

2022

INSIDE PUNJAB PRISONS

A study on prison conditions

PART - B



CHRI

Commonwealth Human Rights Initiative
working for the practical realisation of human rights in
the countries of the Commonwealth



Commonwealth Human Rights Initiative

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About Punjab SLSA

As per the mandate of Article 39-A of the Constitution of India, to secure that the operation of legal system promotes justice, on the basis of equal opportunity, and in particular to provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunity for securing justice are not denied to any citizen by reason of economic or other disability, the sapling of Legal Services in the State of Punjab was sown through Notification dated 20.3.1991 in the name of Punjab State Legal Services Board.

The board comprised of Hon'ble Governor of Punjab, as Chairman, Hon'ble Judge of Punjab & Haryana High Court as Executive Chairman and Director, Legal Services Punjab to be the Member Secretary. The Director, Legal Services, Punjab, was made Member Secretary of the Board. The basic work carried out by the said board was to provide Free Legal Aid and holding of Lok Adalats.

This sapling further grew up with the establishment of the Directorate of Legal Services in the State, Vide Notification dated 17.6.1991, and on 04.10.1996 with the establishment of Legal Services Authority for the State of Punjab. Similarly, the District Legal Services Authorities were constituted for every District in the State of Punjab, with District and Sessions Judge as its Chairman. Similarly, the Sub-Divisional Legal Services Committees were constituted for every Sub-Division in the State of Punjab, with Senior Civil Judge operating in the Sub-Division as its Ex-Officio Chairman. Vide Notification dated 15.07.1998, all assets and liabilities of the Directorate, Legal Services, Punjab, were transferred to the Legal Services Authority for the State of Punjab.

In the Sixth All India Meet of State Legal Services Authorities held at Kochi, Kerala on 17.02.2007 and 18.02.2007, it was resolved to appoint Full Time Secretary in all the District Legal Services Authorities in the State of Punjab. Consequent thereupon, the Punjab Council of Ministers Vide its Meeting dated 07.06.2012 sanctioned the independent posts of Secretaries, District Legal Services Authorities in the rank of Civil Judge (Senior Division) to look after the work of legal services in each District.

In the year 2012, the State Authority had the privilege to launch its Toll-Free Helpline No. 1968 for the general public available 24x7 for providing the Legal Services. Similarly, an official website www.pulsa.punjab.gov.in is also functional.

The Permanent Lok Adalats (Public Utility Services) were established, Vide Notification dated 15.12.2005 in all the Districts of Punjab for the redressal of Public Utility Services matters, as notified from time to time.

Since the year 2013, independent Alternative Disputes Resolution (ADR) Centers are functional in all the Districts of Punjab. Since 22.7.2013, the work of Mediation, earlier looked after by the Mediation and Conciliation Project Committee, Punjab and Haryana High Court, is also being looked after by the State Legal Services Authority, with the establishment of Mediation Centers in each district. On 09.07.2017, another feather was added in the cap of Punjab State Legal Services Authority through setting up of Legal Assistance Establishment-SAARTHI.

Each prisoner is entitled to the free legal aid under section 12 of Legal Services Authorities Act, 1987. The Secretaries of DLSAs visit the jails regularly in their respective jurisdiction. Medical Camps and other activities are also held in jails for the rehabilitation of the inmates.

The Punjab State Legal Services Authority is also nodal agency to grant the compensation to the victims of the crime. The State Authority is having its Head Office at Site No. 126, Opposite GMADA Community Center, Sector 69, SAS Nagar (Mohali).



INSIDE PUNJAB PRISONS

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PART - B



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INDIVIDUAL PRISON REPORTS

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CENTRAL JAILS



CENTRAL JAIL, AMRITSAR

Amritsar Central Jail was established in the year 2016 and is spread over 67.54 acres. The total capacity of the prison is 2,260 inmates (including both men and women). The jail is located outside the residential and commercial premises of the city and is surrounded by a buffer zone and farmland around it.

A. About the Prison

Table 1.1 PRISON POPULATION								
Name of the Prison	Capacity of Prison		Total Prison Population		Number of Undertrials		Number of Convicts	
	Men	Women	Men	Women	Men	Women	Men	Women
Central Jail, Amritsar	2000	260	3441	155	2491	104	909	48

1. Prison Population and Overcrowding

Amritsar Central Jail faced a high rate of overcrowding, wherein the jail **had a total population of 3,596¹ inmates (against its sanctioned strength of 2260 inmates).** This pegged the overcrowding rate at 58.69%. There are a total of 3,441 male inmates and 155 women inmates (refer to table 1.1), which include under-trials, convicts, foreign national prisoners and civil prisoners. However, there seems to be a discrepancy in the given data as the total number of male and female undertrial and convicted inmates does not add up to the total male and female prison population.

Another set of data, provided by the Director General of Police, Prisons, Punjab, on prison capacity and population as on the above mentioned date, states the capacity of male and female inmates as 1982 and 284, respectively. It is important to note the discrepancy of data between the data sets provided by the Central jail and the DG office.

2. Prison design and physical layout

Amritsar Central jail has multiple layers of walls, with the outermost layer of wall having electric fences as well as watchtowers as security measures. The main administrative unit of the prison, referred as *deory*, lies in the front area that is also the entry point to the prison complex. Offices of senior prison officials, including the Superintendent, are situated in this area. This area also acts as the main entry and exit point for inmates. The

¹ As on August 31, 2018

residential prison complex lies ahead of the *deory*, this complex is divided between the male and female enclosures.

The male section of the prison is divided into two blocks and consists around 50 residential barracks and 60 solitary cells, as they are termed officially. Although the division is meant to segregate under-trials and convicts, the team **observed that there is no such segregation in place with both, UTs and convicts being kept together.**² A probable reason for the lack of segregation can be the population of under-trials, which is pegged at 72% of the total population. The only form of segregation that was observed was based on gangs, which was done to prevent in-fighting amongst inmates. The male section also houses the jail hospital, kitchen or *langar*, a factory section, store, canteen and a centrally located watchtower or *chakkar* acting as the administrative unit of the inner part of the prison.

The barracks inside the male section are double storied accommodating approximately 70-80 inmates (as informed by one of the jail officials). Marble slabs were being used as sleeping berths. Fans, tube lights and two television sets were available in the barracks. The power switches have been placed outside the barrack making the same out of bound for inmates during lock-in hours. Toilets are located both, inside and outside the barracks and bathing area is situated outside the barracks in the common area.

There are 392 toilets and 242 bathing rooms for male inmates, however, with the overcrowding situation of the jail around nine to ten inmates were using one toilet and almost 14 inmates were sharing one bathing area³. The team observed that toilets and bathing areas in the male section had broken tiles and were highly unclean and unhygienic. Each of these barracks have verandahs and open ground area that are accessible to inmates during lock-out timings.

B. About the Prisoner:

1. Procedures upon Admission

Admission of a person inside prison broadly consists of 5 stages, under the broad head of *Mulahiza*⁴ that includes: 1) Information on right to free legal aid and people who can avail them; 2) Medical examination; 3) Basic materials (washing and bathing soap, toothpaste, blanket, oil, shampoo etc.) being provided, and 4) Allotment of barrack; 5) Search of a person and material possession happens multiple times for an inmate

² Section 2.05(xiv) of the Model Prison Manual (MPM), 2-016, states that "Under-trials and detenues will be lodged in separate enclosures away from convicted prisoner"

³ Section 2.10.1 and Section 2.11.1 of MPM 2016, prescribes one toilet and one bathing area for ten inmates.

⁴ This process was not observed by the team due to limitations of data collection in this particular jail highlighted in the beginning of the report.

(including admission). These include visits for court production, hospital visits as well as materials being procured by the inmate after *mulaqaat*. Metal detectors and X-ray machines are being used to conduct search on inmates in this particular jail.

While the interviews conducted are not representative of the total jail population, however, majority of the inmates that were interviewed stated that their first medical examination happened within 24 hours of admission in the prison. There were also those inmates who stated that either their medical examination was done days after entering the prison or was not done at all. One of the inmates stated that her first medical examination was done after 20 days of admission.

2. Access to Basic Amenities

a) Food

Both the female and the male sections were being catered to by their own *langars* or kitchen. The food inside both the *langars* were being prepared on the basis of the diet chart provided in the Punjab Jail Manual, 1996.⁵ The kitchen is operated and maintained by convicts who work in two shifts. The convicts working in the *langar* were housed in barracks attached to the *langar* (the female langar had no such barracks attached to it).

Food was being served twice a day: once in the morning, and once in the evening. Tea was also being served twice a day. Although there were enough exhausts and fire extinguishers inside the kitchen, the kitchen did not have adequate light. Fly-killing machines were available, although not adequate for the size of the kitchen. We were also informed that certain sections of the prison population like sick and infirm, children of prisoners and pregnant women were being provided special diet as per the jail manual.⁶ Fruits, green vegetables and milk (500ml per day) were being provided to the children and pregnant women inside the jail.⁷

Although majority of the inmates in their interviews suggested satisfaction with the food being provided. The team also observed inmates preparing their own food. The canteen, gave the inmates access to buy basic essentials like soap, oil, along with various food items like dry spices, vegetable, cooking oils etc. inside the jail. The practice of adding more spices and some vegetables procured from the canteen (colloquially known as *tadka*) to the food being provided by the jail, indicated that the food is not satisfactorily consumable.

⁵ Rule 815, Punjab Jail Manual, 1996

⁶ Rules 819, 820 & 821, Punjab Jail Manual, 1996

⁷ Although sick prisoners are required to be provided with special diet in the Hospital as per Rule 818 and 819 of the Jail Manual, we were not able gather information on the special diet being provided to HIV patients.

3. Contact with Outside World

There are two primary means through which an inmate maintains contact with the outside world.

- a. *Mulaqaat*: *Mulaqaat* allows inmates to interact with family members and friends. The *mulaqaat* room, situated adjacent to the administrative block is a U-Shaped area, with a mesh wired wall separating the inmate and the visitor. Under-trials were allotted four days in a week while convicts were allotted two days a week. Out of these allotted days, a particular under-trial is allowed to meet twice a week while a convict is allowed to meet once a week.

The *mulaqaat* room was an open area with no glass boxes or telephones to talk. As a result, it can be presumed that during *mulaqaat* hours, there must be a lot of noise that might affect the comfort levels during *mulaqaat*. Also, **the provision of inter-personal meeting, where the inmate can touch or hug their family members, was not available.**

- b. Prison Inmate Calling System (PICS): the system allows inmates to be in touch with the outside world through phones. Under PICS, each inmate is entitled to 5 minutes of calling in a day, which cost Rs. 1 per minute. The inmate is allowed to store up to three contact numbers in the PICS system. The calls can be availed through the money provided by family in the form of coupons. The PICS in particular has helped facilitate contact of inmates who are not from the particular district or do not belong to the State of Punjab.

4. Medical Facilities and Healthcare

The medical facility in the Amritsar Central jail is available throughout the day, which includes daily OPD that goes on from 9:00 am till 2:00 pm. A total of four doctors are appointed as jail Medical Officers (MOs), working on different shift timings. Among these, one MO is also posted on night duty. Apart from these four general physicians, a gynecologist and a psychiatrist visit the jail once and twice a month, respectively. In case of any medical emergency or requirement of specialised medical treatment, inmates are referred to hospitals⁸ outside the prison and an ambulance is available with the prison for this purpose. From September 2017 till August 2018, a total of 3009 inmates were referred to hospitals outside the jail. In the same time period 24 inmates died and all these deaths occurred due to natural causes, as stated by the jail authorities.

⁸ As per the information received from the jail, inmates are referred to the following hospitals, outside the jail: 1) Civil Hospital, Amritsar; 2) Guru Nanak Dev Hospital/ Government Medical Hospital, Amritsar; 3) PGI, Chandigarh; 4) Government Chest and TB Hospital, Amritsar; 5) Institute of Mental Health, Amritsar. Inmates are also referred to private hospitals in case of court orders/as advised by the jail MO.

The main hospital was in the male section of the prison; this included OPD rooms where the patients visited the MO for daily check-up, 35 beds for the patients, isolation ward for TB patients and a laboratory that was being operated by a long term convict who was chosen because he had been a medical professional before being imprisoned. The hospital also had a psychiatric ward. **The team observed that the washrooms that were there inside the hospital were not clean or hygienic.** The female section has an OPD room which is visited by the MO on duty, a medical register is being maintained by a long term woman convict. A female gynecologist makes monthly visits to this section of the jail. The team was informed that for any kind of specialist requirement, the head matron informs the prison administration building, following which a specialist is provided.

The team was informed by the MOs, that the doctor to prisoner ratio is extremely skewed, especially because Amritsar central jail is overcrowded. Data received from the jail showed that as many as 48, 175 were provided medical assistance in OPD from August 2017 till September 2018. An optimum proportion should be 1:500 as per the MO interviewed. He also suggested that there was an urgent requirement of male nurses and pharmacists along with a need for increased frequency of specialist doctors to the prison. Additionally, there was also a need for ultra sound machines, X-ray Machines, as well as body scanners to detect drugs being carried in body cavity. The officer also highlighted that there is a general shortage of doctors from Punjab civil Medical Services, because of which there is a shortage of doctors inside prisons.

5. Education and Recreational Activities

The data received from the jail shows that a total of 478 convicted male inmates were given vocational training inside the jail from 1st September 2017 till 31st August 2018. However, no inmate has been enrolled in formal education programs. The team was informed by the male undertrial inmates that no vocational training course has been conducted in the jail for them. However, they did show interest in participating in one if something is introduced by the jail administration. An inmate showed his desire to receive basic education inside the jail, by saying that, "*Hum padhna chahte hein taake kam se kam apna naam to likh saken, par yahan kuch hai nahi ayesa..hum ghar pe bhi padhna chahte the lekin ghareebi ki wajah se nahi padh sake*".

In the absence of recreational facilities for male inmates of the central jail, those interested, mostly passed their time in places of religious worship. Apart from a temple and a church, there was a Gurdwara that was being constructed by the inmates themselves. Although the team did not see a *dargah* but they were informed that it exists in the male section.

The women's section had limited specialised work options like stitching and work in the small beauty parlor unit. The team was told that women inmates are being trained⁹ in both these units. The women are trained in making soft toys as well. All these products are exhibited and sold off during special events and the profit earned was deposited in the prison welfare fund. The sewing machines were donated by Gurunank University but the supplies for products that were being made were provided by the jail authorities from the welfare fund.

For the children of inmates staying in women's section of the jail, there was a general playground available in the middle of the section, along with a Crèche that also catered to nursery and pre-primary teaching. The crèche also had provisions to make special food for the children as per their dietary needs. The team saw a long term convict undergoing RI taking care of the Crèche. The data received from this jail however, also mentions about "three caretakers appointed by the State government", for the purpose of providing education.

6. Prison Labour and Wages

Amritsar Central jail has a factory inside, consisting of a cloth and furniture making unit. The factory primarily manufactures cloth and furniture which caters to requirements within the prison itself. However, at times, they are supplied to other government departments, based on the orders received. The team was informed that the machines in the cloth making unit have been provided by the state government. On a normal day, work in the factory begins at 8:00 in the morning and goes on till 4:00 in the evening.

Convicts undergoing rigorous imprisonment (RI) were engaged in working on a day to day basis in the factory, *langar*, hospital, library, some on cleaning duties, some as *lambardaars*¹⁰ etc. **Data received from Amritsar jail revealed that while the number of convicts undergoing RI was much more, however, as on August 30, 2018, only 126 male convicts were working in the jail.** In the women's section 55 women convicts, undergoing RI, are engaged in some or the other kind of work in the jail.

The team was informed that for the work being done by these convicts, they were getting paid Rs. 60 for skilled work, Rs. 50 for semi-skilled work and Rs. 40 for unskilled work. These wages are deposited in the bank account of convicts under RI; as per one of the senior prison officials, it usually takes a month for the accounts to be opened. The allocation of work is solely under the domain of Deputy Superintendent (Maintenance)¹¹.

⁹ Data received from the jail shows that in the period starting from September 2017 till August 2018, a total of 95 convicts and 60 UTs have been given vocational training by the jail authorities.

¹⁰ Barrack monitors

¹¹ Work is allocated by the Deputy Superintendent (Maintenance) on the basis of an inmate's past work employment and skills.

Interaction with convicted inmates, who were engaged in some kind of work inside the jail, clearly pointed out that they were unaware about the details of their bank accounts and the status of their wages. The team has brought this issue to the notice of jail officials in a letter dated 10th October, 2018.

C. About the Prison Administration

1. Staff Vacancies

As per the team's observations and interaction with the prison staff, it was clear that the prison administration at the Amritsar Central jail are severely overworked, and understaffed. Data received from Amritsar Central jail further validates these observations by indicating shortage of prison staff by 16.72%; against a sanctioned strength of total 275 personnel in different units, 226 staff have been appointed (refer to table 1.3). An official of the Assistant Superintendent rank is also handling the welfare unit as a welfare officer, and a Deputy Superintendent was also working as the District Probation Officer. **In the wake of staff shortage, prison officials have been given additional tasks.**

Table 1.3 PRISON STAFF STRENGTH															
Executive Unit		Guarding Staff		Medical Personnel		Welfare Unit		Educational Personnel		Technical Personnel		Agricultural Personnel		Ministerial Personnel	
S ¹²	AS ¹³	S	AS	S	AS	A	AS	S	AS	S	AS	S	AS	S	AS
14	9	205	175	10	7	Nil	Nil	Nil	Nil	3	2	Nil	Nil	43	36

2. Experiences of Prison Administrators

An interesting observation was shared with the team, by an official at the Amritsar central jail, he quipped, "Jail work is all about 3 C's, 'custody', 'care' and 'correction' and in Punjab we are only invested in the custody part rather than the other two aspects". The same official also mentioned about the lack of specialised training that is being provided to prison staff, especially with regard to the supervision of handling inmates, he mentioned that officials are not trained "to understand the mindset of an inmate and act accordingly". During the team's interaction with different prison officials at Amritsar jail, it was highlighted that staff shortage coupled with severe overcrowding in the prison led to administrative difficulties. Not just that, overworked staff gets minimal leaves putting them under severe work pressure taking a toll on their mental, physical and emotional well-being.

¹² Sanctioned Staff Strength

¹³ Actual Staff Strength

3. Prison Oversight Mechanism

Data received from Amritsar Central jail shows that, from 1st August 2017 till 31st September 2018, non-official visitors were not appointed by the State Government for oversight of the central jail. The data further mentions that information on Board of Visitors is under the ambit of the office of District Magistrate, hence, the Central jail does not have details of their appointment. However, it does mention that a total of 60 visits were made to the jail by different officials.

D. Role of Legal Service Institutions

1. Access to Legal Aid

Both, the male and the female sections have a Jail Legal Aid Clinic and the same are being overseen by male and female convict PLVs, respectively. **The jail visiting team could only visit the legal aid clinic in the women's section¹⁴.** The team observed that the female convict PLV working in the clinic was efficient in conducting the day to day business. The legal aid register was also being maintained by her. The DLSA informed that they were providing monetary honorarium to the convict PLVs for their work.

As per (the data received from) the DLSA these clinics are functional for six days in a week. This data also shows that, from September 2017 till August 2018, DLSA received 475 legal aid applications¹⁵ from the jail that has a population of more than 3500. **This shows that less than 15% inmates sought legal aid.** Although limited in number, inmate interviewed conducted by the team also substantiates the fact that only a few inmates are seeking legal aid. Only seven inmates of the 32 interviewed had legal aid lawyers, while around 14 inmates had private lawyers. **Inmates seeking legal aid also shared that they had to wait for days at end, after filing an application, till the legal aid counsel is appointed. This could be one of the possible reasons for low popularity of legal aid among inmates.**

2. Under-trial Review Committee (UTRC)

Since, DLSA Amritsar did not provide information on the constitution of UTRC, therefore, existence of such an important committee is unclear. Owing to the overcrowded nature of the jail, with almost 72% of the population as undertrial, existence and functioning of UTRC is highly important.

¹⁴ Due to paucity of time the team could not visit the JLAC situated in the male section of the prison.

¹⁵ All 475 cases were provided free legal aid

3. Camp Court

DLSA is also involved in conducting monthly jail courts, or camp courts as they are commonly referred as. These Camp courts are conducted by the Chief Judicial Magistrate (CJM) cum Secretary, DLSA once every month. The team was informed that camp courts take place towards the end of the month and a specific day has not been allotted for the same. The team got an opportunity to observe one such camp court being held in the Amritsar jail.

It is important to note that there is a pre-condition attached to the release of inmates through camp courts. Inmates have to plead guilty for them to be released. The team feels that this is a highly problematic exercise as the inmates were not being made aware about the repercussions of pleading guilty.

While at one end the jail officials termed this exercise positive for it helped in reducing prison overcrowding. The DLSA secretary shared that although cases of petty offenders are disposed off with a fine, it has been observed that they return to the jail under different offences.¹⁶

Cases other than that of petty offences¹⁷ are not undertaken in the camp court. Data received from the jail shows that out of the total undertrial population of 2594 inmates, 77 have been imprisoned for more than three years and around 6 inmates have been in jail for more than five years. **The reason for their long imprisonment, without conviction, is not known by the researchers. It is not clear as to what measures have been taken by the concerned trial court and the jail authorities in dealing with the issue of long imprisonment of under-trial inmates.**

With regard to convicted inmates, 247 to be precise have been in jail for more than one year but less than three years. DLSA has been helping the jail with regard to filing jail appeals at the higher courts. Around 120 jail appeals have been filed on behalf of convicted inmates at the Punjab and Haryana High Court, while only two jail appeals have been filed at the Supreme Court.

¹⁶ This, however, is just an observation shared by the CJM and cannot be backed by data by the researchers of this is not under the scope of this study.

¹⁷ The list of petty offences for camp court was made on the basis of UTs who almost nearing completion of the term as punishment were, if they were convicted.

