [1894], Prisoners Act [1900], Identification of Prisoners Act [1920], Transfer of Prisoners Act [1950], Prisoners [Attendance in Courts] Act [1955], Civil Jails Act [1874], Borstal Schools Act and Habitual Offenders Act. Other than these, the Jail Manuals of each state govern the day-to-day administration of prisons in the states.
- ⁸ Section 27[3], Prisons Act, 1894.
- ⁹ *Ramesh Kaushik vs. B.L. Vig, Superintendent, Central Jail, Delhi* AIR 1981 SC 1767.
- ¹⁰ Section 27[3], Prisons Act.
- ¹¹ Please also refer to the Right to Protection Against Being Forced into Sexual Activities.
- ¹² Please also refer to the case of *Sheela Barse vs. State of Maharashtra* AIR 1983 SC 378.
- ¹³ Section 24[3], Prisons Act.
- ¹⁴ Section 13, Prisons Act.
- ¹⁵ S. 26[3], Prisons Act.
- ¹⁶ S. 26[2], Prisons Act.
- ¹⁷ S. 29, Prisons Act.
- ¹⁸ S. 35[2], Prisons Act.
- ¹⁹ S. 35[3], Prisons Act.
- ²⁰ S. 39-A, Prisons Act.
- ²¹ S. 436[1], Code of Criminal Procedure, 1973 [CrPC].
- ²² S. 50[2], CrPC.
- ²³ S. 436[1], CrPC.
- ²⁴ Proviso to S. 436[1].
- ²⁵ S. 440[1], CrPC.
- ²⁶ See *Moti Ram vs. State of Madhya Pradesh* AIR 1978 SC 1594.
- ²⁷ S. 440[2], CrPC.
- ²⁸ Section 342, Indian Penal Code, 1860.
- ²⁹ *Dharmu vs. Rabindranath* 1978 CrLJ 864 Orissa High Court.
- ³⁰ First proviso to S. 437[1], CrPC.
- ³¹ S. 437[6], CrPC.
- ³² See *Hussainara Khatoon and others vs. Home Secretary, State of Bihar* AIR 1979 SC 1360.
- ³³ The Non-official Visitors should follow this up with the concerned officials.
- ³⁴ *M.H. Hoskot vs. State of Maharashtra* AIR 1974 SC 1143.
- ³⁵ S. 383, CrPC.
- ³⁶ S. 40, Prisons Act.
- ³⁷ *Sunil Batra (II) vs. Delhi Administration* (1980) 3 SCC para 78[3] at page 521.
- ³⁸ *Veena Sethi vs. State of Bihar & others* AIR 1983 SC 339.
- ³⁹ Section 12[2], Prisons Act.
- ⁴⁰ AIR 1982 SC 806.
- ⁴¹ Human Rights Watch, New York [2001].
- ⁴² *Prem Shankar Shukla vs. Delhi Administration* AIR 1980 SC 1535. Please also see *Sunil Gupta & ors. vs. State of M.P.* (1990) 4 SCC 475 and *Citizens for Democracy vs. State of Assam* AIR 1996 SC 2193.
- ⁴³ *Francis Coralie Mullin vs. The Administrator, Union Territory of Delhi and others* AIR 1981 SC 746.
- ⁴⁴ AIR 1978 SC 1675.
- ⁴⁵ *Ibid*.
- ⁴⁶ S. 50, Prisons Act.
- ⁴⁷ *Sunil Batra (II) vs. Delhi Administration* (1980) 3 SCC para 78[4] at page 521. In fact when this system was effectively introduced by Dr. [Mrs.] Kiran Bedi in Tihar jail back in 1993, it lead to the detection of and reduction in corruption, criminal activities and other abuses on prisoners both by prison staff and fellow inmates. See the Chapter titled *Championing a Cause: The Petition Box* in Kiran Bedi, *It's Always Possible – Transforming one of the Largest Prisons in the World*, (1998) Sterling Publishers, Delhi at pages 155 – 177.
- ⁴⁸ *Sunil Batra (II) vs. Delhi Administration* (1980) 3 SCC para 78[5] at pages 521 – 522.
- ⁴⁹ *Ibid* at page 504, para 27.
- ⁵⁰ *Rudul Sah vs. State of Bihar* AIR 1983 SC 1086, *Sebastian M. Hongray vs. State of Jammu & Kashmir* AIR 1984 SC 1026 and *D. K. Basu vs. State of West Bengal* AIR 1997 SC 610.
- ⁵¹ *Sunil Batra (II) vs. Delhi Administration* (1980) 3 SCC at page 512, para 53.
- ⁵² S. 41[2], Prisons Act.
- ⁵³ *Sunil Batra (II) vs. Delhi Administration* (1980) 3 SCC at page 509.
- ⁵⁴ S. 34[1], Prisons Act.
- ⁵⁵ S. 34[2], Prisons Act.
- ⁵⁶ S. 35[1], Prisons Act.