E. About Vulnerable Groups

1. Women Prisoners and their Children

Since the number of women inmates is limited, their residential area is much smaller than the one meant for male inmates. There are about eight barracks housing 155 women (refer to table 1.1) against a capacity of 260. The jail visiting team was informed that the barracks are segregated based on crime profiling of the inmates as well as on whether the inmate is a convict or an under-trial. Segregation based on crimes was done on the basis of petty offences and heinous offences. Despite the claim for segregation, it was observed by the team that UTs and Convicts actually resided in the same premises. The women's section used solar panels to facilitate electricity to the barracks and even the *langar*, situated in this section. The placement of toilets and bathing rooms was similar to the way it was in the male section. The canteen and PICS facilities were available in the women's section as well.

As per the Punjab jail manual¹⁸ 1996, children below 6 years of age are permitted to stay in the jail with their imprisoned mother. Eight children were residing with their mothers inside the jail. Provision of special diets and special infrastructural facilities like crèche, playground etc. have already been discussed in the above sections. Women inmates informed the team that they were being provided sanitary pads on a monthly basis by the prison administration.

Out of the 11 women inmates that the team interacted with, eight of them did not have any family members visiting them for *mulaqaat*. These women had no form of support from their respective families adding to their miseries of confinement.

2. Prisoners with mental illnesses

Data received from the jail shows that five inmates had been transferred to a psychiatric treatment hospital and the same number of inmates have been given psychiatric treatment inside the jail. The data further mentions that trials of three mentally-ill male inmates was suspended as they were 'unfit to stand trial'. Inmates with mental illnesses, were being confined in an isolation ward inside the prison hospital. The team could not review this specific ward. However, the team was appalled to see almost ten foreign national inmates with mental illnesses, being kept in one single cell meant for not more than three inmates. Data received from the central jail mentions that these were "foreign National internees confined in Transit Camp at Central Jail, Amritsar who are undergoing psychiatric treatment as per the advice of Department of Psychiatry, Government Medical College,

¹⁸ Chapter XXVII, Section 745 (4), p. 243

Amritsar". The jail does not seem to be taking measures for proper confinement of these inmates.

3. Foreign National Prisoners

Among all the jails in Punjab, Amritsar Central prison has the largest number of Foreign National Prisoners (FNPs). Data received from the prison states that there were 71 FNPs, as on 31st August 2018; out of these 14 were undertrials, 15 were convicts and the remaining 42 have completed their sentences and are awaiting repatriation. Out of the total, 59 have consular access.

Having large number of FNP population, the prison is also visited by many consulates to review the detention of their respective citizens and process their repatriation. Between 1st September 2017 and 31st August, 2018, 20 FNPs were repatriated to their respective countries. Information received from the Central prison also stated that there is a delay in repatriation of 30 FNPs due to the non-confirmation of their nationality.

Inside the Central jail FNPs reside in what is known as a 'transit camp', situated in the high security ward. **All the FNPs are kept together in the transit camp without any form of segregation put in place.** This ward had 20 cells and, shockingly, in **one such cell around ten FNPs were being kept, all of which were mentally disturbed** (as mentioned in the above section). This transit camp is out of bound for other inmates of the jail, wherein the FNP inmates are not allowed to mix with or have communication with inmates residing in other barracks. Around 30 FNPs face nationality verification issues because of which there have been long delays in their repatriation process, one such inmate has been in jail for around 22 years while his sentence was of only three months.

4. Young Offenders or Juveniles

Out of all the interviews conducted, the team came across two inmates¹⁹ who informed that they were less than 18 years of age when they were arrested by the police. Both these have been convicted by the court and are now above 18 years. Only one of these two was aware that juveniles cannot be kept in prisons meant for adult. The police wrongly mentioned his age to be 19 years and also had threatened him not to disclose his age while in the prison. Due to this fear of the police, he did not disclose his age to the prison officials.

Apart from these two cases, the team did not come across any cases of juveniles inside the female complex and few male barracks that were visited during visit to the Amritsar Central jail.

¹⁹ One male and one female.

F. Issues of Concern

1. Drugs related cases and Substance Abuse

Mona²⁰, 18 years old under-trial woman, has been a victim of severe form of substance abuse. From her early teenage she was on Heroin consumption and dependency. Mona was a minor when she was arrested, along with her husband, in a dual murder case; her level of dependency on heroin was so severe that she pleaded with the police to arrest her in exchange of some amount of heroin. She informed the team that she had got married when she was only 13 years old and it was her husband who introduced her to hard drugs. Severe dependency on heroin continues to affect her even after spending 14 months in the jail. Time and again she undergoes drug withdrawal, to an extent that she has tried to commit suicide multiple times. While the interview was on, she showed self-inflicted cut marks all over her hands.

Mona's case is one among many in the prisons of Punjab. **Almost 40% prison population of Amritsar Central prison is charged under sections of the NDPS Act.** These include 976 inmates who are under-trials and 446 are convicted. It was observed that, although bigger jails like Amritsar have specialised substance abuse treatment facilities like Outpatient Opioid Assisted Treatment (OOAT) clinics, for multiple reasons, inmates continue to go through severe form of drug withdrawal. Lack of proper rehabilitation facilities for substance abuse victims, inside the jail, is another problem.

Interaction with inmates also indicated towards the prevalence of drug abuse even inside the prison. Injections procured illegally from the jail hospital are used to inject drugs in the body. One inmate even indicated towards a co-relation between drug consumption and related deaths²¹. CHRI does not have the data to support this claim. However, the team witnessed a drug-overdose case, wherein a male inmate was brought to the admin block of the jail, in an unconscious state. The jail administration acted quickly in sending him to civil hospital in Amritsar city. His case does prove the fact that there is ongoing drug consumption even from inside the prison. Drugs are also the most widely smuggled contraband articles inside the jail.

While this particular medical emergency case was dealt with quickly, other inmates that are referred to hospitals outside the jail face issues of non-availability of police escorts. On day three of the team's visit, the team observed that three inmates were taken to a hospital

²⁰ Name changed

²¹ According to the official data received from Amritsar Central jail, from 1st September 2017 till 31st August 2018, a total of 27 inmates died while in custody. Among these, 16 were convicted inmates, including one woman inmate, and 11 were undertrials. The information further stated that three (convicts) committed suicide and all others died due to natural causes. However, CHRI does not have the data to link these deaths to drug overdose inside the prison.

outside, whereas 12 inmates had been referred to that hospital by the jail MO. The reason for this was solely because police escorts were not available.

2. Instances of Custodial Violence or Torture

The team's interaction with the inmates of Amritsar central jail highlighted a range of issues faced by an accused person when they come in contact with the criminal justice system. One major issue is that of unchecked custodial violence and intimidation faced by an accused by the police during police custody. Violence and abuse can continue even when the accused is in Judicial Custody as a prison inmate.

a) Violence in Police Custody

Although majority of the inmates interviewed informed us that medical examination occurred within 24 hours of their admission to the prison,²² it was observed that the purpose of documenting custodial violence through such a process is not happening effectively. **Out of the 14 inmates who intimated us about the custodial violence by Punjab police, 10 of them did not inform the doctor about the same during medical examination.** The primary reason behind the same was intimidation by the police to not speak about it. Also, inmates preferred not to speak about custodial violence, if the doctor did not enquire them about the same. Such a scenario, arguably, highlights the inefficiency of the present mechanism to document torture and custodial violence.

The violence ranged from kicks and slaps to severe forms of torture like water boarding and electric shocks. It is important to note that only two of these 14 inmates disclosed about the custodial violence faced by them to the prison MO during medical examination. The rest chose to remain silent on this issues primarily for reasons like police intimidation/threats, for lack of trust in the system or just the fact of not being aware that something like this can be discussed with the doctor. Only in the case of one such inmate that the prison MO asked him if he has faced any form of beating by the police.

Custodial violence and torture goes unnoticed even during first production of the accused as **12 out of the 14 inmates, who claimed that their first production did not happen within 24 hours²³, alleged custodial violence during police custody.** It is important to note that only six inmates informed the team about being produced before a magistrate within 24 hours of their arrest, and all of them said that they did not face any violence during police custody. Additionally, two inmates also claimed that they were not produced at all, a claim that could not be verified by the team due to the limited scope of the study.

²² 17 out of the 33 inmates interviewed were medically examined at the prison within 24 hours.

²³ Their first production took two to five days to happen

b) Violence in Judicial custody

Due to lack of testimonies on violence on inmates from this specific jail, it is hard to reach a conclusion on the possible reasons behind such acts. The team came across just two cases of violence in judicial custody. One of the inmates was beaten by fellow inmates while the other one faced beating from the prison staff after an inmate committed suicide inside his barrack.

CENTRAL JAIL, BATHINDA

Central Jail, Bathinda is a newly constructed jail and was established in the year 2014. CHRI's team visited the jail on 17th November 2018. All observations in this report are based on this particular visit.

Jail officials informed that the old jail, which was also a Central Jail, was relocated from within the city premises to the outskirts of the city. This new jail, Central Jail Bathinda, was built with modern infrastructure and facilities in comparison to the other old jail structures in Punjab.

Although located in the outskirts of the city with farmlands surrounding the jail, the front section of the jail does not have a buffer zone and is adjacent to the main road. When asked by the team about security issues such as throwing of contrabands inside the jail, the officials informed that this happened frequently.

A. About the Prison

PRISON POPULATION ²⁴								
Name of the Prison	Capacity of Prison		Total Prison Population		Number of Undertrials		Number of Convicts	
	Men	Women	Men	Women	Men	Women	Men	Women
Central Jail, Bathinda	2100	0	1464	63	832	45	840	43

Table 1: Prison Population

1. Prison population and overcrowding

As per the statistical information provided by the jail for the time period between September 2017 and August 2018, the jail had an occupancy rate that ranged between 58% at the lowest and 72% at the highest. Additionally, on the date of visit by the team (20th-22nd November 2018), **the occupancy rate was 69%**. This indicates that the jail was not suffering from any issues of overcrowding.

²⁴ These figures do not include the number of detainees or civil prisoners inside the prison. The data reflects the population statement as on 31st August 2018.

2. Prison design and physical layout

Central Jail, Bathinda was spread over an area of 42 acres (approx.) and was designed and planned as the other new jails in Punjab.²⁵ The jail had an outer perimeter wall, which was followed by the boundary wall of the jail. The boundary wall of the jail had 18 sentry towers on it. However, the officials informed that only 10 of them were functional. The officials, stated that for appropriate security coverage, at least 45 sentry towers were required, with all of them being functional. However, with eight of the 18 towers being non-functional, the officials cited that as a reason behind high number of throwing incidents and security lapses. The main administrative building or *deory*, in the observation of the team, was large and spacious. It had the offices of the officials, the main prison control room, the *mulaqaat* area and the video conferencing area. For checks at the *deory*, the team saw the presence of X-ray machines, and door frame metal detectors, which were functional.

The main section inside the jail had clear division between under-trials, convicts and high security prisoners, with each being housed in different sections inside the jail. With a central tower in the middle, the jail was divided in a circular manner, with the accommodations of the inmates on either sides of the tower. It had a total of 13 blocks which had a total of 78 barracks for male inmates and three barracks for female inmates. The high security section comprised a total of 34 cells. Apart from that, the jail had a factory, a legal aid room, *langar*/kitchen area, a hospital with dispensary, a training school, a canteen as well as PICS machines inside. The jail also had an OOATS clinic, places of worship and land to be used as playgrounds.

There were a total of 13 blocks inside the jail, wherein six blocks were designated for the under-trials section and seven blocks were designated for the convict section. Each block further had barracks, where in some blocks had six barracks, and some blocks had eight barracks. In regard to the capacity of each barracks, the officials told the team that the each barrack in the blocks on the under-trials side had 45 inmates capacity and each barrack in the blocks on the convict side had capacity of 25 inmates. All the barracks were double-storied and resembled the shape of a dormitory. As the jail has not provided information regarding the total number of bathing room and toilets, it is difficult to ascertain whether they adhere to the basic ratio of inmate to toilets and inmate to bathrooms as prescribed by the Model Prison Manual.²⁶

In regard to the women's section, the team was informed that there was no dedicated and separate enclosure for female inmates inside the jail, but **due to the existence of female**

²⁵ Central Jail, Amritsar, Central Jail, Faridkot, Central Jail, Kapurthala and District Jail, Muktsar were some of the newly constructed jails in Punjab, apart from Central Jail, Bathinda.

²⁶ Section 2.10.1 of MPM 2016, prescribes ratio of one western commode (WC) unit, with day time ratio for usage being one unit for 6 inmates; and Section 2.11.1 prescribes a ratio of one bathing are for 10 inmates.

inmates, the jail had converted its de-addiction ward into a temporary enclosure for female inmates and their children. However, the reason behind the same had inconsistencies. In the information provided by the jail, its sanctioned capacity indicates that it was planned as a male-only jail, with no sanctioned capacity for women inmates. However, in the interaction of the team with the officials, it was stated by them that despite having infrastructure for women's section, it was dysfunctional due to shortage in jail staff to run the women's section.

In the inspection of the barracks, the team found that there were attached toilets and washrooms to each barrack. Additionally, the women's section also had a stitching center, a creche, a small kitchen area (catering to the requirements of the children of women inmates) and a small storeroom. In the barracks that the team were able to inspect, there were tube lights, exhausts, fans and television sets available. In regard to the hygiene within barracks, the team found that while the convict barracks and the women barracks were clean but the barracks in the under-trial section were unhygienic and in a poor condition. The officials contributed the reason behind this on the under-trials themselves, who in their opinion, did not want to maintain the hygiene within their barracks properly.

B. About the Prisoners

1. Procedures upon admission

The admission procedure roughly included the stages of: 1) Medical examination at prison during admission; 2) Search (frisking and material possession); 3) Providing basic essentials such as quilt and bedding and other materials and 4) Making of history ticket.²⁷ Post these formalities, the inmate was shifted to their allocated barrack.

In the interaction with inmates, the team observed that medical examination was being conducted during admission at the jail. The inmates stated that the medical examination would happen within 24-48 hours of being admitted in prison, wherein the name, height, weight was being recorded followed by a blood test. The medical examination was being conducted by the medical officer in-charge.

One important aspect of medical examination during admission to the jail is to document any pre-existing injuries on the prisoners, and also record any allegations of custodial violence made by the prisoner. In the teams' interaction with the 41 inmates interviewed, 25 inmates claimed to have been subjected to custodial violence including some forms of torture by Punjab Police (including both male and female inmates). Amongst these

²⁷ The particular order of these stages has not been enquired into during the interviews.

inmates, although most of them claimed that they were examined at admission, around 10 of them stated that the medical-officer in-charge did not ask them regarding custodial violence. Although, four inmates stated that they did discuss custodial violence with the medical officer, two of them alleged that the medical officer did not record it in the report, even after being informed about custodial violence. It was further alleged by the inmates that one medical officer even stated that “*thoda maar to khaana hi padta hai police hawalat mein*”.

In regard to the search procedure during admission, both the male and female inmates informed that basic frisking of body and material possessions was taking place at the *deory* itself. In relation to female inmates, it was informed that the matron was always in charge of frisking and searching the material possession. No allegations regarding strip search being conducted came out during interviews.

Some of the inmates interviewed by the team also stated that the bedding and blankets were being provided during admission along with other basic essentials like soap, toothpaste, tooth-brush and oil. However, some inmates alleged that the quality of bedding and blankets provided were bad, as they were not properly stored and maintained inside the jail. Based on the allegations the team was able to inspect the store room in the female section, and were able to find proof to substantiate the allegations. However, the team was unable to inspect the store room in the male section because of paucity of time.

2. Access to basic amenities

a. Food:

Central Jail, Bathinda has a *langar*/kitchen area inside the jail, which was catering to the food requirements of all the inmates, including the women’s section. The officials informed the visiting team that food was being prepared as per the prescribed directions in the Punjab Jail Manual, 1996.²⁸ Food and tea were being served twice a day, once in the morning and once in the evening. In the inspection of the *langar*, the team observed that fire extinguishers, fly killing machines and exhausts were available. However, there was no dough kneading machine, and the inmates were doing so manually.

The team also enquired the inmates interviewed inside the jail for the quality of food, and if any issues were existent regarding the same. A considerable number of inmates highlighted their dissatisfaction with the quality of food being served inside the jail. While some inmates highlighted that only *dal* and *roti* were being served, they alleged that vegetables were not being provided as part of the diet. Additionally, soya chunks had been

²⁸ Rule 815, Punjab Jail Manual, 1996

stopped some time back, due to insects being found in the same. Also, inmates alleged that the store where the main food ration was kept, always had expired food material. It was also informed that the materials in the store would often get infested. In regard to separate diet being provided to inmates suffering from HIV+ and HCV, the team were told that while HIV+ inmates were getting special diet (high protein), HCV inmates were not. Additionally, the team observed that there was a functional canteen inside the jail. In the conversation of the team with the Welfare Officer in-charge, it was informed that canteen materials were bought in whole sale, after which 5-10% charge was added to it, which was going to the Welfare Fund. However, in the interaction of the team with inmates, it was informed that the canteen prices were inflated, in particular for materials which did not have the maximum retail price mentioned on them such as vegetables, sugar etc.

b. Drinking & Bathing Water:

In the observation of the team, R/O filters were installed in the central area of the jail, near the main central tower. As per the officials, this was catering to the drinking water requirements of the jail. The team also observed the presence of water coolers in different blocks of the jail but were not able to confirm whether these were present in all the blocks of the jail. However, in the interaction of the team with inmates, both in male and female section, many inmates were not satisfied with the quality of drinking water. Some highlighted that a lot of water-borne diseases were being caused due to bad quality of water. One important thing highlighted was the lack of access to the R/O filters. The inmates specifically highlighted that distance of barracks from the R/O was a problem, wherein at night, the inmates due to lack of R/O water, were forced to drink the tap water (which is not fit for drinking consumption). Some inmates also claimed that R/O filters used to remain dysfunctional for most of the year, and the inmates were mostly consuming the tap water for drinking purposes.

Water tanks catered for the bathing water requirement of the inmates. During the interaction with inmates, allegations were made in regard to the poor quality of bathing water, which would often result in rashes on the skin. Some inmates also alleged that water tanks would mostly be open (not covered) and were also not being cleaned regularly.

Overall, the team observed that most of the inmates (both in men's and women's section) were not satisfied with the drinking and bathing water inside the jail.

3. Contact with outside world

Two primary avenues were available inside the jail, which helped the inmates to keep in contact with the outside world:

a. *Mulaqaat:*

The *Mulaqaat* room inside the jail was located adjacent to the administrative building/*deory* and resembled the infrastructure and design of most of the jails in Punjab. Separation between the inmate and visitors was being maintained through a mesh iron fencing with iron rods. *Mulaqaat* was being allowed for six days a week, wherein there were four designated days for undertrial inmates and two designated days for convicts. As per the information provided by the jail, the time allowed for each *mulaqaat* was 20 minutes, and the officials informed the team that only family members (blood relatives) were allowed for *mulaqaat*. In case any inmate wanted to meet anyone apart from family members, explicit permission of the Superintendent was required. At a particular time, the officials informed that only 20-25 inmates were allowed inside the *mulaqaat* room to avoid noise and chaos.

It was also informed by the officials, and confirmed by the inmates, that co-accused from the male and female sections were being allowed to meet on Saturdays under the supervision of an Assistant Superintendent and Matron.

Further, as per the information received from the central jail, *mulaqaat* was happening daily between 9:00AM in the morning to 12:00PM and then from 2:00PM in the afternoon to 5:00PM in the evening. In particular, an under-trial was allowed to meet twice a week while a convict inmate was allowed to meet once a week. It was also informed by the officials that at a particular time, only 10-15 inmates were allowed to be inside the *mulaqaat* room so as to control noise and chaos. Also, there were separate areas for men and women inside the *mulaqaat* room.

Overall, the team did not receive any particular complaints with the *mulaqaat* process inside the jail.

b. *Telephone system/Contact through telephones*

The officials informed the visiting team that there were two PICS machines available in the men's section, and one landline operated phone in the women's section (as the PICS machine in women's section was dysfunctional). In the observation of the team, for a jail with sanctioned strength of 2100 inmates, the number of PICS machines were less in number. This was highlighted to the team in their interaction with the inmates, wherein majority of inmates stated that they would face difficulty in accessing the PICS machine due to extreme crowding. Additionally, although the information provided by the jail mentions that the price being charged for PICS was Rs.1 per minute, some inmates alleged that in reality, Rs. 2 was being charged per minute. Some inmates also complained about

the time being allotted for call to be too less (five minutes per day), which also needed to be increased.²⁹

4. Medical facilities and healthcare

The team came across a functional medical infrastructure inside Central Jail, Bathinda. It had an hospital, a de-addiction centre and an OOATS clinic, and two ambulances (one of which was not functional) as a part of its infrastructure. In regard to the medical staff, the jail had two medical officers and three pharmacists working inside. The OOATS clinic staff was separated and different from the regular hospital staff, and it had a team of one Medical officer, one pharmacist, one counsellor and one male staff nurse. The medical officer informed that specialists such as 1) Orthopaedic; 2) ENT; 3) Ophthalmologist; and 4) Skin were regularly visiting the jail, on 2nd and 4th Saturdays of the month. Although there was a dental chair inside the hospital, it was not functional as no Dentist was visiting the jail. Additionally, the medical officer informed that no gynaecologist was visiting the jail.

Due to the lack of information provided by the jail in regard to treatment given to inmates, including being referred to hospitals outside the jail, the same cannot be assessed. However, the team got an opportunity to have a detailed interaction with the medical officer, psychiatrist and the Medical Officer attached to the OOATS clinic inside the jail. They raised multiple issues in regard to medical and health care facilities during the interaction, which are detailed below:

- a. The Medical officer in the beginning of the conversation emphasised that there was a need to increase the staff strength in regard to medical officers inside the jail. In his opinion, the optimum ratio of medical officer to inmate is 1:500. With the sanctioned strength of the jail being 2100, the MO suggested that the jail needed at least four MOs working inside the jail, wherein at present there were only two of them working. This as per him, did result in the lack of efficiency in administering medical care inside the jail.
- b. Both the MO attached to the Hospital as well as OOATS clinic highlighted that they always were dealing with shortage in dope test kits. Additionally, while confirming that drug consumption is going on inside the jail, they stated that there was an urgent need to install body scanners inside the jail, as inmates were smuggling drugs inside their body cavities.
- c. The MO attached to the hospital highlighted that there was an urgent need of the medical team having its own staff. As of now, the MOs were taking the help of convicts to assist them inside the hospital, which increased the risk of syringes and medicines being stolen from the hospitals.