- ⁵⁷ *State of Gujarat vs. High Court of Gujarat* (1998) 7 SCC 392.
- ⁵⁸ S. 61, Prisons Act.
- ⁵⁹ *Sunil Batra (II) vs. Delhi Administration* (1980) 3 SCC para 79[1] at page 522.
- ⁶⁰ This is an edited reproduction of an advertisement placed by the National Legal Services Authority on the occasion of the Legal Services Day on 9th November 1998, in the Times of India.
- ⁶¹ These duties have been collated from the *Report of the All India Committee on Jail Reforms* [1980-83] Volume I, pages 47-48 and contributions made by Dr. Lalji Mishra. For further information, please refer to the Jail Manual of your state.
- ⁶² Mr. Arun Kapoor of *Ritijnali* – an NGO working for adolescent prisoners in Tihar jail, Delhi, Prof. B.B. Pande – Faculty of Law, University of Delhi, Mr. Siddharth Vatsayan of AIDS Awareness Group [AAG], Delhi and Mr. B.J. Misar of *Nava Jivan Mandal*, Pune, Maharashtra voiced this concern at the first ever Workshop on Prison Visiting System organised by the CHRI in July 2000 at Bhopal in collaboration with the Madhya Pradesh Human Rights Commission.
- ⁶³ Please refer to the Chapter – *Enters the Community in It's Always Possible – Transforming one of the Largest Prisons in the World* by Kiran Bedi, at pages 202 – 216 for a complete documentation of how this was achieved.
- ⁶⁴ *Report of the All India Committee on Jail Reforms* [1980-83] Ministry of Home Affairs, Government of India, Volume 2, Chapter 21, page 255.
- ⁶⁵ We have highlighted certain sections of the extract to emphasise the message therein.
- ⁶⁶ Corrections: Report of the National Advisory commission on Criminal Justice Standards and Goals, USA: 1973: Part II, Chapter 7- Corrections and the Community; page 222.
- ⁶⁷ Summary of the White Paper on Crime, 1978; Government of Japan; page 21.
- ⁶⁸ Contact details of the officers are given in the Appendix.
- ⁶⁹ 1 Crore = 1,00,00,000 units.
- ⁷⁰ Madhya Pradesh Jail Manual, Rule 814[1] & [2].
- ⁷¹ Rule 815[1].
- ⁷² Ibid.
- ⁷³ Rule 815[5].
- ⁷⁴ Rule 814[3].
- ⁷⁵ Rule 815[2].
- ⁷⁶ Rule 815[1].
- ⁷⁷ Which is in the jurisdiction of the Sessions Judge.
- ⁷⁸ Which is in the jurisdiction of the Director of Health Services.
- ⁷⁹ Madhya Pradesh Jail Manual, Rule 815[3].
- ⁸⁰ Rule 816[1].
- ⁸¹ Rule 815[3].
- ⁸² Rule 816[1].
- ⁸³ *Report of the All India Committee on Jail Reforms*, Volume I at pages 80-81.
- ⁸⁴ Vivien Stern, *A Sin Against the Future: Imprisonment in the World* [1998] Penguin, London at page 251.
- ⁸⁵ Rule 816[1], Madhya Pradesh Jail Manual.
- ⁸⁶ The table has been contributed by Dr. Lalji Mishra and has been modified suitably.
- ⁸⁷ These are appended after Rule 820 of the Jail Manual. This table has also been contributed by Dr. Lalji Mishra and suitably modified.
- ⁸⁸ Rule 817[1].
- ⁸⁹ Rule 817[1].
- ⁹⁰ Rule 817[3]. This rule further provides that the government may appoint the District Magistrate or any other person or persons to visit such prisoners and may issue such instructions for the guidance of such visitors or visitors as it may think fit.
- ⁹¹ Rule 817[2].
- ⁹² Rule 817[6].
- ⁹³ Rule 817[5].
- ⁹⁴ Rule 815[5].
- ⁹⁵ Rule 817[8].
- ⁹⁶ Rule 817[10].
- ⁹⁷ Madhya Pradesh Jail Manual, Rule 817[4].
- ⁹⁸ Ibid.
- ⁹⁹ Rule 817[6].
- ¹⁰⁰ Rule 817[7][i]. But this rule further provides that – When a visitor considers the sanctioned system of the jail administration requires modification in any particular manner or has suggestions to make on questions of policy he shall refer his opinion separately to the Inspector General and shall not discuss the subject in the visitors' book.
- ¹⁰¹ Please also refer to Chapter 16 – *Correcting Human Right Violations* before approaching others.
- ¹⁰² This report has been edited to meet the requirements of this handbook. We express our gratitude to the Board of Visitors to HM Prison Erestoke for having made their report available on the Internet for reference and use across the world.
- ¹⁰³ Equivalent to a Superintendent in India.
- ¹⁰⁴ Equivalent of the Public Works Department [PWD] in India.
- ¹⁰⁵ Equivalent of the Ministry of Home Affairs in India
- ¹⁰⁶ Please also see Chapters 15 and 16 titled *Understanding the Prison Staff* and *Correcting Human Right Violations*, respectively on how to proceed after investigating into complaints from prisoners.
- ¹⁰⁷ This is in conjunction with S. 428 of the CrPC which provides that "Where an accused person has, on conviction, been sentenced to imprisonment for a term [not being imprisonment in default of payment of fine], the period of detention, if any, undergone by him during the investigation, inquiry or trial of the same case and before the date of such conviction, shall be set off against the term of imprisonment imposed on him on such conviction, and the liability of such person to undergo imprisonment on such conviction shall be restricted to the remainder, if any, of the term of imprisonment imposed on him."
- ¹⁰⁸ Times of India [Delhi edition] dated 2nd February 2001 at page 5.