²⁹ The information regarding increase of time was documented by the team in November 2018. However, from March 2019, the time limit has been increased up to a period of 10 minutes per day.

- d. The MO highlighted that there was a huge problem in regard to Medical escorts inside the jail. He explained that if he was referring seven inmates outside the jail in a particular day, then due to shortage of medical escort, only 2-3 inmates were taken out of the seven. He further explained that in case of emergencies, if there were two people who required immediate attention, only one would be able to go outside, and the other inmate would not be taken.
- e. The jail as per the MO, was also at times facing shortage in regard to medicine supply. In such instances, the MO informed that the jail officials would help out by buying medicines from private stores.
- f. The MO informed that the main health issue inside the jail was skin infection. While highlighting that the MOs or the jail officials cannot force the inmates to maintain their own hygiene, and lack of personal hygiene, sharing of clothes was a major reason behind the spread of skin infection. However, the MO also highlighted that in regard to the treatment of skin infection, the jail was only being provided with *Fluconazole*, which was not effective in treating all kind of skin infections.
- g. The MO highlighted that the jail was a very difficult atmosphere to work in, and most of the MOs in his opinion did not want to be deputed inside jails. He said that inmates were always very difficult patients to deal with, as no treatment would satisfy them, apart from being referred to Civil Hospital outside. Additionally, the MO also highlighted to a prevalent practice amongst inmates, wherein they would consume the medicines provided to them for a week, within two days. This would result in undue burden on the pharmacist as well as the medicine stock inside the jail.
- h. The MO attached to the hospital as well as the MO with OOATS clinic highlighted that as a part of infrastructure, a laboratory was required inside the jail, which would help in improving the administration of medical treatment inside the jail.

In the interaction of the team with inmates, mixed responses were received. While some inmates were satisfied with the medical facilities inside the jail, a majority of the inmates interviewed were unsatisfied. Some of the issues highlighted were in regard to lack of proper treatment at the hospital and same medicines being provided for any and every health condition. Some inmates also highlighted that inmates with HIV+ and HCV were also not getting continuing treatment inside the jail. While confirming the observation provided by the MO, the inmates stated that skin infections were common inside the jail, and the hospital staff, in their opinion, were equipped to deal with it.

5. Education, Vocational Training and Recreational activities

As per the information received from the jail, for the period of last year, a total of 59 male inmates and 13 female were enrolled in educational programmes inside the jail.³⁰

³⁰ The time period for the data refers to 1st September 2017 to 31st August 2018.

However, all these inmates were convicts and none of them were undertrials. The Deputy Superintendent further informed that the jail had a collaboration with National Institute of Open Schooling (NOIS), but no collaboration with IGNOU. Although no distance learning programmes were going on inside the jail, it was informed by the officials that inmates wishing to write exams in pursuance of completing education can seek permission, subsequent to which permission was taken from the court to take these inmates outside (to the exam center or concerned venue) while being escorted by police (escort) guards. Additionally, the Assistant Superintendent (Welfare) informed that some computer course in collaboration with Polytechnic college, Bathinda was carried out inside the jail. However, the same had to be later discontinued due to lack of technical know-how and requisite personnel to run the programme.

The other form of recreation activities inside the jail were television sets inside barracks and access to religious institutions. The jail campus also had play grounds where sports like cricket, football, volleyball and badminton could be played.

6. Prison labour & wages

Central Jail, Bathinda had a functional factory inside the jail. The factory included a 1) Handloom unit (for Cloth Making); 2) Carpentry Unit; 3) A carpet weaving unit; 4) Sewing Factory; and 5) A flour factory unit. The Women's section inside the jail, also had a sewing unit. The jail staff informed that although all units were functional, the factory was facing a shortage in the supply of raw materials from government. Additionally, technical posts such as tailor master or weaving master was vacant inside the jail. Other than that, the work being undertaken by the inmates inside the jail included:

- Working in *langar*/kitchen;
- Operating the PICS machine;
- Working as assistants to the prison administration (as *munshis*);
- Working as assistant in the hospital.
- Working as *Nigrans/lambardaars*.

In the team's **interaction with the convicts engaged in work inside the jail, it was observed that not all convicts were receiving prison wages in lieu of work done by them. Some also were not aware of the wage structure or process of opening bank accounts.** The issue of non-payment of wages was brought to the attention of the Superintendent in a letter dated 4th December 2018 directing him to organise awareness camps and disburse the wages owed to the convicts working inside the jail. Subsequently, a follow up email was also sent on 5th February 2019. However, **no response for the same has been received from the jail.**

C. About the Prison Administration

1. Staff vacancies

As per the information received from Central Jail, Bathinda, as on 31st August 2018, the jail did not have any major staff vacancies. However, in particular regard to the guarding staff (Head Warders and Warders), the jail was short of 20 (five Head warders and 15 warders). This trend was observed by the team during their visit (20th-22nd November 2018), wherein the jail continued to be short of staff, in particular the Head Warder and Warder Posts.

PRISON STAFF															
Executive Unit		Guarding Staff		Medical Personnel		Welfare Unit		Educational Personnel		Technical Personnel		Agricultural Personnel		Ministerial Personnel	
S	AS	S	AS	S	AS	A	AS	S	AS	S	AS	S	AS	S	AS
11	9	126	106	5	5	2	2	Nil	Nil	1	Nil	Nil	Nil	3	1

Table 2: Prison Staff Strength

2. Experiences of prison administrators

The team had an opportunity to interview multiple prison administrators including the Deputy Superintendent (Maintenance), Assistant Superintendent (Welfare Officer) and Warders inside the jail. In a detailed interaction with them, multiple issues were highlighted which are as follows:

- Upgrade Required in Prison Sanctioned Strength:** The Deputy Superintendent specifically highlighted an issue with the new jails being built in Punjab. He stated that while establishing new jails with upgraded infrastructure and outside city premises was beneficial, he also stated that while jail was upgrading these jails, they were not re-evaluating the additional strength to maintain these new jails. He stated that in comparison to the previous jail, the new jail was spread over a larger area and had more facilities to be taken care off. For this, he suggested that the sanctioned strength of the jail staff needed to be upgraded.
- Lack of Accountability for non-Punjab prisons personnel:** The Deputy Superintendent (Maintenance) during their interaction with the team, specifically brought out the issue of personnel working inside the Punjab Prisons, who were not from the prison department. At present, apart from officers of Punjab Prisons, there were other different forces working inside the jail such as Punjab Police, Punjab Ex-Servicemen Corporation (PESCO) employees and Home Guard. In the opinion

of the Deputy Superintendent, shortage in prison staff led to the recruitment of these other forces, who were inexperienced in working inside prisons. Also, the Deputy alleged that these non-prison forces were responsible for smuggling drugs and mobile phones inside prisons, and hence were not suitable to be posted inside prisons.

- c. **Perpetual Security Threats, need for Government Vehicles and upgrades in Arms:** In the conversation of the team with the jail officials, it was highlighted that senior jail officials received constant threats from gangsters as well as inmates inside the jail. They also emphasised that this threat was not just limited to them personally, but also extended to their families. The Deputy Superintendent (Maintenance) highlighted that providing government vehicles to officials and upgrading arms of the officials would help in preparing for such security threats.
- d. **Problem of Promotions and Pay Parity with Punjab Police:** The prison officials, specifically from the lower cadres such as Warders and head Warders highlighted that lack of promotions was a major demotivating factor. With warders only being promoted after 20+ years of service, or some of them not being promoted at all was cause of major concern. Additionally, the prison officials also demanded that the differences in pay scales with Punjab Police should be removed and both Punjab Prisons and Polices needed to be at the same pay for parity.
- e. **Security Threats due to Double Storeyed Infrastructure:** The officials unanimously stated that the new infrastructure wherein barracks were designed in double-storeyed buildings was a major cause of concern for security inside the jail. They stated that the barracks on the first floor are inaccessible in the plain sight of the guarding staff, which made it difficult for effective response during situations of emergency and security issues inside the jail. They emphasised that such double-storied structures shouldn't have been part of the design of these new jails.
- f. **Prison Officials not being involved in Designing the Infrastructure of New Jails:** A particular allegation was made by prison officials in regard to not being involved in the designing and infrastructural plans of the new jails in Punjab. It was stated by certain officials that the new design of the jails was being undertaken by bureaucrats at the higher levels, without involving any retired or serving senior prison officials. They stated that this was the primary reason why the double-storied infrastructure of accommodations was approved. In their opinion, if a person with the experience of working in jails was present in the designing of the new jails, they would have never approved the double-storied barracks in the first place.
- g. **Need for Punjab Prisons-Medical Cadre:** For the effective administration of medical facilities, the officials highlighted that there was an urgent need for Punjab Prisons to have its own medical cadre. In the opinion, six-monthly deputation of medical officers from Punjab Civil Medical Services was too short a time period for a MO to get used to jail conditions. Additionally, the constant transfer of the MOs was also

causing a lot of de-stability in the effective administration of medical facilities. For this, it was suggested that Punjab Prisons should have its own medical officers, who are permanently posted inside the jails along with pharmacists.

- h. Severe Stress and the Need for Counselling/Psychiatric Help for Officials: In the interaction with the guarding staff inside the jail, it was highlighted that severe stress and high blood pressure amongst the prison administrators was very common. In their opinion, counselling would help the prison administrators to reduce stress levels amongst them.

3. Prison Oversight Mechanism

As per the information received from the Central jail, for the period of September 2017 to August 2018, no Board of Visitors had been appointed by the State Government for prison oversight. Additionally, the information from the jail mentions that no template has been developed as well for the recording of observation by the visitors. It appears, that prison oversight mechanism is absent in regard to the Central Jail, Bathinda.

D. Role of Legal Services Institutions

1. Access to legal aid

In the observation of the team during visit, the legal aid infrastructure inside the central jail consisted of the following components: 1) Jail Legal Aid Clinic; 2) Jail Visiting Lawyers; 3) Convict Para-Legal Volunteers (PLVs); 4) Legal Aid Awareness Camps and Posters; and 5) Monitoring of Legal Aid Services by the Secretary, DLSA, Bathinda.

- a) Jail Legal Aid Clinic (JLAC) and Jail Visiting Lawyers: During the visit by the team, the team observed that a JLAC was present inside the jail and was housed below the central tower. The JLAC was in a central position, had its own room, and was easily accessible by all the inmates. As per the DLSA, this JLAC was only functional for one day a week. Further, the information provided by the DLSA stated that one Jail visiting lawyer was visiting the Central Jail on a daily basis. However, during the visit, the team were not able to interview any of the Jail Visiting lawyers.
- b) Convict para-legal volunteers (PLVs): Based on the information received from the DLSA, a total of eight convict PLVs were working inside the jail as on 31st August, 2018. While the information provided by the DLSA does not elaborate on how many of the convict PLVs are working the male and female sections. However, the team during its visit, found out that there was one convict PLV working in the female section. The team did not come across any convict PLVs working in the male section.

In the interaction of the team with the convict PLV in the female section, the PLV informed that she had been working inside the jail as a PLV for seven years. In regard to whether she is being paid any honorarium or not for the same, she informed that for all the years of her work, she had not gotten any payments. In regard to the registers, she stated that she had only one register being maintained, which documented whether an inmate wanted a legal aid lawyer or not.

- c) Legal aid awareness camps: As per the information received, 18 legal aid awareness camps had been conducted by DLSA, Bathinda between September 2017 to August 2018. Further, in the observation of the team, the JLAC had a huge poster that displayed the eligibility and pre-requisites for availing free legal aid services. The team also observed the presence of these posters in every block they visited.
- d) Visits by the Secretary, DLSA: For the period of September 2017 to August 2018, a total of 18 visits were made by the Secretary, DLSA. Additionally, the registers being maintained by the Convict PLVs was also being monitored by the DLSA Secretary as per their information. Additional monitoring mechanism included submission of reports by the convict PLVs as well as the Jail visiting lawyers to the DLSA. However, the team were not able to inspect the same physically.

In regard to the free legal aid services provided between September 2017 to August 2018, the information provided by DLSA, Bathinda stated that a total of 196 legal aid applications were filled and all of them were provided the details of their lawyers and contact numbers. To understand the status of legal aid facilities, the team in their interaction with the 41 inmates inside, found out that 14 of them had legal aid lawyers.

In regard to the experience of the inmates with legal aid services, the responses received by the team mostly pointed towards dissatisfaction. Some of the reasons behind the dissatisfaction was the lawyer not being touch with the respective inmates and the lawyer not going for production and hearings when they are required.

2. Under-trial Review Committees (UTRCs)

As per the information received from the DLSA, Bathinda, for the period of September 2017 to August 2018, the UTRC had been established. However, in comparison to the mandated quarterly meeting of the UTRC, in Bathinda, the UTRC had met only twice, i.e. for the quarters of March-May, 2018 and June-August, 2018. The information further mentions, that for the same time period, the UTRC recommended for the release of 88 undertrials (eligible under Section 436 of CrPC), 11 under-trials (eligible under Compoundable Offences), 24 undertrials (who were granted bail but were unable to furnish surety),

18 under-trials (eligible under Petty Offences with two years maximum imprisonment), three under-trials (eligible under Sections 107, 108, 109 and 151 of CrPC) and 29 under-trials (who were sick or infirm and required specialized medical treatment under Section 437 of CrPC), However, despite such recommendations made by the UTRC, none of them were released. The team were unable to ascertain the reasons behind the same.

3. Camp Courts

In the interaction of the team with the jail officials, it was informed that camp courts were being conducted regularly inside the jail on a monthly basis. The procedure being followed for camp courts was standard, wherein a list of under-trial inmates who have committed petty offences was sent to the Chief Judicial Magistrate, followed by a short-list sent back the jail. Subsequent to this, the camp court was conducted. When asked by the team regarding habitual offenders committing petty offences and being released in Camp Courts, the officials stated that in the first screening done by jail officials, the name of habitual offenders was not being sent. It was mostly the names of first-time offenders that was being sent to Chief Judicial Magistrate to be released in Camp Court.

E. About Vulnerable Groups

- a) Women and Children: The Central Jail had a make-shift accommodation for the women inmates inside the jail, wherein, as has been mentioned above, the de-addiction ward was being used to house them. It consisted of three barracks wherein no segregation was being maintained between female convicts and female under-trials. As on the date of visit by the team (20th-22nd November 2018), the jail also had three children confined in the women's section with their mother.

In regard to the facilities, available, the section had a sewing centre, a creche, a store room and a small kitchen catering to the creche. The women's section had no *langar* inside and the food for the women inmates was being made available through the *langar* in the male section. The sewing centre had 13 sewing machines, wherein a training instructor (who was a Prisons Department Employee as per the officials) was visiting on all days (except Government Holidays) between 9:00AM – 3:00PM. It was informed by the inmates and the officials that women were also getting trained in making paper bags, knitting sweaters as well as painting and sketching.

All the three barracks had attached toilets and bathrooms, which in the inspection of the team were hygienic and clean. The Section also had a Convict, working as a PLV. In regard to the specific needs of the women inmates, the team were informed

that sanitary pads were being given to them at the start of the month (1 packet-6-9 pads). However, some inmates said that the quantity was not sufficient. In regard to the presence of a lady doctor, mixed responses were received. All the inmates confirmed that a lady doctor was visiting, though some of them stated that she was visiting once a month, while few others stated that she was not visiting regularly and would only come during medical camps. For a day to day basis, the inmates stated the male doctors would be available for them. However, all of the stated that no gynaecologist was visiting the jail. The women inmates suggested that a permanent lady doctor was required to be posted inside the jail.

In regard to the special dietary requirements of the children, sick and pregnant women inmates, the officials informed and the inmates confirmed that the kitchen attached to the creche, which had a refrigerator and a microwave was being used to provide special diet. The inmates informed that their children were getting milk, curd and fruits for their children along with the regular jail food.

- b) Foreign National Prisoners (FNPs):. As per the information received from the jail, between September 2017 and August 2018, one FNP was detained in Central Jail, Bathinda. The team during its visit (20th-22nd November, 2018) got an opportunity to interact with said FNP as well. In the interaction, the team observed that the FNP was being kept in the same barracks as the Indian inmates, and was allowed access to all the parts of the jail. However, the FNP informed that he was facing difficulties inside the jail, due to language barrier and unavailability of food as per his preference. Further, the inmate informed that he had not been contacted by his embassy yet. On being asked whether he wanted to get in touch with the embassy, he refused.
- c) Juveniles: In the interaction of the visiting team with the 41 inmates inside the jail, the team came across one particular inmate, who alleged that he was a juvenile. The inmate was held in a barrack along with the other adult inmates. On being questioned by the team, the inmate claimed that he was aware of his juvenility, yet the same had not been mentioned to the judge, as he had not been produced in front of judge. The details of the inmate were intimated to the Secretary DLSA, Bathinda through a letter dated 11th December, 2018, asking them to make get in touch with the inmates, identify their juvenility, move an application for ossification test and simultaneously make arrangements for them to be shifted outside Central Jail, Bathinda to an Observation Home. The team received a response from DLSA, Bathinda on 11th January, 2019, wherein the Secretary DLSA informed that they had engaged a panel advocate to file an application to get then inmate declared as juvenile and the same had been received by the *Illaq*a Magistrate.

F. Issues of Concern

1. Substance Abuse and Smuggling of Mobile Phones

In the majority of interaction with the inmates, allegations were being made of rampant drug abuse and smuggling of mobile phones inside the jail. The inmates alleged that all kinds of drugs were easily available inside the jail and were present in almost all barracks inside the jail. Starting from chewing tobacco and cigarettes to hard drugs like *chitta*, smack and pills, everything was available inside the jail. The inmates alleged that all officials, starting from the lowest staff, to the higher authorities, were aware of the smuggling and drug consumption inside the jail. It was further alleged that hospital *munshis* (convicts assisting in the Hospital Section) would help sell syringes inside the jail, which would be used by inmates for consumption of drugs. While new syringes were being sold for Rs. 700, used syringes were being sold for Rs. 500 inside the jail. Also, *Tramadol* injections were being allegedly being sold inside the jail by both medical officers, pharmacists and hospital *munshis*.

In regard to mobile phones, inmates alleged that officials were selling mobile phones inside the jail. The alleged that officials were aware of the barracks in which mobile phones were operating, and they would ignore those barracks categorically during search, and later charge money from the inmates who had mobile phones. The team was able to interact with some inmates, who themselves confessed of smuggling drugs, mobile phones as well as consuming drugs inside the jail.

2. Instances of custodial violence and torture

a) Violence in Police Custody

As has already been described in the previous sections, out of the 41 inmates interviewed by the team, 25 inmates claimed to have been subjected to custodial violence including some forms of torture by Punjab Police. Mostly, the techniques involved third degree interrogation methods like electric shocks to ears and genitals, water-boarding, rolling, stretching, being stripped naked, tied and beaten with sticks and belts. Some women inmates who alleged custodial violence also mentioned the same techniques, while adding that it was often male constables who would beat them.

Additionally, it is important to note that amongst these 25 inmates who alleged custodial violence including some forms of torture, 21 of them claimed that they were not produced before the court within the constitutional guarantee of 24 hours after their arrest.

b) Violence in Judicial Custody

In the team's interaction with both the jail officials and inmates, a narrative emerged that the officials were using cells for isolating inmates along with beating as a form of discipline inside the prison premises. The team were able to confirm this by having interaction with inmates, who confessed to have been put in cells for up to 20 days. Additionally, from the 41 inmates interviewed, 10 of them claimed to have been beaten up inside the jail by the prison officials. Accusation was also made by inmates that beatings would be arbitrary and often without purpose as well. In particular, instances were highlighted by inmates regarding complete lack of jail inquiry when any kind of incident would happen, wherein all people from the barrack were beaten up if any kind of contraband substance or mobile phone was found in the barrack.

3. Corruption

The interaction of the team with inmates, brought out a picture of extreme corruption existing inside the jail. The inmates alleged the corruption and bribing was existent at every level, starting from the Warder and right up to the Superintendent. Multiple forms of corruption existed inside the jail. Some of the instances included money being charged for drugs being provided as well as phones being sold (which included normal phones as well as smart phones). Other instances included Rs.500-1000 being charged by *chakkar hawaldar* to allow an inmate change their barracks and to be allowed to meet in the *deory* for *mulaqaat*.

Allegations of VIP barracks being present inside the jail were also made. The team was able to interact with some inmates, who were themselves staying in the VIP Barracks. They explained, that for a VIP barrack, inmates needed to approach the *chakkar hawaldar*, who would then approach Deputy Superintendent (Maintenance) for the same. After the approval received from Superintendent, which involved being charged a fee between Rs. 20,000-40,000, a VIP barrack would be opened, wherein instead of the sanctioned strength of 45 inmates, only 5-10 inmates would be staying. Some inmates stated that barracks in Block-7 were specifically being used for VIP barracks. Further, some inmates also alleged that working in the factory inside the jail was coveted, and convicts were paying money to the Deputy Superintendent, to be allowed *mashaqqat* in the factory. Additionally, it was also alleged that money was being charged during *mulaqaat*, by officials for the materials brought by the relatives of the inmates to be allowed to be passed inside the jail.

MODERN CENTRAL JAIL, FARIDKOT

Modern Central Jail, Faridkot was established in the year 2011, and is one the few new jails in the state. The officials informed the team that the Central Jail was deemed to be a Modern Jail, which had more advanced infrastructure and facilities in comparison to the other older jails in Punjab. The jail was located on the outskirts of the city (around 14 kms outside) with farmlands surrounding the jail. The officials stated that shifting the jail outside the city and away from residential premises in 2011, was a beneficial step for the jail as it helped in reducing security threats such as throwing of contrabands considerably.

A. About the Prison

PRISON POPULATION ³¹								
Name of the Prison	Capacity of Prison		Total Prison Population		Number of Undertrials		Number of Convicts	
	Men	Women	Men	Women	Men	Women	Men	Women
Modern Central Jail, Faridkot	1908	164	1635	105	982	77	660	29

Table 1: Prison Population

1. Prison population and overcrowding

As per the information provided by the jail for the time period between September 2017 and August 2018, the jail is usually not overcrowded. Even on the date (13th-16th November 2018) of visit by the team, the number of prisoners were well within the capacity of the prison.

2. Prison design and physical layout

Modern Central Jail, Faridkot is a well-designed and planned jail. While being located at the outskirts of the city, the jail had an outer perimeter wall, followed by a buffer zone which led to the main outer boundary wall of the jail. The boundary wall had sentry posts surrounding the prison complex. The main administrative building or *deory* was large and housed the offices, prison control room as well as the *mulaqaat* and the video conference room. At the *deory*, the team observed the presence of X-ray machine as well as door frame metal detectors, which were functional.

³¹ These figures do not include the number of detainees inside the prison. The data reflects the population statement as on 31st August 2018.

The main section of the jail was divided into three separate enclosures. There existed a central tower in the middle of the jail premises, with different sections for under-trial inmates and convicted inmates inside the male section. A separate enclosure also existed for women inmates and their children inside the jail. In regard to a high security section, the officials informed the team that currently, two blocks within the convict section were being used as make-shift high security section. However, new high security section was also being built inside the jail, which would be a separate enclosure of 20 cells. The Superintendent stated that government order for the same had already been passed. Apart from that, the jail had a factory, a legal aid room, a hospital, an OOATS clinic and a de-addiction block. Places of worship were also available inside the jail such as a *gurudwara*, a temple, a church as well as a *dargah*. The jail was spread over a large area and had plenty of barren land to be used as a playground.

The Superintendent also informed the team that the accommodation for jail staff was also available inside the jail campus. Although, there were staff quarters available for Superintendent, Assistant Superintendents, Head warders/Head matron and Warders/matrons, there was no accommodation available for Deputy Superintendents as well as Medical officials inside the jail campus. In regard to the condition of the accommodations, the officials stated that as all of them were new constructions, no issues were present.

In total, the jail had a total of 12 blocks (110 male barracks and 12 female barracks), which were divided between under-trial section, convict section and female section. Each block was further divided into barracks. While 10 of the blocks had eight barracks each, two of the blocks were larger in size and had 16 barracks each. All the blocks had double storey constructions, with four barracks on the ground floor and four barracks on the top floor (in case the block consisted eight barracks) and six barracks on the ground and six barracks on the top floor (in case the block contained 12 barracks). All the barracks resembled a long dormitory and were same sized. They had washrooms and bathrooms available both inside the barrack and outside of it. The male section had a total of 552 toilets and 414 bathing rooms. With the sanctioned capacity of male section being 1908 inmates, the washroom to inmate ratio stood at 1:4 while the bathroom to inmate ratio stood at 1:5. This is in line with the basic ratio of inmate to toilets and inmate to bathrooms as prescribed by the Model Prison Manual.³² In regard to the women's section, for a total sanctioned strength of 164 inmates, there were 48 toilets and 36 bathrooms, which pegged the respective ratios at 1:4 and 1:5 respectively, which is also in line with the requirements of Model Prison Manual. In the observation of the team, while some of the bathrooms and toilets were not functional in the barracks visited, most of them seemed to be in working condition. Additionally, there existed exhausts, tube-lights, fans as well as television sets inside each barrack visited.

³² Section 2.10.1 of MPM 2016, prescribes ratio of one western commode (WC) unit, with daytime ratio for usage being one unit for 6 inmates; and Section 2.11.1 prescribes a ratio of one bathing are for 10 inmates.

The women's section had the same architecture and design as was in the male section. Additionally, there was a room for a small dispensary, school, creche and a sewing machine center inside the women's section.

In most of the barracks visited by the team, it appeared that hygiene was maintained in the barracks of both men's and women's section.

B. About the Prisoners

1. Procedures upon admission

The admission procedure roughly included the stages of: 1) Medical Examination at prison during admission; 2) Search (frisking and material possession); 3) Providing basic essentials such as quilt and bedding and other materials and 4) Making of history ticket.³³ Post these formalities, the inmate was shifted to their allocated barrack.

In the interaction of the team with inmates, it was informed that medical examination was happening during admission to the jail, and was conducted by the Medical Officer in-charge. While most of the inmates stated that medical examination was happening regularly (within 24-48 hours of being admitted to the prison), some claimed that there medical examination happened at Civil Hospital, Faridkot, before entering the jail. On entering, they stated that they were not medically examined.

In regard to the search procedure, the inmates informed that basic frisking of body and material possessions was taking place at the *deory* itself. Women inmates interviewed by the team also informed that the matron was always in charge of frisking and searching the material possessions of the women inmates. However, there were some allegations made by inmates (male inmates) regarding strip search during admission based on the suspicion of officials towards the inmate.

In regard to basic essentials like soap, toothpaste, toothbrush and oil, quilt and bedding, there were contradicting responses from inmates. While some alleged that no basic essential was being provided to them during admission, the other claimed that the jail administration did give these basic essentials.

Out of the 66 inmates interviewed by the team, 31 inmates claimed to have been subjected to custodial violence including some forms of torture by Punjab Police. Amongst these inmates, five of them claimed that during the medical examination, no question regarding custodial violence was asked by the medical officer, and hence they did not inform the

³³ The particular order of these stages has not been enquired into during the interviews.

medical officer about the same. However, some others stated that they did inform the Medical Officer about the same, and got treated. However, there was an allegation by one particular inmate that he asked the Medical Officer to help initiate inquiry for the violence meted to him in police custody. While he said he was asked to sign some papers, no further action was taken or informed to him.

2. Access to basic amenities

a. Food:

The central jail had three functional *langars*/kitchen area inside. While there were two in the men's section (One in the convict's section and one in the under-trial section), a *langar* was also available in the women's section. As per the prison officials, the Punjab Jail Manual, 1996³⁴ was being followed and the food was being provided as per the diet chart provided in it. Food and tea were being served twice a day, once in the morning and once in the evening. All modern equipment such as flour kneading machine, exhausts, fly killing machines and fire extinguishers were available inside the *langars*.

In the interaction of the team with inmates from both men's and women's section, the overall observation was that the inmates were satisfied with food. However, some inmates alleged adulteration due to lack of appropriate quantity of food to cater to all inmates. Some also alleged that food also gets misappropriated by the jail officials. Other allegations included issues such as vegetables not being provided and presence of insects in the food being served.

Additionally, the team observed that there were functional canteens inside the jail. However, there was no canteen available in the women's section. No particular problems were highlighted in regard to canteen services.

b. Drinking & Bathing Water:

In the interaction of the team with prison officials, it was informed that R/O filters are available in both men's and women's section inside the jail. They further informed that they were functional and regular maintenance was being undertaken. However, in the interaction of the team with the inmates, they highlighted the poor quality of drinking water inside the jail. They stated that R/O systems were mostly non-functional for most of the year, and the filters were not being cleaned on a regular basis. They further alleged that there were a lot of water-borne infections being caused inside the jail due to poor quality of drinking water.

³⁴ Rule 815, Punjab Jail Manual, 1996

Water tanks catered for the bathing water requirement of the inmates. As per the information received from the jail, there were a total of 568 water tanks inside the jail (including the men's and the women's section). However, during the interaction with the inmates, they again highlighted the poor quality of bathing water, which they alleged was the main cause of skin infection inside the jail. Others also alleged that the drinking and the bathing water inside the jail was the same.

Overall, the team observed that none of the inmates (both in men's and women's section) were satisfied with the drinking and bathing water inside the jail.

3. Contact with outside world

The Central Jail had two primary means through which an inmate was able to maintain contact with the outside world:

a. *Mulaqaat*:

There was a *Mulaqaat* room available inside the central jail and its infrastructure resembled that of most of the Punjab Jails. There was a mesh iron fencing and iron rods as the divider between the visitors and the inmates. Further, as per the information received from the central jail, *mulaqaat* was happening daily between 9:00AM in the morning to 2:00PM in the afternoon. In particular, an under-trial was allowed to meet twice a week while a convict inmate was allowed to meet once a week. It was also informed by the officials that at a particular time, only 10-15 inmates were allowed to be inside the *mulaqaat* room so as to control noise and chaos. Also, there were separate areas for men and women inside the *mulaqaat* room.

The team also tried to get feedback from the inmates regarding the process of *mulaqaat*. The inmates informed that the time allowed for *mulaqaat* was around 20 minutes, which in their opinion, was insufficient for having a satisfactory *mulaqaat*. They voiced that the time period of *mulaqaat* needed to be increased. There were other issues also highlighted by inmates in regard to the process. They alleged that corruption existed in regard to the *mulaqaat*, wherein at times, they would have to bribe the guards to be allowed to meet their visitors. Also, they alleged that guards would confiscate medicines and food materials that were being given by family members, and later sell to the inmates inside the jail.

Overall, the team observed that inmates were not satisfied with the *mulaqaat* process inside the jail.

b. Telephone system/Contact through telephones

The Prison Inmate Calling System (PICS) was functional inside both the men and the women sections of the jail. However, the team observed that for a population strength of

2000+ inmates, the number of PICS machines installed were less. For example, only two PICS machines existed in the men's section, which had to cater to a male population of more than 1600+ inmates. This was highlighted to the team in their interaction with the inmates, wherein majority of inmates stated that they would not avail the PICS facility inside the jail due to huge crowds to access the two PICS machines available in their section. Additionally, they also informed that they were allowed five minutes calling time each day, which was insufficient.³⁵

4. Medical facilities and healthcare

The medical infrastructure at the Modern Central Jail, Faridkot appeared to be decent. It had an hospital with a capacity of 30 beds as well as an Out-patients Department (OPD). Additionally, it also had a OOATS clinic as well as a de-addiction centre. The facilities also included two ambulances attached to the jail hospital. In regard to the medical staff, four medical officers were working, out of which three were deputed from Punjab Civil Medical Services and one specialist psychiatrist was deputed from GGS Medical College, Faridkot. In regard to the specialists visiting the jail, the Medical officer in-charge informed that although specialist roster was there, but none of the specialists were visiting the jail, including a gynaecologist. Only a dentist was visiting the jail twice a week. The jail hospital also had infrastructure for an Operation Theatre, which was non-functional due to vacancy of a surgeon.

As per the information received from the jail for the period of last year,³⁶ 66,187 inmates were treated in the OPD of the jail. Amongst these, around 699 inmates were admitted to the hospital inside the jail and 260 inmates were referred to specialists outside. The hospitals to which inmates were being referred were Civil Hospital Faridkot and Guru Gobind Singh Medical College and Hospital, Faridkot.

The team got an opportunity to have a detailed interaction with the medical officer and the psychiatrist posted inside the jail. Both of them raised multiple issues in regard to medical and health care facilities which are as follows:

- a. At the outset, they highlighted that the number of Medical officers and Psychiatrist working inside the jail were not enough to deal with the sanctioned inmate population. With the inmate to medical officer ration being around 1:500, they stated that this was not as per the optimum prescribed ratio, which should be around 1 medical officer:300 inmates.
- b. Both of them highlighted that medical facilities were always neglected and there was always a shortage of budget in this regard.
- c. In the opinion of the MO and the psychiatrist, there was an urgent need to remove the 'deputation of Medical Officer for six months' model inside the jail. They

³⁵ The information regarding increase of time was documented by the team in November 2018. However, from March 2019, the time limit has been increased up to a period of 10 minutes per day.

³⁶ The time period for the data refers to 1st September 2017 to 31st August 2018.

emphasised that for a well-functioning medical healthcare system, the jail needed to have permanent medical officers working inside the jail.

- d. They confirmed that there was drug consumption going on inside the jail, and the officials were aware of the same. They suggested that body scanners were required, so as to prohibit inmates from smuggling drugs inside their body cavities. Additionally, they stated that there was a need of searching jail officials, impartially, thereby possibly indicating that drugs are peddled inside the jail by officials as well.
- e. Shortage of medicines and medical escorts was highlighted to be an ever-existing issue inside the jail.

In the interaction of the team with inmates, most of the inmates were unsatisfied with the state of medical facilities inside the jail. Despite the existence of a psychiatrist inside the jail, women inmates alleged that they were not allowed access to the psychiatrist and the same needed to be facilitated.

5. Education & recreational activities

As per the information received from the jail, for the period of last year, a total of thirteen inmates were enrolled in educational programmes inside the jail.³⁷ However, all these inmates were male, and none of the female inmates inside the jail had been enrolled in educational programmes. However, in the women's section, a school was available, which was catering to the population of children of women inmates inside the jail. The women inmates informed that four teachers were visiting daily, and were deputed by State Government.

The other form of recreation activities inside the jail were television sets inside barracks and access to religious institutions. The jail campus also had play grounds where sports like cricket, football, volleyball and badminton could be played. The jail also had an area which was used for screening films and shows and was being used to feature videos on Anti-Drug Consumption campaigns. Additionally, it was also informed by the jail officials that a library (mainly having books on religion and other fictional stories) and a computer centre was also available inside the jail.

6. Prison labour & wages

The Modern Central Jail, Faridkot had a functional factory inside the jail. The factory included a 1) Power-loom (Cloth making unit); 2) Washing shop making unit; 3) Phenyl Production Unit; 4) One Flour Making machine; and 5) A newly installed Furniture making unit. However, the Deputy Superintendent (Factory) informed, that the Furniture making unit did not have the machinery it required, which needs to be procured. Further, the

³⁷ The time period for the data refers to 1st September 2017 to 31st August 2018.

Deputy informed that from the total 649 convicts working inside the jail between the period of September 2017 and August 2018, only 25 of them were working in the factory. In regard to the availability of factory inside the women's section, there was sewing machine unit which was employing women inmates. Other than that, the work being undertaken by the inmates inside the jail included:

- Working in *langar*/kitchen;
- Operating the PICS machine;
- Working as assistants to the prison administration (as *munshis*);
- Working as assistant in the hospital;
- Working as *Nigrans/lambardaars*.

The team got an opportunity to have a detailed interaction with the Deputy Superintendent (Factory) and Accountant (Factory). At the outset, they informed that all the technical posts of instructors were lying vacant inside the jail, which was affecting the efficiency of the factory production. He also highlighted that for the payment of wages, funds were required from the government, but the same was not happening. The Accountant corroborated the statement of the Deputy Superintendent and stated that there was a regular problem of disbursement of wages due to lack of budget coming from the State Government. Further, the Accountant highlighted that the jail was facing difficulty in opening of accounts for inmates due to the refusal from Banks. Additionally, the accountant highlighted that one reason for banks refusing to open accounts was the demand by Jail Officials to open Zero Balance Accounts. **However he stressed that it was essential that Zero Balance accounts were opened. Otherwise, in his experience, the inmate's earnings would always be cut towards the bank charges, and hence he would not get the exact amount he was earning.** Further, the Accountant also pointed out the problems that the inmates face regarding ID documents (for opening a bank account) and the mandatory requirement of Aadhar card, particularly for inmates from outside the state of Punjab.

In regard to how the payment is made to inmates, the Accountant informed that an inmate gets 25% of their earnings in hand (in the form of coupons) and the rest 75% would be deposited to their bank accounts. However, he also stated that this practice needs to be stopped as it opens up an avenue of corruption. In the accountant's opinion, 100% of the money earned by inmates should be sent to their accounts. He also suggested that E-Purse,³⁸ which was previously functional inside the jail, needs to be brought back at the earliest.

In line with the interaction with the Deputy Superintendent and Account, in the team's **interaction with the convicts engaged in work inside the jail, it was observed that some of the convicts were not aware of the wages that they were entitled to as a part of their rigorous imprisonment. Although some inmates were getting wages, the**

³⁸ Further information required on the same.

others were not. Additionally, some inmates were also not aware regarding the opening of their bank accounts. Further, some of the inmates alleged that the jail officials would get their thumbprints on documents stating that they have received their money. However, when the inmates checked their accounts, no money was received.

The issue of non-payment of wages was brought to the attention of the Superintendent in a letter dated 18th December 2018 directing him to organise awareness camps and disburse the wages owed to the convicts working inside the jail. However, **no response for the same has been received from the jail.**

C. About the Prison Administration

1. Staff vacancies

As per the information received from the Modern Central jail, Faridkot as on 31st August 2018, there was a major shortage in regard to both Executive and Guarding staff inside the jail. In regard to the Executive staff, the jail was short on its sanctioned numbers for both Deputy Superintendents and Assistant Superintendents. In regard to the guarding staff, the jail had major shortage in regard to warders. This situation is a cause of concern, specifically keeping in mind the jail is created for it to be a Modern Central Jail, which is expected to cater to above 2000 inmate population.

PRISON STAFF															
Executive Unit		Guarding Staff		Medical Personnel		Welfare Unit		Educational Personnel		Technical Personnel		Agricultural Personnel		Ministerial Personnel	
S	AS	S	AS	S	AS	A	AS	S	AS	S	AS	S	AS	S	AS
13	6	206	142	5	19 ³⁹	9	3	3	Nil	2	Nil	Nil	Nil	7	5

Table 2: Prison Staff Strength

2. Experiences of prison administrators

During the visit to Modern Central Jail, Faridkot, the team got an opportunity to interview multiple prison administrators. These ranged from Executive Staff such as Superintendent, Deputy Superintendents (Maintenance & Factory) and Assistant Superintendent (Welfare Officer) as well as Guarding Staff such as Head Warder and Warder. Multiple issues

³⁹ The information provided by the jail mentions that it has two sanctioned posts for Medical Officers and three sanctioned posts for Pharmacists. However, against this sanctioned strength, the jail had three Medical Officers (Temporary), One Psychiatrist (On deputation), 11 Nursing Staff (On Deputation) and four pharmacists (one regular and three on deputation).

regarding prison administration were highlighted by them. They are as follows:

- a. Lack of Accountability for non-Punjab prisons personnel: Both the Superintendent and the Deputy Superintendent (Maintenance) during their interaction with the team highlighted the need for staff belonging entirely to Punjab Prison Services. At present, apart from officers of Punjab Prisons, there were other different forces working inside the jail such as Punjab Police, Punjab Ex-Servicemen Corporation (PESCO) employees and Home Guard. These forces were mostly entrusted with maintaining the security of the jail. They opined that there was a lack of accountability of non-Punjab prison forces due to the bureaucracy involved in filing complaints or taking actions against them. Also, they stated that non-prison forces were inadequately trained to carry out work inside prisons, which oft times resulted in lapse of duty.
- b. Problem of Promotions and Pay Parity with Punjab Police: In the team's interaction with the prison officials from both Executive Staff and Guarding Staff, the lack of promotions (for Assistant Superintendent, Warders & Head Warders) was highlighted. In particular, they shared the staff's anguish due to lack of promotions were Warders who as per some, were only promoted after 20+ years of service, while some of them retired while being warders. Additionally, the prison officials also demanded that the differences in pay scales with Punjab Police should be removed and both Punjab Prisons and Polices needed to be at the same pay for parity.
- c. Jail official to prisoner ratio: The Guarding Staff of the jail consists of the Head Warders and the Warders.⁴⁰ As per the Model Prison Manual, 2016 the optimum ratio of jail guard to prisoner is 1:6.⁴¹ It further suggests that this ratio should be followed in all shifts of the guards.⁴² An optimum guard to prisoner ratio was also highlighted previously by NCRB statistics in 2015, which pegged it at 1:8.⁴³

In Modern Central jail, as has been highlighted above, the total sanctioned staff strength of guards (Head warders and warders) was 206. However, with the vacancies in the guarding staff and the sanctioned total population of the prison (2000+), the ratio of official to inmate was approximately 1:15, which is higher than the prescribed optimum level. Also, in the interaction of the team with the guarding staff, it was informed that at practical level, and the timings of the shifts,

⁴⁰ Rule 4.03, Chapter IV, Model Prison Manual, 2016.

⁴¹ Rule 4.08, (II), Chapter IV, Model Prison Manual, 2016.

⁴² Ibid.

⁴³ Inmate Population and Strength of Jail Officials (NCRB Prison Statistics 2015) (<http://ncrb.gov.in/statpublications/psi/Prison2015/Full/PSI-2015-%2018-11-2016.pdf>) : As per the NCRB data in 2015, for prisons across India, there is a total sanctioned strength 53,009 jail officials to take care of 4,19,623, which amounts to eight inmates per official.

at a particular time, the inmate to warder ratio would be effectively 200:1. This, according to the guarding staff, was a huge issue inside the jail.

- d. Problem of court productions outside Faridkot district: Although the Superintendent highlighted that there was not much issue in regard to production of inmates within the district of Faridkot, they highlighted that the prison was facing issues in regard to the availability of Police escorts and police guards for inmates being produced outside the district of Faridkot. For this reason, inmates were missing productions, and the jail was being held accountable for the same.
- e. Lack of Accommodation for Certain Prison Officials and Medical Staff: As per the officials, the Modern Central Jail was conceived with the idea of making an effective jail with all modern facilities that would be required for effective and smooth functioning of the jail. However, despite this, the jail was lacking in-campus accommodation for important officials at the level of Deputy Superintendent and the Medical Officers attached to the jail. This was a cause of concern in the opinion of the senior jail officials.

3. Prison Oversight Mechanism

As per the information received from the Central jail, for the period of September 2017 to August 2018, no Board of Visitors had been appointed by the State Government for prison oversight. However, despite no Board of Visitors established, visits were being made by officials visitors. Between the above-mentioned time period, official visitors made 91 visits inside the central jail. Although official visitors were visiting, the information by the jail states that no template/format had been developed for them to record their observations. Further, despite visits, no reporting or following up of the same has been carried out.

D. Role of Legal Services Institutions

1. Access to legal aid

The legal aid infrastructure inside the jail consisted of the following five components: 1) The Jail Legal Aid Clinic; 2) Jail Visiting Lawyers, 3) Convict Para-Legal Volunteers (PLVs, 4) Legal Aid Awareness Camps and 5) Monitoring of Legal Aid Services by the Secretary, DLSA, Faridkot.