- ¹⁰⁹ The Hindu [Delhi edition] dated 3rd December 2000 at page 3.
- ¹¹⁰ The Indian Express [Delhi edition] dated 4th March 2001 at page 4.
- ¹¹¹ These offences are defined in Section 320 of the CrPC.
- ¹¹² Summarised from reports in the *India Today* [6th November, 2000], *The Hindustan Times* [Delhi edition dated 27th February, 2001] and *Prison News* [Volume I Issue 3, Jan – March 2002] – the Quarterly news magazine of the Prison Directorate of West Bengal.
- ¹¹³ The total prison budget sanctioned for the year 2000 was Rs. 804.639 Crores! This does not include expenditure under other heads. Source: *Prison Statistics*, National Crime Records Bureau, Ministry of Home Affairs, Government of India, Delhi.
- ¹¹⁴ Vivien Stern, *Alternatives to Prison in Developing Countries*, [1999] International Centre for Prison Studies, King's College and the Penal Reform International, London.¹¹⁵ The Pioneer, 8th April, 2001 at page 1.
- ¹¹⁶ The Hindu [Delhi Edition], 27th January 2001, at page 5.
- ¹¹⁷ *Community Involvement in Corrections* in Report of the Mulla Committee Volume II at page 260.
- ¹¹⁸ *Ibid* at page 260.
- ¹¹⁹ *Report of the All India Committee on Jail Reforms*, Volume I, at page 80.
- ¹²⁰ Summarised from reports in the *India Today* [17th August, 1998] and other news paper reports in November 1999.
- ¹²¹ *Report of the National Expert Committee on Women Prisoners* [1987], Department of Women & Child Development, Ministry of Human Resource Development, Government of India, New Delhi at page 252.
- ¹²² Self Employed Women's Association [SEWA] is one such organisation with a large membership and network.
- ¹²³ Please get in touch with the Department of Women and Child Development in your state or the Collectorate in your area for contact details of such organisations. You can also avail them from the Directory of NGOs brought out by Development Alternatives, New Delhi and the Directories brought out by the Planning Commission of India, New Delhi.
- ¹²⁴ Please also refer to Chapter 15 – *Understanding the Prison staff*.
- ¹²⁵ Chapter 24 – *Development of Prison Personnel* and Chapter 5 – *Prison Buildings* in *Report of the All India Committee on Jail Reforms* [1980-83] Volume II & I Ministry of Home Affairs, Government of India.
- ¹²⁶ *Ibid*.
- ¹²⁷ Please also see the suggestions given by the AIDS Awareness Group, in Chapter 16 – *Correcting Human Rights Violations*.
- ¹²⁸ Along with its work on HIV/ AIDS among prisoners it has also employed a panel of lawyers to provide legal services to prisoners in Tihar jail.
- ¹²⁹ National Human Rights Commission, *Annual Report 1998-99*, pages 19-23.
- ¹³⁰ National Human Rights Commission, *Important Instructions/ Guidelines* [2000]. This contains copies of all such instructions and guidelines till the year 2000. The commission plans to revise and update this document each year. A copy of the same may be availed from the Commission's office in Delhi.
- ¹³¹ Names have been arranged alphabetically. Due to space constraints, we are able to provide only brief profiles of individuals and organisations. For more information, please visit their websites; write to them by email or post or phone them. Contact details are given in the Appendix.
- ¹³² Kiran Bedi *It's Always Possible – Transforming one of the Largest Prisons in the World* [1998] Sterling, New Delhi at page 390.
- ¹³³ For sake of convenience, names and contact details of individuals and organisations have been arranged alphabetically. Local STD codes are prefixed with a zero for dial from within India. To contact from abroad dial 0091 followed by the STD Code minus the prefixed zero. For e.g. to make a call from Accra, Ghana to the Director General of Prisons at Bhopal, Madhya Pradesh, India please dial 0091-755-2558198.
- ¹³⁴ For the remaining names and contact details, please get in touch with the M.P. Prison Head Quarters.
- ¹³⁵ Please also get in touch with the Directorate General of Health Services, Government of India, Ministry of Health and Family Welfare at Nirman Bhawan, New Delhi – 110001 for more details.
- ¹³⁶ Address of the Supreme Court Legal Services Committee is given below.
- ¹³⁷ Link to other Institutes of the UN Crime Prevention and Criminal Justice Programme Network is available at [http:// www.odccp.org/crime_cicp_uncjin_institutes.html](http://www.odccp.org/crime_cicp_uncjin_institutes.html).