- a) Jail Legal Aid Clinic (JLAC) and Jail Visiting Lawyers: As per the information received by the DLSA, Faridkot, the JLAC was functional inside the jail. The team observed that the JLAC was situated below the central tower inside the jail. Further, the information stated that for the period between September 2017 and August 2018, a total of 239 legal aid forms were filled, and all of them were

provided with the details and contacts of the lawyer appointed to them.

- b) **Convict para-legal volunteers (PLVs):** Based on the information received from the DLSA, four convict PLVs were working inside the jail as on 31st August, 2018. However, the information does not mention how many amongst the four PLVs were working inside the men's section and how many were working inside the women's section. As on the date of visit (13th-16th November, 2018), while the team came across one Convict PLV working in the male section, the team were able to meet four convicts inside the women's section who claimed to be working as PLVs. The team were able to have a detailed interaction with the convict PLVs, both inside the male and female sections.

The convict PLV in the female section stated that her primary responsibility was to help facilitate legal aid and looking after the registers that were being maintained. The PLV informed that separate registers were being maintained for legal aid lawyers being provided for inmates who belong to Moga, Muktsar Saheb, Faridkot and Jalalabad. Also, she mentioned that there was one female convict PLV (out on Parole), who was getting paid by the DLSA. However, she herself despite working for the legal aid clinic, was not getting paid.

The convict PLV in the male section stated that he was maintaining three registers: 1) New Admission register (detailing whether they want a legal aid lawyer or not); 2) High Court Legal Aid lawyers register (containing information about appeals and high court legal aid lawyers); and 3) A general register (regarding information on legal aid lawyers for undertrials and convicts inside the jail). He mentioned that he was appointed a few weeks before and was not getting paid for his work inside the JLAC.

- c) **Jail Visiting Lawyers:** In the information provided by the DLSA, a total number of 282 visits were made by jail visiting lawyers between September, 2017 & August 2018. During the visit by the team, it was informed by the convict PLVs that three lawyers were visiting the jail (Two male lawyers and one female lawyer) twice a week. The team was able to confirm the same, as they had an opportunity to interact with the female jail visiting lawyer during their visit.
- d) **Legal aid awareness camps:** As per the information received, 12 legal aid awareness camps has been conducted by DLSA, Faridkot inside the central jail between September 2017 to August 2018 .
- e) **Visits by the Secretary, DLSA:** For the period of September 2017 to August 2018, a total of 12 visits (once a month) were made by the Secretary, DLSA.

Additionally, during the visits, although registers maintained by Convict PLVs were being monitored, there was no monitoring being carried out in regard to Jail Visiting Lawyers and the work of Convict PLVs as no reports from them were being submitted to the DLSA.

Overall, for the period of September 2017 to August 2018, the information provided by DLSA, Faridkot stated that a total of 239 legal aid applications were filed, and intimations on appointment of lawyers and contact details were given to each of them.

Further, out of the 66 inmates interviewed inside the jail, 26 of them had legal aid lawyers. In regard to the experience of the inmates with legal aid services, the team received mixed responses. While most of the inmates were satisfied with the legal aid services, some of the inmates highlighted that due to the long-time taken for the legal aid lawyer to be appointed, they had to shift to appointing private lawyers. Some of them also highlighted issues of the lawyers not interacting with the inmates and not going for production. However, overall, the inmates appeared to be satisfied with the legal aid services inside the jail.

2. Under-trial Review Committees (UTRCs)

As per the information received from the DLSA, Faridkot, for the period of September 2017 to August 2018, the UTRC has been established had met four times during the last year. However, the same information mentions that none of the undertrials were recommended to release or released on bail by the UTRC during the same period. This is despite the fact that the jail had 114 inmates who had been detained as undertrials for the period ranging between 1-5 years. Additionally, based on the information, the central jail also had four inmates who have been inside the jail for more than five years as an undertrial.

3. Camp Courts

The jail officials informed the visiting team that camp courts were being conducted inside the jail, and it was happening on a monthly basis. The procedure for the camp courts involved the jail officials sending a list of inmates who have committed petty offences to the Chief Judicial Magistrate, following which the camp court would be conducted. In the opinion of the officials, conducting camp courts was a beneficial practice as it helped in the reduction of overcrowding inside the jail.

E. About Vulnerable Groups

- a) Women and Children: As has been mentioned previously, Modern Central Jail, Faridkot, had a women's section inside the jail. The women's section consisted of Double Storied structures, having 12 Barracks and two cells. However, due to less population of women inmates, only six of the barracks were being used. In each barrack, there were around 2-3 washrooms and bathrooms available. Also, the team observed that segregation between convicts and under-trials was not being maintained to small population of women inmates. The section also housed the children of the women inmates. As on the date of visit (13th-16th November 2018), four children were also housed inside the women's section.

In regard to the facilities available, the section had a creche, a school, a sewing centre and a *langar* where 20 women inmates were working. There was also a *gurudwara* inside the section. Additionally, there was a room inside the section which operated as dispensary/hospital. The section also had Convict PLVs working inside.

In regard to the specific needs of the female inmates, the team were informed that they were getting sanitary pads (1 Packet: 5-8 Pads) a month. However, as per them, the quantity was not sufficient. Additionally, in regard to medical facilities, the inmates informed that although two nurses were working in the dispensary/hospital every day, no lady medical officer was visiting. Additionally, they also informed that no gynaecologist was visiting the jail regularly, and was only called when there was an emergency, or during the medical camps that were organised inside the jail. All the women inmates unanimously stated that there was a requirement of a lady medical officer inside the jail. Also, while some women were satisfied with the medical facilities provided, the others were not.

In regard to the special diet requirements of children, sick women inmates or pregnant/lactating inmate, the inmates informed that the children would only get milk and fruit at times. Even when fruits were being provided, its frequency was once in one-two weeks. The women inmates also informed that sick or pregnant women inmates were not being provided with special diet when required.

- b) Foreign National Prisoners: As per the information received by the jail, there were no FNPs present inside Modern Central Jail, Faridkot.
- c) Juveniles: During their interaction with the 66 inmates inside the jail, the team came across four inmates who claimed to be juveniles. Amongst the four inmates, two were from the men's section and two were from the women's section. All the four of them were aware of their juvenility and were confined in the jail along

with the adult inmates. This was brought to the notice of DLSA, Faridkot through **a letter dated 11th December, 2018, asking them to make get in touch with the inmates, identify their juvenility and make arrangements for them to be shifted outside Central Jail, Faridkot to an Observation Home.** A follow up letter was also sent to the DLSA on 5th February, 2019. However, no response has been received from them in regard to the action taken.

F. Issues of Concern

1. Substance Abuse and Smuggling of Mobile Phones

In the interaction of the team with the inmates inside the jail, it was informed that drug consumption was rampant inside the jail, specifically in the under-trial barracks in the male section. In specific, the inmates stated that all kinds of drugs were available, which included chewing tobacco, cigarettes as well as hard drugs such as *chitta*. It was alleged by the inmates that both inmates and officials got drugs inside the jail, wherein inmates would hide it in their body cavities and material possessions, while officials would sell them. To consume *chitta*, inmates alleged that syringes were being stolen from the hospital inside the jail, and were being used to facilitate consumption. Some inmates also alleged that a lot of deaths happening inside the jail are due to overdosing on drug consumption.

In regard to mobile phones, inmates alleged that officials were selling mobile phones inside the jail. Allegedly the availability of mobile phones was both inside the male as well as female sections.

2. Instances of custodial violence and torture

a) Violence in Police Custody

Out of the 66 inmates interviewed by the team, 31 inmates claimed to have been subjected to custodial violence including some forms of torture by Punjab Police. Techniques involved third degree interrogation methods like electric shocks to ears and genitals, water-boarding, rolling, stretching, being stripped naked, tied and beaten with sticks and belts. Women inmates who alleged custodial violence also mentioned the same techniques, while adding that it was often male constables who would beat them. Some women inmates also alleged to be sexually harassed while in police custody.

Additionally, amongst these 31 inmates, 28 of them claimed that they were not produced before the court within the constitutional guarantee of 24 hours after an arrest. Additionally, some of the inmates informed that they were subjected to custodial violence, even before and after the judge allowed extension of their remand to the police station.

b) Violence in Judicial Custody

In the team's interaction with both the jail officials and inmates, a narrative emerged that the officials were using cells for isolating inmates along with beating as a form of discipline inside the prison premises. In regard to usage of cells, the team were able to confirm this during their interaction with inmates, who alleged that after severe violent incidents inside the jail, to impose discipline, the inmates creating problems were kept in isolation for a period ranging between 20 days to one month. Around three inmates alleged that beating by officials was common, and was also often without purpose.

3. Corruption

During the team's visit to the jail, the inmates alleged that corruption was rampant inside the jail. The forms of corruption included money being charged for selling of mobile phones and drugs and being allowed extended time for *mulaqaat* as some of the examples. There were also allegations regarding misappropriation of food stocks being done by senior officials inside the prison which resulted in the poor quality of food due to lack of adequate quantity to feed the entire prison.

CENTRAL JAIL, FEROZEPUR

Central Jail, Ferozepur was established in the year 1854 and is one of the oldest jails in Punjab. The jail is located in the middle of the city premises and is surrounded by residential buildings outside its perimeter walls. All the jail officials unanimously told the team that throwing incidents of contraband substances were frequent due to the jail being located in the middle of the city.

A. About the Prison

PRISON POPULATION ⁴⁴								
Name of the Prison	Capacity of Prison		Total Prison Population		Number of Undertrials		Number of Convicts	
	Men	Women	Men	Women	Men	Women	Men	Women
Central Jail, Ferozepur	1100	136	1328	71	826	45	492	26

Table 1: Prison Population

1. Prison population and overcrowding

Central Jail, Ferozepur, was slightly overcrowded as per the data received for the time period between September, 2017 and August, 2018. However, on the dates of visit (10th-12th November, 2018), the jail had a total population of 1191 inmates against its sanctioned strength of 1236 inmate. Although there was no overcrowding on the dates of visit by the team the prison officials informed that **the jail is frequently overcrowded**.

2. Prison design and physical layout

The Central jail is spread over an area of 39 acres (approx.) and caters to around 14 police stations in the district of Ferozepur. The jail had an outer perimeter wall followed by a buffer zone in the front side of the jail. Followed by this buffer zone was the outer boundary wall for the jail premises. The main administrative building or *deory* was at the front main entry of the jail and had a functional X-ray machine as well as door frame metal detectors. The main administrative building also housed the offices of the prison officials as well as the *mulaqaat* room and room for VC productions.

⁴⁴ These figures do not include the number of detainees and civil prisoners inside the prison. Also, the table reflects the population as on 31st August 2018.

The main section inside the jail was divided into male and female sections. There was also a high security section inside the jail, which was being used to detain gangsters and foreign national prisoners. Apart from that, the jail had a legal aid room, a hospital, a laboratory, a de-addiction centre and an OOATS clinic. Canteen and PICS facilities were also available. The officials informed the team that there was an effort being made to segregate undertrials, convicts and high security inmates. Although, the officials were successful in segregating high security prisoners, in the opinion of the officials, it was always not possible to maintain segregation between undertrials and convicts. There was a factory unit inside the male section and a small sewing machine room inside the female section.

There was also a specifically designated area in the men's section which was being used for admission of prisoners. This area was the one where medical examination as well as details of new inmates were being noted down. The officials additionally informed that this area was also being used for women inmates, who have male counterparts inside the jail, to be allowed to meet. Other than that, the jail had overall greenery, had a central tower which housed the R/O system and places of worship (Church, Temple, Gurudwara). The team did not witness any playground or sports facilities in particular inside the jail, apart from a gym. However, it needs to be pointed out that the overall infrastructure of the jail was poor due to the jail being more than 160 years old with not enough renovations carried out.

In total, the jail was divided into blocks, which consisted the barracks. As per the information provided by jail, there are 41 barracks inside the male section, three barracks inside the female section and 36 cells. However, on the date of visit, the officials informed that there were, in total, 36 barracks in men's section and three barracks in the women's section and a high security section which had around 30 cells inside it. The reason for the discrepancy in the information of total number of barracks has not been enquired into.

In regard to the male section, there were a mix of different types of barracks. Some were the usual dormitory type barracks with concrete beds, while others had sleeping areas on the floor.

Due to the varied sizes, population of inmates inside a particular barrack as well as varied numbers of washrooms and bathrooms available, it was not possible to determine whether they adhere to the basic ratio of inmate to toilets and inmate to washrooms as prescribed by the Model Prison Manual.⁴⁵ All the barracks inside the jail had tube-lights, fans, televisions and exhausts. Although the team were not able to inspect all the wards and the respective barracks inside, from the barracks visited by the team, it became clear that the physical condition of the barracks was extremely poor and needed urgent renovation. Additionally, the hygiene across the barracks visited by the team were also poor.

⁴⁵ Section 2.10.1 of MPM 2016, prescribes ratio of one western commode (WC) unit, with day time ratio for usage being one unit for 6 inmates; and Section 2.11.1 prescribes a ratio of one bathing are for 10 inmates.

In regard to the women's section, it was a small section inside the jail, and had three barracks. There was also a creche and sewing factory room available inside. Visible segregation between undertrials and convicts was observed by the team. All toilets and bathroom stalls inside the barracks had the lower half of their doors either broken or badly repaired/patched up. Also, there were no proper beds or cemented, elevated structures (to be used as beds) inside the barracks. However, there were fans, exhausts, tube-lights and television sets available in all the barracks.

B. About the Prisoners

1. Procedures upon admission

The admission procedure roughly included the stages of: 1) Medical Examination at prison during admission; 2) Search (frisking and material possession); 3) Making of history ticket; and 4) Admission to the prison.⁴⁶

In the interaction of the team with inmates, it was informed that medical examination was happening during admission to the jail, and was conducted by the Medical Officer in-charge. The inmates informed that medical examination inside prisons was happening between 24-48 hours after entering prisons. However, a very few inmates informed that their medical examination happened at Civil hospital before entering the jail, and no medical examination was carried after entering the jail.

Despite the majority of inmates informing that medical examination was conducted regularly at the time of admission, it was observed by the team during interaction with inmates that there is a lack of documentation of custodial violence, which is important to be documented at the time of admission to the prison. Out of the 45 inmates interviewed by the team, 27 inmates claimed to have been subjected to custodial violence including some forms of torture by Punjab Police. Amongst these inmates, while most of the inmates claimed that they had informed the medical officer about them being subjected to violence, some of them informed the team that the medical officer did not enquire about custodial violence at the time of admission. Others informed that no particular action was taken even when the medical officer was informed about the custodial violence including torture. Some inmates also informed that they did not inform the medical officer because they were threatened by Punjab Police officials to not reveal about the incidents before being admitted to the jail.

In regard to the search procedure for male inmates, the inmates informed that basic frisking of body and material possessions was taking place at the *deory* itself. However,

⁴⁶ The particular order of these stages has not been enquired into during the interviews.

some inmates alleged that in case where there arose a suspicion, the jail officials would carry out strip search as well. For the Women inmates, it was informed by them that it was always a matron in charge of frisking of their body and searching of their material possessions.

In regard to whether basic essentials like soap, toothpaste, toothbrush and oil, blankets and quilts being provided during admission, majority of the inmates alleged that no basic essential was being provided to them during admission. However, some inmates informed that after some time has passed, the inmate start getting the basic essentials inside the jail, although not with regular frequency.

2. Access to basic amenities

a. Food:

The central jail had two working *langars*/kitchen inside the men's section. This, as informed by the officials was being maintained and operated by convicts, wherein food was being made on the basis of the diet chart provided in the Punjab Jail Manual, 1996.⁴⁷ Further, it was informed by the officials that food and tea were being served twice a day: once in the morning and once in the evening. On the inspection of the *langars* by the team, it was observed that both gas pipelines and cylinders were being used for cooking. The kitchen also had a flour kneading machine, some fly killing machines and exhausts. However, the team observed that the langar was not adequately lit. Both the *langars* had barracks attached to it, which housed the convicts working inside the *langars*.

On enquiry by the team about the quality of food, the inmates provided mixed responses. There existed an approximately equal number of inmates who were satisfied and not satisfied with the quality of the food. On deeper enquiry, the inmates highlighted multiple reasons behind the food not being satisfactory. Most of the inmates alleged that due to lack of adequate quantity of food to cater to the jail population, adulteration was being done. In particular, *atta* (flour) and water was being added to the *dal* to increase the quantity. Other inmates highlighted that insects were regularly being found in the food being provided to them. In particular, inmates suffering from medical issues highlighted that special diet was not being provided to them, in absence of which they had to resort to consuming the bad quality food.

It needs to be noted that the female section had no *langar*, and the *langars* in the male section were catering to the food requirement of female inmates. The female inmates reiterated similar problems as shared by the male inmates in regard to the quality of the food.

⁴⁷ Rule 815, Punjab Jail Manual, 1996.

Additionally, there was a canteen available inside the jail, which catered to the additional food and other material requirements of the inmates inside the jail. The canteen operated twice a day beginning from 8:00AM to 10:30AM in the morning and 3:00PM to 5:30PM in the evening. In the interaction with inmates, some inmates complained that the prices of non-marked (i.e. where the MRP is not provided) materials like vegetables, was highly inflated inside the jail.

b. Drinking & Bathing Water:

The officials informed the team that there was a central R/O system that catered to the drinking water requirements of the entire jail. There was also a pipeline supplying R/O water inside the female section. However, in the interaction of the team with inmates, it was informed that the R/O facilities were non-functional, and the inmates were mostly consuming tap water for their drinking water requirements. All the inmates who interacted with the team highlighted that the quality of drinking water was poor, and it was not fit for consumption. The inmates further alleged that when the issue of non-functional R/O was raised before the jail officials, they asked the inmates to contribute money for its repair. Further, they also highlighted that a lot of inmates were contracting water-borne infections due to the bad quality of drinking water.

Water tanks catered for the bathing water requirement of the inmates. As per the information received from the jail, there were a total of 55 water tanks in the male section and four water tanks in the female section. In the interaction of the team with the inmates, some claimed that the bathing water quality was poor and was causing multiple skin infections and rashes.

Overall, the team got the impression that the inmates were not satisfied with the quality of bathing or drinking water.

3. Contact with outside world

There were two primary means through which an inmate was maintaining contact with the outside world:

a. Mulaqaat:

There was a *mulaqaat* room present inside the prison. Its infrastructure was similar to the infrastructure inside most of the Punjab jails. It had mesh iron fencing and rods as a boundary between inmates and *mulaqaatis*. In the observation of the team, there exists a possibility of crowding inside the *mulaqaat* room, as a result of which, there might a lot noise and chaos inside.

Further, as per the information received from the central jail, *mulaqaat* was happening for six days a week and was available for both undertrials and convicts. Further, out of the six days, four days were allotted for undertrials and two days were allotted for convicts. The officials informed that two days were allowed for a particular undertrial inmate for *mulaqaat* while a convict was allowed to have *mulaqaat* once a week.

In the interaction of the team with inmates, majority of the inmates stated that they were satisfied with the *mulaqaat* process. However, some inmates suggested that the *mulaqaat* area was too crowded, and there is a lot of noise and chaos which hinders a smooth *mulaqaat*. Some inmates suggested that *mulaqaat* should happen in an open area, rather than in a room separated by an iron mesh and fence.

b. Telephone system/Contact through telephones

It was informed by the jail officials that there were PICS machines available both inside the male and the female sections. In the interaction of the team with the inmates, no particular issue was highlighted in regard to PICS facilities.

4. Medical facilities and healthcare

The medical infrastructure inside the jail included: 1) Three MOs, 2) Four Pharmacists, 3) One Lab-Technician, 4) A hospital, 5) A laboratory, 6) A De-addiction Centre, 7) An OOATS center; 8) Two Ambulances, and 9) A roster of specialists visiting the jail. The Medical officer who interacted with the team informed that Specialists doctors were visiting from anywhere between once a week to once a month. The specialists visiting were: 1) Medicine, 2) Skin, 3) Eye, 4) Psychiatrist. The MO confirmed that no gynecologist was visiting the jail, and if any woman inmate faced any related issue, then she was being referred to Civil Hospital, Ferozepur.

Further, in a detailed conversation of the team with the MO, several problems were highlighted which are detailed below:

- a) The MO highlighted that a lot of inmates were smuggling drug inside the jails through body cavities. To stop this, he suggested that body scanners were required inside the jail.
- b) The MO suggested that the jail lacked X-ray machines or ultra-sound machines inside the jail. If made available, he stated that that would help in more effective treatment of medical issues inside the jail.
- c) In regard to shortage of health kits, the MO highlighted that the jail was regularly short of medicines as well as dope test kits. He suggested that there was a need in increasing the supply of medicines as well as dope test kits.

- d) In the opinion of the MO, there was an urgent requirement of having nursing staff inside the jail. Currently, he stated that for nursing of inmates inside the jail, other jail inmates were being used as assistants to the MOs who are attached to the hospital. He highlighted that the convicts helping were always unaware of the medical protocols of nursing, and hence that resulted in poor/insufficient after-care for inmates. He suggested that trained male nurses were required for better health facilities inside the jail.

Additionally, the team while inspecting the hospital observed that the building was very old and had poor infrastructure. Further, in the interaction of the team with the inmates, a very vocal and unanimous dissatisfaction was highlighted in regard to the medical facilities. In particular, inmates highlighted that skin infections were not being treated inside the jail promptly and regularly, because of which there was frequent spreading of skin infections inside the jail. Other inmates highlighted that there was always a high amount of crowd during OPD, because of which all inmates were not treated frequently. In regard to treatment inside jail hospital, inmates alleged negligence by officials and the process of referring inmates to outside hospitals was always slow. Additionally, there were allegations made that in cases of emergency, inmates were not always being taken to outside hospitals for treatment. Issues regarding unavailability of dentist and gynaecologists were also highlighted.

5. Education & recreational activities

As per the information received from the jail, for the period of last year, a total of 32 inmates were enrolled in educational programmes.⁴⁸ However, the inmates were primarily under-trial and convicted women, and none of the male inmates inside the jail were enrolled for any kind of educational programmes.

The other form of recreation activities inside the jail were television sets inside barracks and access to religious institutions.

6. Prison labour & wages

Central Jail, Ferozepur had a functional factory which included a carpentry section, a handloom section, a pipe making section, a soap and phenyl unit and a bedsheet making section (which was not operational). While the women's section inside the jail had a functional Sewing factory section as well, the team also observed that women inmates were also engaged in quilt making. As per the officials, around 126 convicts were working in the male factory, around 25 women inmates were working in the sewing unit in the

⁴⁸ The time period for the data refers to 1st September 2017 to 31st August 2018.

women's section. Apart from that, the other convicts inside the jail were involved in other tasks which involved:

- Working in *langar*/kitchen;
- Operating the PICS machine;
- Working as assistants to the prison administration (as *munshis*);
- Working as assistants in the hospital.
- Working as *Nigrans/lambardaars*.

The team got an opportunity to interact with the Deputy Superintendent in-charge of the factory inside the jail. At the outset, he informed that there were vacancies in technical staff wherein two out of the four technical assistant positions were not occupied. He also informed that the inmates working in the factory units were not given any kind of payment for the first three months of their work as that was considered to be their training period. Post that, he informed that inmates were being paid, and the jail had gotten their accounts opened. The inmates as per him, get 25% of their earnings in hand (in the form of coupons) and the rest 75% would be deposited in their bank accounts.

However, despite the Deputy Superintendent stating that money was being paid to inmates engaged in work inside the jail, the team's interaction with the convicts engaged in work presented a different picture. **The team was informed that not all convicts were receiving prison wages in lieu of work done by them. Additionally, some of them were not aware of the wage structure or process of opening bank accounts.** This issue was brought to the attention of the Superintendent in a letter dated 28th November 2018 directing him to organise awareness camps and disburse the wages owed to the convicts working inside the jail and highlight the constraints that are being faced by the jail administration in paying wages/ opening bank accounts, if any. A follow up mail was also sent on 5th February 2019. However, **no response for the same has been received from the jail.**

C. About the Prison Administration

1. Staff vacancies

As per the information received from the central jail, as on 31st August 2018, the jail had a major shortage both in the Executive Unit as well as Guarding Staff. In regard to the Executive Unit, the jail had a major shortage in regard to Deputy Superintendents and Assistant Superintendents. In regard to the Guarding staff, the jail was majorly short on the number of warders. Keeping in the mind that the central jail harbours a population of over 1000 inmates, staff vacancies remain a major cause of concern.

PRISON STAFF															
Executive Unit		Guarding Staff		Medical Personnel		Welfare Unit		Educational Personnel		Technical Personnel		Agricultural Personnel		Ministerial Personnel	
S	AS	S	AS	S	AS	A	AS	S	AS	S	AS	S	AS	S	AS
12	4	176	129	7	7	Nil	Nil	1	Nil	3	Nil	Nil	Nil	7	7

Table 2: Prison Staff Strength

2. Experiences of prison administrators

The team during its visit was able to have detailed interaction with multiple officials including the Superintendent, Deputy Superintendent (Factory), Welfare Officer, Warders as well as Matrons inside the jail. Multiple issues regarding prison administration were highlighted by them. They are as follows:

- a) Lack of Accountability for non-Punjab prisons personnel: In the interaction of the team with the Superintendent and the Deputy Superintendent (Factory), it was highlighted that there was a need for staff belonging entirely to Punjab Prison Services. At present, apart from officers Punjab Prisons, there were other different forces working inside the jail such as Punjab Police, Punjab Ex-Servicemen Corporation (PESCO) employees and Home Guard. The Superintendent highlighted that with the involvement of Punjab Police inside the jail, distinction behind police custody and judicial custody was technically not there. It was suggested by them that a jail should be run entirely by Punjab Prison officials to ensure effective accountability from officials.
- b) Lack of prioritising Prisons and its Issues: As per the jail officials, it was highlighted that the reason behind the inadequate functioning of the jails in Punjab were due to the extremely low priority given to the Prison Department by the State Government. The Superintendent highlighted that there was a lack of initiative in regard to bringing prison reforms.
- c) Issues of Vacancy, Problem of Promotions & Multiplicity of Roles: Amongst all the officials interviewed, all of them highlighted the issue with vacancy of posts inside the jail. This situation is corroborated by the official data received from the jail, which highlighted major shortage in regard to both executive as well as guarding staff inside the jail. Additionally, the lack of promotions (mainly for Warders/Matrons & Head Warders/Matrons) was also repeatedly highlighted. The warders and matrons interviewed stated that some of them in the service retired with a single promotion or no promotion at all.

As a result of the vacancy, the officials, specifically the senior executive staff highlighted that vacancies led to the performance of multiple roles by a single officer. The Deputy Superintendent (Factory) stated that he was also on duty for the role of Deputy Superintendent (Security) inside the jail. The Welfare officer interviewed, who was of Assistant Superintendent level, stated that he was temporary in-charge of the welfare department, while his actual role inside the jail was of Parole Officer. Another Assistant Superintendent interviewed stated that he was managing the RTI department, Pre-Mature Release Department, handling Court cases for the jail officials and also helping in filing jail appeals. The multiplicity of roles as per the officials, hindered their effective performance inside the jail.

- d) **Need for Psychiatric Counselling:** In the interaction of the team with the warders and matrons inside the jail, they stated that the intense nature of their job required regular counselling, which was not available to them.
- e) **Lack of Medical Escorts:** The officials interacting with the team also informed that there was a severe problem of medical escorts availability inside the jail. As a result, they informed that during medical emergency prison officials would have to leave their duties and accompany the inmates to the hospital, which resulted in them not being able to do their duties effectively.

3. Prison Oversight Mechanism

As per the information received from the central jail, for the period of September 2017 to August 2018, no Board of Visitors had been appointed by the State Government for prison oversight. Additionally, the information also informs that no visits have been made by either official visitors, or non-official visitors neither has any template been developed for visitors to record their observations. From the information received, it appears that there exists no prison oversight mechanism monitoring the Central Jail.

D. Role of Legal Services Institutions

1. Access to legal aid

The Legal Aid infrastructure inside the jail consisted of five components i.e. The Jail Legal Aid Clinic (JLAC), Jail Visiting lawyers, Convict Para-legal volunteers (PLVs), Legal Aid Awareness Camps and Monitoring of legal aid services by Secretary, DLSA. A detailed observation of the team is as under:

- a) **Jail Legal Aid Clinic (JLAC):** As per the information received by the DLSA,

Ferozepur, a JLAC was established inside the jail and was operational since 2011. The JLAC was working every day, i.e. seven days in a week. During the visit, the team observed that there was a JLAC inside the jail. However, it was not operational and was under renovation at the time of visit.

- b) Jail Visiting Lawyers: Jail visiting lawyers were visiting six days a week (except Sundays) as per the information provided by DLSA, Ferozepur. However, the team did not get an opportunity to interview the jail visiting lawyers.
- c) Convict para-legal volunteers (PLVs): At the time of the visit by the team (10th-12th November, 2018), the team were able to meet two convicts who were working as PLVs inside the jail. Based on the interaction of the team with convict PLVs, it was informed that both of them were appointed by DLSA, Ferozepur and the DLSA was aware of them working as Convict PLVs inside the jail. However, despite being appointed by the DLSA, they informed that they were not being paid any honorarium for the same. The non-payment of honorarium was brought to the notice of the Secretary, DLSA in an in-person conversation with him. The Secretary informed that he is aware of non-payment, and they were doing so as a matter of policy. He further informed there was an on-going discussion regarding payment of Convict PLVs in Punjab State Legal Services Authority, wherein whether the convict PLVs should be paid by the DLSA or the jail department was being discussed. In the opinion of the Secretary, he informed that he was not in favour of convict PLVs being paid by DLSAs as they were also being paid by the Jail Department for Rigorous Imprisonment inside the jail.

The convict PLVs were maintaining the following registers: 1) A register for Legal Aid lawyers at the district and sessions court level, 2) A register for legal aid lawyers at the high court level; and 3) A register for maintaining a record of the inmates who have specifically refused legal aid services. The Convict PLVs further informed that for a lawyer to get appointed at the district level took 15 days to one month, while the lawyers to get appointed at High Court level took a minimum of three to four months.

- d) Legal aid awareness camps: As per the information received, 25 legal aid awareness camps have been conducted by DLSA, Ferozepur inside the jail between September 2017 to August 2018. Further, the team observed big posters detailing the pre-requisites of free legal aid services near the Jail legal Aid Clinic.
- e) Visits by the Secretary, DLSA: For the period of September 2017 to August 2018, a total of 25 visits (twice a month (approx..)) were made by the Secretary,

DLSA. While the DLSA was monitoring the work registers maintained in the JLAC, they also stated that they were reviewing the reports submitted by Jail Visiting lawyers as well. For the above-mentioned period, a total of 12 reports had been submitted the DLSA by jail visiting lawyers.

Overall, as per the information received by DLSA, Ferozepur, for the period of September 2017 to August 2018, a total of 200 legal aid applications were filled and all the 200 applicants were provided with details of the lawyers.

Further, out of the 45 inmates interviewed inside the jail, 15 of them had legal aid lawyers. In regard to the experience of the inmates with legal aid services, they pointed to several issues in regard to the work of the legal aid lawyers. First, many inmates who had applied for legal aid lawyer from the jail, were not aware about their appointment or contact details. Also, some convicts who had legal aid lawyers at High Court and Supreme Court level highlight the lack of awareness regarding the status of their appeal to minimal contact with their legal aid lawyers. The team also were informed by the inmates that there was a perception amongst the inmates that legal aid lawyers don't work effectively. Some other issues included money being demanded by legal aid lawyers and legal aid lawyers not appearing in courts during production. These specific issues were highlighted to the DLSA through a letter dated 28th November, 2018. DLSA, Ferozepur responded back on 5th February, 2019 with detailed information of actions taken by them.

2. Under-trial Review Committees (UTRCs)

As per the information received from the DLSA, Ferozepur for the period of September 2017 to August 2018, a UTRC has been established, which had met four times during the above-mentioned timeline. Additionally, the same information mentions that for the same time-period, no undertrials were recommended to be released by the UTRC. This is despite the fact that for the same time period, the jail had a total of 192 inmates who had been detained as undertrials for the period ranging between 1-5 years. The information also mentions that there were eight inmates who had been inside the jail for more than five years as an undertrial.

3. Camp Courts

In regard to Camp Courts being conducted inside the jail, the officials informed that camp courts were being conducted inside the jail, once in 1-2 months. They also informed that this was not a regular occurrence, and the frequency of the camp court was not very certain. For the Camp Court, the officials informed that the judge would ask a list of inmates with petty offences, for which a list was created from the jail, and the files were sent to the

judge. Following this procedure, the camp court would be conducted.

E. About Vulnerable Groups

- a) **Women and Children:** As has been mentioned in the previous sections, the Central jail had a women's section with three barracks. While two of them were larger barracks, resembling the structure of a dormitory, there was one smaller barrack, which had beds in it, and was specifically accommodating women inmates who were pregnant, or had children. For the period between September 2017 and August 2018, the jail had six children inside the women's section. As on the date of visit by the team (10th-12th November, 2018), there were four children inside the women's section.

The women's section also had a creche and a sewing factory center. The creche facility had two attached helpers who were also involved in preparing and providing food to the children of the women inmates. The sewing factory had 13 sewing machines and was open to all inmates (whether under-trial or convict) who intended to learn. However, there was no *langar* inside the female section, and no convict PLV (female) was working as well.

In regard to the specific needs of female inmates inside the jail, the team were informed during their interaction that they were not being given any sanitary pads inside the jail. Also, in regard to medical facilities, there was a unanimous opinion that they were not adequate and poor in nature. In particular, women inmates complained that there is a lady doctor visiting at times, but that is not frequent. Additionally, no gynecologist was visiting the jail. The women inmates emphasized that male doctors should not be allowed in women's section and only a lady doctor should be allowed.

It was also highlighted that although children of women inmates were given a separate diet, no separate diet was being provided to pregnant or lactating women inmates. They highlighted that they were being given the same jail food as everyone else, and due to the poor quality of jail food, their health was suffering.

- b) **Foreign National Prisoners (FNPs):** As per the information received from the central jail, five foreign national prisoners were detained between the period of September 2017 and August 2018. Amongst the five FNPs detained, four were undertrials and one was convicted. As on the date of visit by the team (10th-12th November, 2018), there were a total of seven FNPs detained inside Ferozepur Central Jail, all of whom were from Pakistan. The FNPs were confined inside a particular cell block with the High Security Section of the Central jail.

In the conversation with the officials, it was informed that as the FNPs were Pakistanis, they were kept inside the High Security Section. The team also observed that they were being addressed by officials as “*mohemeddians*” and said that that was also a reason to keep them separately inside the High Security Section.

The team also got the opportunity to interact with some of the FNPs inside the high security section. At the outset, the team observed that they had been put into cells with very restricted movement allowed. None of the FNPs were allowed to move outside the high security section. All the FNPs unanimously alleged the team that they were being sedated every evening. Additionally, they also informed that they have faced violence from jail officials in the form of beatings, because of them being Muslims and also being from Pakistan.

F. Issues of Concern

1. Substance Abuse and Smuggling of Mobile Phones

In the interaction of the team with the inmates inside the jail, it was informed that drug consumption was rampant inside the jail. All types of intoxicants were available inside the jail which included cigarettes, *chitta*, *hafeem* and *charas*. When enquired about the source of smuggling of drugs inside the jail, the inmates alleged that officials were selling these materials inside the jail.

In regard to mobile phones, inmates also alleged that officials were selling mobile phones inside the jail. The selling of mobile phones was going on in both the women and men’s sections. Some inmates, while explaining the process of mobile phone smuggling stated that the officials would first sell mobile phones to inmates. Following this, searches would be conducted leading to confiscation of mobile phone, subsequent to which the inmates would get beaten up by the officials and asked for more money to let go.

2. Instances of custodial violence and torture

a) Violence in Police Custody

Out of the 45 inmates interviewed by the team, 27 inmates claimed to have been subjected to custodial violence including some forms of torture by Punjab Police. Techniques would involve severe form of beating with batons and belts, and at times would also involve third degree interrogation methods like electric shocks to ears and genitals, water-boarding, rolling, stretching and being stripped naked. Some of the women inmates who were interviewed stated that, most of them did not have any female officer present during the time of their arrest. Additionally, while in police custody, they would get beaten up by male police officers.

Further, amongst these 27 inmates, all 27 of them claimed that they were not produced before the court within the constitutional guarantee of 24 hours after an arrest. Additionally, three of the inmates informed that they were subjected to custodial violence, even before and after the judge allowed extension of their remand to the police station.

b) **Violence in Judicial Custody**

In the team's interaction with both the jail officials and inmates, a narrative emerged that the officials were using cells for isolating inmates along with beating as a form of discipline inside the prison premises. Amongst the 45 inmates interviewed by the team (including both men's and women's sections), 17 of them claimed that beating by officials was common. Women inmates informed that beatings inside the women's section would at times also involve male officials. Additionally, one inmate highlighted that the threat of transferring them to different prisons was also being used.

3. Corruption

During the team's visit to the jail, the inmates alleged that various forms of corruption was existent inside the jail. Many inmates alleged that VIP barracks could be bought inside the jail with considerable ease. Women inmates interviewed by the team highlighted that there was favourable treatment provided by matrons to certain inmates wherein mobile phones were being provided. Other forms of corruption included, as highlighted above, smuggling and selling of mobile phones and other contraband substance inside the jail.

4. Excessive In-fighting amongst inmates and Gang Clashes

A particular observation made by the team during the visit was the excessive incidents of in-fighting amongst the inmates. On the 2nd day of visit, i.e. 11th November 2018, the team witnessed an inmate who ran towards the visiting team to show his broken and bloody jaw. The inmate claimed that he was ambushed by 7-8 inmates in his barrack who had beaten him up. The inmate was immediately rushed to the hospital, where the officials tried to follow established procedure.

This observation of the team was corroborated by the male inmates interviewed, who agreed that the jail had a lot of in-fighting amongst inmates, which also included severe clashes from members of different gangs operating in the State of Punjab.

CENTRAL JAIL, GURDASPUR

One of the eight Central jails in the state, Gurdaspur jail is spread over an area of slightly more than 21 acres. Established in the year 2012, the Central jail is located in a semi residential area. Although there existed a large area from the entry point of the prison, to the main prison complex itself, there were some residential houses situated around the prison. There were multiple layers of walls and watchtowers around the prison complex along with CCTV cameras installed around the prison premises. Officials informed the research team that Gurdaspur prison was one of the most sensitive prisons in Punjab. The jail has witnessed several incidents of infighting among inmates and one such incident also led to mobile phone jammers being destroyed by inmates in 2017.

A. About the prison

Table 1.1 PRISON POPULATION ⁴⁹								
Name of the Prison	Capacity of Prison		Total Prison Population		Number of Undertrials		Number of Convicts	
	Men	Women	Men	Women	Men	Women	Men	Women
Central Jail, Gurdaspur	880	70	890	54	485	28	405	26

1. Prison Population and Overcrowding

Information received by the research team from Gurdaspur central jail revealed that the jail can house a total of 950 inmates. As on 2nd October 2018, there were 890 male inmates and 54 women inmates who were being housed inside. It is interesting to note that there was almost the same number of convicted and undertrial inmates during this period, as you can also see in Table 1.1.

2. Prison design and physical layout

Housed in a single story structure, the prison looked old and dilapidated at the first glance. This is despite the fact that this prison was established not too long ago. At the outset, it needs to be mentioned that the prison authorities were intimidated not by the CHRI team on the team's arrival, due to which it was seen that inmates were already prepared for being lined outside. Some of their personal belongings were also kept outside the barracks, so as to make the barracks appear spacious. Even the cleanliness of the washroom was suspected to be due to the known arrival of the team.

⁴⁹ As on 2nd October 2018

The prison on the entry had the women's section, while the rest of the prison was men's section. During the visit on 2nd, 3rd and 4th October 2018, the team was informed that there are a total of nine barracks out of which one is for women inmates and rest for male inmates. However, data received from the jail revealed that there are actually 14 male barracks and one female barrack. Most of the barracks could house 70-80 people, with one barrack having a holding capacity of around 120 inmates.

This data set also mentioned that there are no solitary cells. However, the team did visit the high security cells where high profile accused were being kept. The prison officials were not too inclined on letting the team visit these cells and it was only after the DLSA secretary's intervention that the team was allowed to see the high security cells. These cells are divided in two parts, one part housed the Kathua rape accused and the other part housed other inmates kept in this section for security reasons. At that time, the trial of Kathua rape accused was on in the Pathankot District and Sessions court and for this reason they were housed in Gurdaspur Central prison. These were seven accused and four officers were deputed for this cell. They were kept in the high security cells as they faced threats from other inmates of the jail due to the nature of their crime.

The team was informed that full effort was being put in to segregate convicts and UTs, but during the visit to the barracks it was observed that this form of segregation was hardly in place. Out of all the barracks only two, number 8 and 9, housed only convicted inmates and even this segregation was put in place two months back. There was also a particular barrack, which specifically housed TB, HIV and HCV patients, and patients with skin diseases. These were structured in the form of high security cells, and house 8-10 prisoners inside it.

Each barrack had TVs, tube lights and fans, and water filters for drinking water. There were washing and bathing areas inside the barrack premises, with additional washrooms inside the barracks. Officials informed that the washrooms and toilets were being cleaned by inmates, along with four sweepers who were additionally employed by the prison. The sweepers visited in two shifts per day. Despite of this the washroom inside cells were unhygienic and unclean. Even the quilts that were being passed on to inmates, were dirty.

Although there were complaint boxes inside the barracks, almost all of the complaint boxes were broken, and without any locks. Apart from this, there was a Gurdwara and a *Dargah* in the male section. In general, there was a canteen, a legal aid room and small ground in this section of the prison. Video Conferencing (VC) facility was also available inside the prison and the set up was placed in the main administrative block. VC was being conducted in the control room and was being used for remand productions. It was also being used by the jail administration for virtual communication with the prisons headquarters and other departments.

B. About the Prisoners

1. Procedures upon admission

Upon admission to the prison inmates go through the process of *mulaiza* which includes a) First medical examination after entry; b) Documentation of information related to legal aid; c) Search on inmates by jail guards; d) Allocation of barracks or admission to *mulaiza* barracks (new admission).

As informed by the doctors, there was standard operating procedure adopted by the prison MOs for medical examination of inmates on their admission to the prison. The doctors informed, unlike civil hospitals where the police officials accompany the accused person, in the prison medical examination police officials are not present. Jail MOs further informed that they were also informed about any injury marks on the body of the inmate who has been brought to the jail from police custody. In case of any fresh injury marks, the doctors were also conducting strip examination to record the injury marks.

As inmates were also being examined at the civil hospital before being sent for judicial custody in jails, in case of discrepancy between the observations made by prison doctors and doctors at civil hospital, the prison doctors made sure that they are sent back to the hospital for the discrepancies to be recorded. Discussions with inmates however, pointed towards a different picture. During the course of data collection from Gurdaspur central jail, the team interviewed a total of 43 inmates. Of these, **24 claimed to have been subjected to custodial violence or even torture by the Punjab police when they were in police custody**. Of these, eight inmates said that they were not examined medically during first admission in the jail. Six inmates further stated that their first medical examination was not done on the first day of their arrival to the jail.

Based on interviews with the 43 inmates, even a general picture of first medical examination was contradictory to the statement of doctors. Despite of the checks in place, as stated by the jail doctors, 12 inmates claimed that they were not examined at all during their admission. Some of them were only examined at the civil hospital before their entry in the prison.

Another practice that was being followed across prison in Punjab is that of documenting legal aid related requests upon admission of new inmates. Apart from that, on admission and thereafter, inmates whose family members were not visiting were also being provided with essential items like soap, toothbrush, toothpaste, oil, salt and milk powder.