Places of incarceration are largely impermeable to the outside world. Inaccessibility and lack of accountability, coupled with indifference of the public towards prisoners lead to gross violation of their rights. To counter this situation, the traditional institution of prison visitors is available in many countries of the world where people independent of the prison system are appointed as prison visitors. The prison visitors are obligated to visit prisons and report on the actual conditions therein.

CHRI works in India through this institution of prison visitors to reach out to a large number of prisons as well as to address a vast number of problematic issues concerning prisons, prisoners and the prison staff. The system of prison visitors is faulty in most states since appointments are carried out on grounds of political affiliations than on any knowledge and experience of prison related matters. Still CHRI has found a lot of potential in this institution given the eagerness shown by many prison visitors and governments to work better, if they are provided with training and information on good practices.

Many problems in prisons are also due to financial constraints given that prisons figure at the bottom of the budgetary priorities of most governments. CHRI sees the potential of expanding the mandate of the prison visiting system to mobilize community resources to meet the crunch to an appreciable extent.

CHRI works towards re-invigorating the institution of prison visitors by researching on the performance of prison visitors; assessment of local needs; conducting capacity building training programmes for prison visitors; advocating for – better recruitment standards for visitors and better working conditions for prison staff. CHRI also tries to encourage an attitude of cooperation in place of indifference and discrimination between the different wings of the criminal justice system.

CHRI works with National and State level Human Rights Commissions, Commissions for Women and other government departments, non-governmental institutions and individuals.