In order to keep the entry of contraband articles in check, thorough body and material search is conducted on new inmates. An X-ray machine and a metal detector are being

used for this purpose. Apart from this manual frisking was the predominant method of bodily search being used on inmates by prison guards. Female inmates are searched by female warders in a booth located in the admin block itself.

2. Access to basic amenities

- a) **Food:** Catering to the dietary needs of all the inmates, around 40-43 convicted inmates were working in two shifts in the prison langar which was situated in a poorly lit room. Convicts working in the langar were accommodated in an attached barrack. Food and tea was being served twice a day. Mostly it was *dal* (lentils) that was being served and occasionally, *sabzi* (vegetable curry) was getting served along with six *rotis* per individual. Prison inmates gave mixed responses on the quality of food being provided to them. Many of them shared that the food quality is not satisfactory, rotis are half cooked and dal cannot be had without adding *tadka* to it. In fact the team was also informed by inmates that the jail authorities made good food on the day of visit in order to put on a show. Apparently a langar committee was also in place but the team could not get much information on the same.

Special diet is being provided to children staying with their mothers. As informed by one such mother, her child was getting one egg, one banana and half a litre of milk per day along with rice and atta to prepare child food. Apart from this, inmates also had access to the jail canteen which was like a tuck shop from where they could buy food items with the help of money provided by their family during Mulaqaat. Since inmates cannot possess currency notes inside the jail, they are given coupons that act as money. Canteen timings are in sync with the lockout timings of the jail. Food items like chole bhature, pakoras and samosas have also been started in the canteen recently.

3. Contact with outside world

- a) Mulaqaat: The arrangement for *mulaqaat*, wherein inmates can meet their family, was done in 2:1 ratio for undertrials and convicts. Four days in a week were allotted for UTs while two days were for convicts; out of these the family could visit on any one day. This form of allocation of days was seen in almost all prisons across the states. However, in a prison like Gurdaspur, where the convicted population was almost as much as the UT population (see Table 1.1), the allocation of days for *mulaqaat* was not evenly distributed.

The mulaqaat room had a general fence between the family members and the inmate. It can be presumed that during mulaqaat, there would be a lot of noise and chaos inside the room, as there were no provisions of telephones or glass rooms to talk. The whole room was under CCTV surveillance.

- b) Telephone System/Contact through telephones: Inmates also keep in touch with their families through telephones installed inside the jails. In the Central jail there are five PCO machines, inside a room just at the entry of the men's section. The PCO machines were operated by a long term convict. Based on the lockout timings of the jail, telephone services were available to be used in two time slots--7am to 12pm and 3pm to 5:30pm--per day. Two numbers can be fed in the system, one of the lawyer and one of any family member.

4. Medical facilities and healthcare

Gurdaspur central prison had a hospital inside along with a laboratory. The hospital was being taken care of by three Medical Officers, one of whom was a specialist doctor (MD Medicine). These doctors were assisted by seven pharmacists. One MO had to be present in the jail at all times, because of which the doctors were working on different shifts based on a roaster system. A roaster also existed for the working of pharmacists. An old ambulance was available with the central prison to transport general and emergency medical cases to the civil hospital.

Gurdaspur central prison is one of the few prisons in Punjab that had a drug de-addiction center inside which was being used for the treatment of substance abuse cases. Inmates on substance abuse were being housed in the de-addiction center that was attached to the jail hospital. Inmates suffering from communicable diseases were also being kept separately from other inmates in security cells located in close proximity to the hospital. CHRI's team was also informed that a psychiatrist was visiting the prison once a month and was undertaking treatment including sedation and anti-psychotic drugs. However, data received from the jail for September 2017 till August 2018, mentioned that no specialized doctor was visiting the prison. For de-addiction measures, there were collaborations being undertaken in the form of medical camps and counselling sessions by counsellors. There was also a contractual post created for a counselor, who was visiting the prison daily. Other specialists visiting the jail were dentists, eye doctors, orthopedics and gynecologists.

However, it was also informed both by doctors, and women inmates that gynecologist visits were not frequent. **In the absence of a female doctor, women inmates shared that at times they feel hesitant in sharing certain medical issues with the male doctor.** The team was also informed that rather than visiting on a regular basis, the jail MO only visits on need basis. It is important to note that women inmates do not have access to the hospital which is located in the male section as their entry is restricted to the women barrack. In such a scenario they have to rely completely on the MO's visits for any kind of medical help.

Other issue that was highlighted was the **lack of police escorts during medical emergencies**, which would deter effective medical assistance. The doctors highlighted that there was a need of body scanners, so as to detect drugs being carried inside body cavities. They also emphasized that modern medical equipment like ECG, dental chairs etc. were also required inside the prison, which were unavailable.

5. Education & recreational activities

Information received from the Central jail showed that in the last one year⁵⁰, no inmate was enrolled in any formal educational programme. However, women inmates informed the research team that two teachers were visiting from an Indian NGO, the Red Cross Society. One of these teachers was engaged with women inmates while the other one was teaching children of women inmates. Male inmates too showed willingness to enroll in educational programmes from inside the prison. The team was quite surprised to interact with a young Rohingya inmate who was fluent in Hindi. Shahidul shared that he taught himself Hindi and English during his time in prison, through books provided by an inmate friend. He shared that, “if provided with an opportunity in the prison, I would love to get myself enrolled in an IGNOU course”.

Most of these inmates also stated that they have not been given any vocational training inside the prison. The data provided by the jail too indicated that only few inmates⁵¹ received vocational training from inside the prison between September 2017 and August 2018. It is important to note in the data that only convicted inmates were given vocational training, however the reason for this was unclear. During the interaction with inmates too, only a couple of inmates stated that they were trained in plumbing and basic electrician courses. Largely, skill development and vocational training programmes that are beneficial for rehabilitation of inmates were missing in the Gurdaspur Central prison. There’s a sports committee as well consisting of both convicts and UT inmates.

6. Prison labour & wages

Although there was a factory inside but it was informed the same is shut due to budgetary constraints that the jail has been facing. When it was functional, convicted inmates were engaged in making furniture and flour inside. Though the factory was temporarily non-functional but many of the convicted inmates who were working there are still accommodating the barracks in the factory complex. Mr. Satnam Singh, Deputy Superintendent (Maintenance) informed that there are plans to re-open the factory soon. Setting up of a bakery unit within the factory is also underway.

⁵⁰ Time period between 1st September 2017 to 31st August 2018

⁵¹ 26 male convicts and 38 female UTs and convicts were

Out of the total 513 convicted male and female inmates, except one all were serving a term of rigorous imprisonment. In the absence of a functional factory unit, the jail had only a handful of options for convicts. The ones that the team interacted with were either working in the langar, working as a *nigran* or *lambardaar* or engaged in cleaning duties that included cleaning the toilets and even gutters. **Startlingly, majority of these convicts were not getting paid wages for the work they were doing nor were their accounts opened.**

One of the convicts who had already spent 16 years in the prison stated that he was only paid for the initial four years for his work but after that the wages stopped. He was told by the authorities that the wages are getting deposited in his account and he will get the money only after his release. While another one informed that he was paid Rs.1900 once in the form of coupons for working for six hours in a day as a *lambardaar*.

This issue was brought to the notice of the Superintendent by CHRI, in a letter dated 10th October, 2018. They were requested to highlight the constraints being faced by them in providing wages to the convicts, however, no response has been received from the Central jail yet.

C. About the Prison Administration

1. Staff vacancies

As per the information received from the jail, as on 31st August 2018, the sanctioned staff strength is quite less than what is expected in a Central prison. **Total sanctioned posts is of just 41 personnel to manage a prison with almost 900 odd inmates.** Total staff present with the jail on this date was of 42 personnel, with seven pharmacists appointed on a sanctioned post of two (refer to Table 1.2). Although there was no sanctioned posts available in the welfare unit but a law officer was appointed by the prison, making it one of the few prison in Punjab with an in-house law office.

There is a clear discrepancy in the data as it mentions the guarding staff unit with a sanctioned strength of just 21 head warders. There is no data on the number of warders appointed. This was cross checked with the data sought by the research team during their prison visit to Gurdaspur. This particular set of data mentions that as on 2nd October 2018, the jail had 19 head warders, 67 warders and three matrons appointed and was faced with a vacancy of 35 guarding staff.

With high vacancies among prison staff, especially the guarding unit, a uniform practice was being followed in the prisons of Punjab wherein Punjab Police, PESCO and Home Guard

employees are additionally recruited. This data set further highlights the dependency on non-prison cadre employees. As on 2nd October 2018, there were 22 Punjab Police personnel, 34 PESCO security guards and 43 Home Guards employed in Gurdaspur Central Prison.

Table 1.2 PRISON STAFF STRENGTH															
Executive Unit		Guarding Staff		Medical Personnel		Welfare Unit		Educational Personnel		Technical Personnel		Agricultural Personnel		Ministerial Personnel	
S	AS	S	AS	S	AS	A	AS	S	AS	S	AS	S	AS	S	AS
9	7	21	20	4	9	Nil	1	2	2	1	0	Nil	Nil	4	3

2. Experiences of prison administrators

Interaction with prison officials revealed a range of issues being faced by them. They are as followed:

a) Staff vacancy creating additional workload:

Due to inadequate staff, along with the multiple tasks already at hand, prison personnel had to take up additional work in order to share the workload. One of the Assistant Superintendents shared that he has to prepare responses (on behalf of the jail) to writ petitions filed in courts. This was despite the fact that there was a law officer available in this prison (as per the official data provided by the jail). He shared that in total, there were only seven to ten official holidays for jail staff, on most of which, they would also have to work.

The team was also informed that very few fresh recruitments are taking place, especially for higher ranks. It was highlighted that Warrant Officers were specifically overworked as they had both, documentary and security related work. Similar overloading of work was seen at the Deputy Superintendent's post who, many a times, would also handle posts of District Probation Officer and post of Assistant Superintendent. Handling of multiple posts by single officers was leading to reduction in posts for prisons in general, by the Government. Delayed promotion of warder level staff was also highlighted. These promotions are delayed by 30 years in many cases.

b) Long working hours:

Another issue that was being faced by prison staff was that of long working hours. A usual day of work for a Deputy Superintendent would start off at 6am with the visit to the prison (for lock-out of inmates) followed by lunch break around 1pm (post lock in of inmates) after which he has to come back to the prison. Another break would be around 7pm after

the evening lock-in has been completed, followed by another visit to the prison around 9pm which would go on till about 11:30pm. The Deputy, as it was shared, was assigned night duty twice a week along with regular surprise visits.

c) **Suggestions:**

Officials shared that there was urgent requirement of prison officials being allowed to work on shifts, which was not possible at present due to vacancy and shortage of manpower. It was suggested that proportionate allocation of officers need to happen, where an appropriate proportion would be 1 prison official: 500 prisoners.

3. Prison Oversight Mechanisms

Data for prison oversight by Board of Visitors (including non-official visitors) was not provided by Gurdaspur Central prison.

D. Role of Legal Service Institution

1. Access to Legal Aid

The JLAC situated in Gurdaspur Central jail was established on 22nd August, 2012. A room in the women's section of the prison was also being used as a clinic. The legal aid room in men's section had a computer, with active internet connection, which was being used to check case status and status of appeals of inmates. Copy of judgment for filing appeals was also being procured by the DLSA.

According to the data received from the DLSA Gurdaspur, JLAC was functional on all working days. The team was informed that DLSA lawyers as well as the secretary were making daily visits to the prison. Information received from the DLSA revealed that between 1st September 2017 and 31st August 2018, DLSA Gurdaspur received a total of 343 legal aid applications from the central jail and that a lawyer was appointed in all these 343 cases. Information on the appointment of lawyers was shared with respective inmates, as per the DLSA. The following observations were made regarding the functioning of these clinics:

a) **Convict and community Para-Legal Volunteers:**

The DLSA had appointed two convict PLVs in the male section and one in the female section. They worked from 9am-5pm every day, except on Sundays, and were entrusted with maintaining the legal aid register, update inmates on status of the case, provide legal advice and fill up legal aid forms for appointment of lawyers.

There were two male community PLVs appointed for the men's section and one female

community PLV was appointed for the female section of the prison. The PLVs were visiting the prison from Monday till Saturday and they were being paid Rs. 400 per visit. Their primary tasks involve providing legal aid lawyers to inmates by filling in legal aid forms and addressing day to day legal aid related grievances of the inmates. Community PLVs were acting as liaison officers between the DLSA and prisons.

They were being provided basic training for 3-4 days, after which they were deployed to the prisons or community. After some amount of experience, a legal aid test was undertaken by the DLSA to evaluate the performance of community PLVs. In general the community PLVs were working well inside the prison but the team received a complaint against one of the community PLVs from almost all the inmates and even some officials. The complaint was on the negligent nature of his work. This issue was brought to the notice of the Secretary, DLSA Gurdaspur, in a letter dated 10th October, 2018. She took swift action on the same and removed the concerned PLV from jail duty.

Out of the 43 inmates interviewed inside the jail, 21⁵² had a legal aid lawyer looking after their case. One of the undertrials informed that he had requested for a legal aid counsel to be appointed for his case but the application was passed to the DLSA only five days back.

Almost half the inmates interviewed by the team had a legal aid counsel, however, they were largely dissatisfied with the services for various reasons. Primary reason for the dissatisfaction was limited contact between the lawyer and the inmate. Most of them stated that their lawyer does not meet them even during production, one of the only places of contact between the two parties. The team also interacted with one of the inmates who had changed his lawyer from a legal aid one to hiring a private one, as the previous lawyer did not pursue the case well.

The team was further informed that there was a general impression amongst inmates the central jail that since legal aid lawyers work for free, hence, they are not competent. As a result, there were instances when the inmate would apply for a legal aid lawyer, but also get a private lawyer appointed. As was the case with one of the women inmate's the team interviewed. It was highlighted that for a district court lawyer to be appointed, the DLSA was taking 15-30 days of time. For High Court legal aid lawyers to be appointed, it took as long as 4-8 months for final appointment to happen.

As a suggestion it was shared that the judges should try and talk to the inmates and then understand their problems. They should try and ask about the social background of the inmates and the issues faced by them on personal front. It was also shared that applications given by inmates during a judge's visit to the jail are actually taken by the reader and no action is taken on those.

⁵² A woman inmate claimed that she had engaged both, a private lawyer as well as a legal aid one

2. Under-trial Review Committee

As per the information received from the DLSA for the period of September 2017 to August 2018, the UTRC has been established but has only met once in the whole year. Additionally, the same information mentions that none of the undertrials were recommended for release. However it does mention that two inmates have been granted bail but they were still inside as they were unable to furnish surety.

This is despite the fact that the jail had 598 inmates who had been detained as undertrials for the period ranging between 1-5 years⁵³. 128 out of the 598 inmates have been detained for a period between 3-5 years. Despite the existence of such long detentions for certain under-trials, the work of UTRC in regard to Central Jail, Gurdaspur remains unclear.

E. About Vulnerable Groups

1. Women prisoners and their children

Gurdaspur central prison has a women's enclosure inside. The women's section had one barrack, which housed all the women inmates. As per information from the jail, there was no transgender barrack inside. Similar to what was observed in rest of the jail (male section) even the women's enclosure premises had been cleaned freshly.

The barrack had fans, tube lights, LCD TV and also a fridge. Although washrooms could not be visited by the team but issue of water leakage was reported by women inmates. There was crèche facility available, and also a legal aid room inside along with a separate canteen where items were being sold on MRP. Officials informed the team that women who did not have access to the canteen, as their family members were not visiting them, were being provided with basic essentials like soap, oil, tooth paste, tooth brush and sanitary pads. Rice, milk powder and salt was also being given by the prison authorities.

A total of 56 women were housed in the prison from 1st September, 2017 till 31st August, 2018. Out of the total 32 were undertrials and 24 were convicted women. Due to just one barrack being there, there was no segregation between convicts and UTs. At the time of the team's visit, two children were staying with their mothers inside. Women inmates that the team interviewed, informed that children were being provided a special diet of one egg, one banana, half liter milk, and rice and wheat flour. Two teachers were visiting from a local NGO, Red Cross Society, one each for the women and the children of inmates. Women inmates also shared that a female doctor was not there on a permanent basis. In such a scenario women are mostly referred to civil hospital for check-up.

⁵³ 128 inmates detained as undertrials for a period ranging 3-5 years and 470 undertrials detained for a period of more than a year but less than three years.

2. Prisoners with Mental Illness

Data from Gurdaspur Central jail for September 2017-August 2018, mentioned the number of prisoners with mental illness to be 15. Apart from this, 362 inmates were also provided with psychological counselling. Although the process of counselling was not known especially since the jail does not even have a visiting psychologist.

3. Foreign national prisoners

There are four FNPs in the central jail and three of them have been kept in the Hospital as they are suffering from mental illness. Unlike Amritsar prison, there was no internee camp for FNPs. The team tried to interact with three of these FNPs but could only have a proper discussion with one, who was a Rohingya from Myanmar, as the other two (Bangladeshi and Pakistani citizens) were unable to converse due to their illness.

4. Young Offenders or Juveniles?

During the data collection, the team interacted with an alleged juvenile who had been in the Central jail for just two days when the interview was conducted. This inmate claimed that he is actually 15 years old but the police showed his age to be 19 years during arrest. The police even threatened him not to disclose his original age. He further shared that during first production, was not taken in front of the magistrate and was just made to sit outside. He even had an id proof (Aadhar) to prove his age but that was at his residence. Since the inmate was new to the jail he was largely clueless about the environment and did not even have a lawyer yet.

This issue was brought to the notice of DLSA Gurdaspur in a letter dated 10th October, 2018 after which he was granted bail on 15th November, 2018 vide order no. 312 dated 15/11/2019 by the Court of Dr. Ram Kumar Singla, A.S.J. Gurdaspur.

E. Issues of Concern

1. Drugs related cases and substance abuse

For NDPS cases, two specific treatments were being undertaken. Inmates having severe addiction such as heroin cases, were being treated under Outer Opioid Assisted Treatment (OOAT), and less severe cases were being treated in the de-addiction center. The medical supplies were coming from Amritsar. One specific thing which was brought by the doctors was the discrimination between new inmates (drug addicts) and old convicts. De-addiction treatment was not being given to convicts, as this would result in implicit acceptance of drug consumption inside the prisons.

The doctors highlighted there was need of some guidelines, which would stop this kind of discrimination inside the prisons. For this, they suggested that the prison doctors be provided with Drug Testing Kits, so as to effectively administer de-addiction measures. The team was also informed that OOAT patients were also getting addicted to the medication as it has opioid substances. As informed by the doctors, drug over-dose issues were also rampant inside Punjab prisons. Out of the inmates that were interviewed, 12 were charged under different sections of the NDPS act.

2. Instances of custodial violence and torture

a) Violence in Police Custody:

Out of the 43 inmates interviewed, 24 inmates claimed to have been subjected to forms of custodial violence including torture by Punjab police when the inmates were in Police custody. The torture was so severe in one of the cases that the woman developed hearing impairment after being repeatedly slapped by male police officials. Another inmate stated that he was declared a PO after he missed his court hearing as he feared police torture again.

Apart from beating, slapping, being hit with sticks, specific torture techniques were used by Punjab police to torture inmates. These included, waterboarding, electric shocks on body including private parts, hitting the sole with a baton, beating with belts on naked body and stretching of legs.

Additionally, it is important to note that amongst these 24 inmates who alleged custodial violence including some forms of torture, 16 of them claimed that they were not produced before the court within the first 24 hours of their arrest.

b) Violence in Judicial Custody:

In cases of in-fighting among inmates, it is the prison officials who counsel them out of these situations. Apart from internal fights often involving physical fights, inmates are also beaten up by prison officials as a disciplinary measure, as stated by many inmates who were interviewed. One inmate also stated that inmates are beaten up inside the prison for entertainment purposes.

CENTRAL JAIL, HOSHIARPUR

Central Jail, Hoshiarpur was established in the year 1886 and is one of the oldest jails in the State of Punjab. It is spread over an area of 12.2 acres and is located inside the city with residential buildings all around it. The jail officials brought to the notice of the team that the jail in Hoshiarpur was a district jail up until 2016 after which it was elevated to the status of Central Jail. However, despite the upgradation in status, it continues to work with the sanctioned staff of a District Jail. This meant that in addition to many other posts, even the posts of Deputy Superintendent, Assistant Superintendents, Medical officer, pharmacists and other officials required to run a central jail have still not been sanctioned. The Central Jail caters to all police stations in the district of Hoshiarpur.

A. About the Prison

PRISON POPULATION ⁵⁴								
Name of the Prison	Capacity of Prison		Total Prison Population		Number of Undertrials		Number of Convicts	
	Men	Women	Men	Women	Men	Women	Men	Women
Central Jail, Hoshiarpur	678	45	783	44	522	35	261	9

Table 1: Prison Population

1. Prison population and overcrowding

As per the information received by the team on the dates of visit (27th-29th May, 2019), the jail had a total population of 827 inmates against its sanctioned strength of 723 inmate. This **pegs the overcrowding rate at approximately 14%**. Amongst the inmates, there were a total of (male and female included) 557 undertrials and 259 convicts (serving rigorous imprisonment). In the conversation of the team with the prison officials, it was informed that the jail faces regular overcrowding issues. The officials address it by transferring inmates to Central Jail, Kapurthala on a frequent basis. Most recently, they had transferred 45 inmates to Central Jail, Kapurthala to reduce overcrowding.

2. Prison design and physical layout

Central Jail, Hoshiarpur had an outer perimeter wall followed by a concrete boundary wall around the main jail compound. There were sentry posts available which surrounded the

⁵⁴ These figures do not include the number of detainees inside the prison. Also, the table reflects the population as on the date 29th May, 2019 (procured by the team during their visit over 27th-29th May, 2019).

prison complex. The jail had the main administrative building or *deory* which housed the prison control room and offices for the jail officials. It needs to be noted that the *deory* was a very small area and had cramped rooms in which the officials were working. The reason behind the same is that the infrastructure of the *deory* has not been effectively upgraded and continues to reflect an old infrastructure since the time of the establishment of the jail. For admission security check there was a door frame metal detector available.

The main section inside the jail had separate accommodations for male and female inmates. There was also a high security section inside the jail. Apart from that, the main jail compound housed a small hospital, legal aid room, *mulaqaat* room, video conferencing room, one canteen and PICS machines. It was informed by the officials that there was segregation being maintained between undertrial inmates, convicts and high security prisoners. Additionally, inmates who were ex-police or prison officials were also allocated separate barracks for their security inside the jail. The jail had no factory section available. Additionally, there was not enough space inside the jail to carry out any sports activities. However, religious buildings like Gurudwara, temple, *dargah* and a church were available. The Superintendent also informed us that the accommodation for jail staff was also available inside the jail campus. There were staff quarters available for Superintendent, Deputy Superintendents, Medical Officer and Assistant Superintendents. Head warders and Warders were living in dormitories if single and were given separate accommodations to live with families if they were married. No specific issues regarding the conditions of staff accommodations were highlighted.

In total, the jail had 15 male barracks, three female barracks and 25 cells. The barracks resembled a long dormitory with concrete beds. From the larger barracks having capacities up to 70-80 inmates, middle size barracks having a capacity of 20-25 inmates and smaller barracks having 8-10 capacity, each barrack inside the jail differed in its size, capacity strength and basic infrastructure regarding toilets and bathing spaces. In the ward containing barracks 14, 15, 22 and 23, the barracks were large spaces having capacity of up to 70 inmates. Each barrack had one toilet and one washroom. In the common area of the ward, there were four more toilets and a common bathing area. Hence, a total of 280 inmates (approx.) in the ward, were sharing between them, eight toilets and a common bathing area. The ward having barracks 1 to 4 had a capacity ranging between 10-25 inmates, who were sharing amongst them 14 toilets and 11 bathing areas (seven out of the 11 bathing areas were non-functional). Ward containing barracks 18 to 21 were newly constructed barracks and resembled a dormitory. Each barrack had a capacity up to 80 inmates who shared a total of six bathrooms and four toilets. None of the barracks had any elevated cemented sleeping areas, and all the inmates were sleeping on the floor. While some of the barracks had tube lights, the other barracks had LED bulbs. Fans, television sets and exhausts were available in all the barracks. In general, due to the some 14% of

overcrowding inside the jail, the basic ratio of inmate to toilets and inmate to washrooms as prescribed by the Model Prison Manual, was not being followed.⁵⁵

In regard to the women's section, it needs to be highlighted that it was cramped into a very a small space which had three barracks. However, there was no space for movement outside the barracks, and they also had restricted access to move around in the main section of the jail. The reason behind the same is the old infrastructure of the jail, which has not been upgraded till now. Each barrack was separated through iron grills but had cement/plywood beds as sleeping areas. Each barrack had two toilets and one bathing area. Additionally, there were two common bathing areas also available. There were fans, exhausts and television sets also available in all the barracks.

As observed by the team, while the hygiene was well maintained in the barracks in the women's section, the barracks in the male section (specifically the larger barracks) were mostly crowded and had bad levels of hygiene.

B. About the Prisoners

1. Procedures upon admission

The admission procedure roughly included the stages of: 1) Medical Examination at prison during admission; 2) Search (frisking and material possession); 3) Providing basic essentials such as quilt and bedding 4) Making of history ticket; and 5) Admission to the prison (New admission Barrack).⁵⁶

In the interaction of the team with inmates, it was informed that medical examination was being regularly conducted by the medical officer in charge. It was being conducted on the next day after the inmate had been admitted to the jail, after which he was shifted to the new admission barrack.

In regard to the search procedure, the inmates informed that basic frisking of body and material possessions was taking place at the *deory* itself. Women inmates interviewed by the team also informed that a matron was always in charge of frisking and searching the material possessions of the women inmates. However, there were some allegations made by inmates (male inmates as well as female inmates) regarding random use of strip search during admission based on the suspicion of officials towards the inmate.

⁵⁵ Section 2.10.1 of MPM 2016, prescribes ratio of one western commode (WC) unit, with day time ratio for usage being one unit for 6 inmates; and Section 2.11.1 prescribes a ratio of one bathing are for 10 inmates.

⁵⁶ The particular order of these stages has not been enquired into during the interviews.

In regard to basic essentials like soap, toothpaste, toothbrush and oil, there were mixed responses from inmates. While some alleged that no basic essential was being provided to them during admission, the other claimed that the jail administration did give these basic essentials. Some inmates also informed that after a month of staying in the jail, all the mentioned amenities were being provided. Following the admission to the jail, the inmates were kept in the new admission barrack for some days (in male section and not applicable to women inmates). After this, the inmates were shifted to their allotted barracks.

One important aspect of medical examination during admission to the jail is documenting custodial violence. The medical officer examining the inmate becomes a primary witness and also helps document torture or custodial violence, which can be further used as evidence. Out of the 37 inmates interviewed by the team, 19 inmates claimed to have been subjected to custodial violence including some forms of torture by Punjab Police. Amongst these inmates, twelve of them claimed that during the medical examination, no question regarding custodial violence was asked by the medical officer, and hence they did not inform the medical officer about the same.

2. Access to basic amenities

a. Food:

The central jail had an area allotted for *langar*/kitchen inside the men's section. This was being operated and maintained by convicts. The prison officials informed that the food was being prepared on the basis of the diet chart provided in the Punjab Jail Manual, 1996.⁵⁷ Food and tea were being served twice a day: once in the morning, and once in the evening. There was a flour kneading machine, exhausts, fly killing machines, and fire extinguishers available inside the *langar*. It was informed by the officials and the inmates that around 42 convicts were working inside the *langar* and were residing in the barracks attached to the *langar*. When the team enquired about the quality of food, mixed responses were received. While some inmates claimed that food levels were not satisfactory, others were satisfied with the quality of food. Some of the reasons behind dissatisfaction of food quality were insects being found in soy chunks, vegetables not being provided frequently and also the food not being edible without adding *tadka* to the food. There were also allegations regarding misappropriation of food stocks being done by senior officials inside the prison which resulted in the poor quality of food due to lack of adequate quantity to feed the entire prison.

It needs to be noted here that there was no *langar* inside the female section, and the food was being provided from the male section itself. No particular problems were highlighted

⁵⁷ Rule 815, Punjab Jail Manual, 1996.

regarding the quantity or quality of food or in regard to lack of *langar* inside the female section by the female inmates and those interviewed were generally satisfied with the quality of the food.

However, one particular observation made by the team was regarding some Muslim inmates observing *roza* during the month of *Ramzan* inside the prison. In the interaction of the team with those inmates, certain good practices such as providing of *sehri* in the morning and *iftar* in the evening were highlighted. The inmates stated that the convicts working in the *langar* were taking care of them during the month of *Ramzan*.

Additionally, in regard to food materials available in the canteen, the team again received mixed responses. While some inmates claimed that the canteen prices were not inflated, others alleged that there was some price inflation in regard to the materials being sold in the canteen.

b. **Drinking & Bathing Water:**

In the interaction of the team with inmates, it was informed that R/O filters were installed in each ward. The inmates were catering to their drinking water requirements through these R/O water filters. However, some inmates claimed that the filters were not working in their particular wards. Although the women in the women section were satisfied with drinking water, inside the men's section, there were allegations of sand being found in drinking water, and drinking and bathing water being same inside the jail.

Water tanks catered for the bathing water requirement of the inmates. As per the information received from the jail, there were a total of 45 water tanks inside the men's section and five water tanks for women. While the women's section did not complain about the quality of bathing water, inmates in the men's section claimed that the number of taps in the barrack were not enough. Some inmates also claimed that the bathing water quality was not good and caused skin infections.

3. Contact with outside world

There were two primary means through which an inmate was maintaining contact with the outside world:

a. *Mulaqaat:*

There was a *Mulaqaat* room available inside the central jail. The *mulaqaat* room was divided into two sections, where the larger section was for male inmates and a smaller

section was for female inmates. The architecture of the *mulaqaat* room was similar to other jails in the State of Punjab, where the visitors were divided from the inmates through an iron meshed fence.

Further, as per the information received from the central jail, *mulaqaat* was happening for six days a week, where an undertrial inmate was allowed to meet twice a week and a convicted inmate was allowed to meet once a week. The timings for *mulaqaat* were from 9:00AM in the morning to 2:00PM in the afternoon.

In the interaction of the team with inmates, mixed responses were received. While some inmates informed that were satisfied with the minimum time of 15-30 minutes given for the *mulaqaat* period, other were dissatisfied saying that the time was not enough. Further, some inmates alleged that the convicts assisting the administration for *mulaqaat* were charging money for extension of *mulaqaat* time beyond 30 minutes period. There were also allegations made in regard to noise and chaos during *mulaqaat* due to the small *mulaqaat* area.

b. Telephone system/Contact through telephones:

It was informed by the jail officials that there were three PICS machine available inside the male section and one machine in the female section. In the interaction of the team with the inmates, overall, the inmates seemed to be satisfied with the PICS facility available.

4. Medical facilities and healthcare

The Central Jail had an existing and functioning medical infrastructure. It has an OPD and a Hospital containing eight wards. The jail did not have any OOATS or de-addiction centre. The jail had a single medical officer and a pharmacist working in shifts inside the jail. It was informed by the officials that there was a permanent medical escort of two Punjab Police Personnel along with an ambulance inside the jail.

One particular stand out feature regarding the medical examination during admission needs to be highlighted. It was observed by the team that the medical officer in-charge had made an admission register which followed the National Human Rights Commission (NHRC) exclusive proforma for admission of inmates into the prison. This kind of practice was not observed in any other jail of Punjab. Yet, there were issues regarding non-documentation of injuries as discussed above.

As per the information received from the jail for the period of last year,⁵⁸ 7,737 inmates

⁵⁸ The time period for the data refers to 1st September 2017 to 31st August 2018.

were treated in the OPD of the jail. Amongst these, around 67 inmates were admitted to the hospital inside the jail and 507 inmates were referred to specialists outside. The hospital to which inmates were being referred was the Civil Hospital, Hoshiarpur. It was further informed to the team by the Medical Officer that specialists were visiting the jail wherein a psychiatrist and a skin specialist were visiting jail on monthly basis, and orthopaedic and medicine specialists were making visits, but not regularly. It was expressly informed by the medical officer that no dentist or surgeons were visiting the jail. It was further informed that one or two medical camps (including eye, skin, orthopaedic and special medicine treatment) were also being conducted.

The team got an opportunity to have a detailed interaction with the medical officer working inside the jail. He raised multiple issues in regard to medical and health care facilities which are as follows:

- f. At the outset, the Medical officer highlighted that one medical officer and one pharmacist were not enough to deal with the population of the central jail. As per him the population of jail always bordered around 900+ inmates, and treating this number of inmates was not possible by just one medical officer.
- g. In regard to the specialists inside the jail, the Medical officer highlighted that there was an urgent need of a lady doctor for female inmates inside the jail. Further, he highlighted that no gynaecologist was visiting the jail.
- h. The Medical Officer highlighted that the time period for which a medical officer (6 months) and pharmacist is deputed (1 month) is not enough for the effective functioning of medical services inside the jail.
- i. In regard to documentation of custodial violence and the legal procedures required to be followed in such cases, the Medical officer highlighted that there was a need to be trained in this regard to identify psychological cases of torture and torture in general. It was further highlighted that there was lack of awareness regarding medico-legal examination that needs to be conducted in cases of alleged custodial violence/torture.
- j. Outdated medicines for the treatment of fungal skin infections was also highlighted. As per the Medical Officer, the medicines supplied by government to treat skin infections were outdated. The name of the outdated medicine is *Flucanazole*. There was an urgent requirement of updating the medicines to treat fungal infections inside the jail.
- k. Shortage of medicines was highlighted as a prevalent issue inside the jail. Additionally, despite having a permanent medical escort attached, the Medical officer stated that they were not enough to cater to the jail requirement, and hence was an issue.
- l. The Medical Officer emphasised the need for the Prisons to have their own Medical Department, rather than have deputations from Punjab Civil Medical Services (PCMS). He further stated that a Psychologist needs to be permanently posted inside the jail.

5. Education, vocational training & recreational activities

As per the information received from the jail, for the period of last year, a total of five inmates were enrolled in educational programmes and a total of 28 inmates were given vocational training.⁵⁹ All these were male inmates and not a single female was enrolled in education programme or vocational training. Although the prison did not have a factory, the prison officials informed that vocational trainings were given in the area of plumbing, carpentry and electrician. In regard to the educational programmes, it was informed by the officials that inmates were being enrolled in programmes in Government Polytechnic College and National Institute of Open Schooling.

The other form of recreation activities inside the jail were television sets inside barracks, access to religious areas, and a computer room and library room available inside the jail.

6. Prison labour & wages

There was no factory unit available inside the district jail. Other than that, the work being undertaken by the inmates inside the jail included:

- Working in *langar*/kitchen;
- Operating the PICS machine;
- Working as assistants to the prison administration (as *munshis*);
- Working as assistant in the hospital.
- Working as *Nigrans/lambardaars*.

In the team's **interaction with the convicts engaged in work inside the jail, it was observed that some of the convicts were not aware of the wages that they were entitled to as a part of their rigorous imprisonment. Although some inmates were getting wages, the others were not.** This issue was brought to the attention of the Superintendent in a letter dated 18th June 2019 requesting him to organise awareness camps and disburse the wages owed to the convicts working inside the jail. However, **no response for the same has been received from the jail.**

C. About the Prison Administration

1. Staff vacancies

As per the information received from the jail, as on 31st August 2018, there was a major shortage in guarding staff, specifically the strength of Warders inside the jail. As on the date of visit (27th, 28th & 29th May, 2019), the information given to the team continued to

⁵⁹ The time period for the data refers to 1st September 2017 to 31st August 2018.

show a vacancy in the post of warders inside the jail. This situation is a cause of concern, specifically keeping in mind that the jail caters to a population 900+ inmates.

PRISON STAFF															
Executive Unit		Guarding Staff		Medical Personnel		Welfare Unit		Educational Personnel		Technical Personnel		Agricultural Personnel		Ministerial Personnel	
S	AS	S	AS	S	AS	A	AS	S	AS	S	AS	S	AS	S	AS
6	4	106	68	2	2	1	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

Table 2: Prison Staff Strength

2. Experiences of prison administrators

Multiple issues regarding prison administration were highlighted by the prison officials. They are as follows:

- Security Threats and lack of upgraded weapons for Senior Punjab Prison Officials:**
In the conversation of the team with the jail officials, it was highlighted that senior jail officials received constant threats from gangsters as well as inmates inside the jail. They also emphasised that this threat was not just limited to them personally, but also extended to their families. It was highlighted by the officials that to enhance security, government vehicles, armed gunmen with enhanced trainings and upgraded arms are required.
- Lack of Accountability for non-Punjab prisons personnel:** The Deputy Superintendent during his interaction of the team highlighted the need for staff belonging entirely to Punjab Prison Services. At present, apart from officers of Punjab Prisons, there were other forces working inside the jail such as Punjab Police,⁶⁰ Punjab Ex-Servicemen Corporation (PESCO)⁶¹ employees and Home Guard.⁶² These forces were mostly entrusted with maintaining the security of the jail. He opined that there was a lack of accountability of non-Punjab prison forces which led to inadequate work and even where there was a lapse in duty.
- Problem of Promotions and Pay Parity with Punjab Police:** In the team's interaction with prison officials, the lack of promotions (for Warders & Head Warders) was highlighted. According to them, this was the only government department where promotions took as long as 25-30 years to happen. Further, differences in pay scales

⁶⁰ Total Number of Punjab Police employees (as on 29th May 2019): 4 (2-Punjab Police Medical Guard, 2 Punjab Police (ladies))

⁶¹ Total number of PESCO employees (as on 29th May 2019): 24

⁶² Total Number of Home Guard employees (as on 29th May 2019): 16

with Punjab Police was also highlighted as a demotivating factor by the officials.

- d) Problem of Productions of Inmates: The Prison officials highlighted that lack of Police escorts for production of inmates was a big issue as the courts considered Prison to be a facilitator of production, while as per law, the police is responsible for production. They highlighted that the lack of accountability of police by courts for non-production and holding prison officials accountable for the same was a problem.
- e) Low rate of recruitment, under-staffing and lack of weekly rest: The Prison officials highlighted that the low rate of recruitment by the Punjab Prisons Department was a big issue. They stated that the gap between recruitments was more than 25 years (1991 to 2017). The low rate of recruitment, combined with vacancy in positions and lack of weekly rests for officers such as Deputy Superintendent (Maintenance & Factory) was a huge issue faced by the prison officials. _

3. Prison Oversight Mechanism

As per the information received from the district jail, for the period of September 2017 to August 2018, Board of Visitors had been appointed by the State Government for prison oversight. However, no non-official visitor (NOV) had been appointed. Further, around 63 visits were made by the official visitors inside the jail. Additionally, the information suggests four reports had been submitted by the visitors to the Government/Prison Head. It further states that actions were also taken by the Superintendent and the jail department regarding these suggestions, which was also further sent to the State Government. However, the team did not get an opportunity to inspect these reports.

D. Role of Legal Services Institutions

1. Access to legal aid

The legal aid infrastructure inside the jail consisted of the following components: 1) Jail legal Aid Clinic; 2) Convict Para-Legal Volunteers (PLVs); 3) Jail Visiting Laweyers; 4) Legal Aid Awareness Camps; and 5) Monitoring by Secretary DLSA. The following observations were made regarding the functioning of the legal aid infrastructure:

- a) Jail legal Aid Clinic (JLAC): The JLAC was operational inside the jail and was established in 2013.⁶³ The team observed that the JLAC was located in an area which had good visibility and access for the inmates. The JLAC was working six days in a week. Overall, for the period of September 2017 to August 2018, a total of 182 legal aid applications were filed for appointment of legal aid lawyers. However, amongst

⁶³ As per the information received by District Legal Services Authority, Hoshiarpur.

the 182, only 175 were provided with legal aid and the name and contact details of the legal aid lawyer appointed were also shared with the concerned inmate. The reasons for not providing legal aid to the seven inmates has not been mentioned by the DLSA.

- b) **Convict para-legal volunteers (PLVs):** Based on the information received from the DLSA, four convict PLVs were working inside the jail as on 31st August, 2018. However, on the date of visit (27th - 29th May, 2019), the team were able to meet only two convicts who were working as PLVs inside the male section. No convict PLV was working inside the female section. Based on the interaction of the team with convict PLVs, it was informed that both of them were appointed by DLSA, Hoshiarpur, on the recommendation of the Superintendent of the jail. However, both of them were not aware of the honorarium they were entitled to for their work as PLVs. They informed that they have not received any honorarium in the past as well.

The convict PLVs were maintaining the following registers: 1) Admission Register; 2) Register regarding the names of Lawyers appointed for UTs; 3) Register for Appeals filed for Convicts; and 4) Panel Lawyers attendance register. In regard to the time taken for appointment of legal aid lawyers, it was informed that a DLSA, Hoshiarpur lawyer took around 10 days for appointment; a High Court Legal Aid Lawyer took at least one month to be appointed; and there was no definite time period within which Supreme Court legal aid lawyers were being appointed. They also further highlighted issues regarding shortage of stationary items for the effective functioning of the legal aid clinic inside the jail.

- c) **Jail Visiting Lawyers:** A total of 212 visits were made by jail visiting lawyers between September, 2017 & August 2018. Additionally, as per the DLSA, a total of 12 reports were submitted by jail visiting lawyers, which were being reviewed by the DLSA. However, the team was not able to inspect the reports filed by the jail visiting lawyers.
- d) **Legal aid awareness camps:** As per the information received, 15 legal aid awareness camps had been conducted by DLSA, Hoshiarpur inside the central jail between September 2017 to August 2018. The team also observed huge legal aid awareness posters being put up inside the jail, which was a part of spreading legal aid awareness inside the jail. The posters displayed information on the basic eligibility of person who can avail legal aid services and also information regarding filing appeals against convictions.

- e) Visits by the Secretary, DLSA: For the period of September 2017 to August 2018, a total of 12 visits (once a month) were made by the Secretary, DLSA. While the DLSA was monitoring the work registers maintained in the JLAC and the reports submitted by Jail visiting lawyers, no work reports were being submitted by the convict PLVs working inside the jail.

Out of the 37 inmates interviewed inside the jail, 10 of them had legal aid lawyers. In regard to the experience of the inmates with legal aid services, they pointed to several issues in regard to the work of the legal aid lawyers, including not properly talking to inmates or their families, not appearing in courts during hearings and asking for money from the inmates in order to appear or do the work. These specific issues were highlighted to the DLSA through a letter dated 1st July 2019. However, no response was received from the DLSA for the same.

2. Under-trial Review Committees (UTRCs)

As per the information received from the DLSA for the period of September 2017 to August 2018, the UTRC has been established and had met four times during the last year. Additionally, the same information mentions that none of the undertrials were recommended for release by the UTRC during the same period. This is despite the fact that the jail had 169 inmates who had been detained as undertrials for the period ranging between 1-5 years. The information also mentions that there is one inmate who has been inside the jail for more than five years as an undertrial, and around 29 out of the 169 inmates have been detained for a period between 3-5 years. Despite the existence of such long periods for certain under-trials, the work of UTRC in regard to Central Jail, Hoshiarpur remains sketchy.

3. Camp Courts

In the interaction of the team with the jail officials, it was informed that camp courts were being conducted by DLSA, Hoshiarpur once a month. Although the officials appreciated the camp courts helping in reducing the number of inmates from the jail, in their opinion, there was a need to increase the scope of camp courts from being restricted to deal with inmates who have been accused of petty offences.

E. About Vulnerable Groups

- a) Women: There was a women's section available inside Central Jail, Hoshiarpur, which had a total of three barracks. At the outset, the women's section was congested with not much of space for the free movement of women inmates.

However, the barracks in the observation of the team were well ventilated and hygienic. There were a total of five toilets and five bathing areas available across the three barracks. There was no vocational training being conducted amongst the women inmates inside the jail. Additionally, as has been highlighted above, there was no *langar* inside the female section. Also, no convict PLV (female) was working inside the female section.

In regard to the specific needs of female inmates inside the jail, the female inmates informed that they were being given sanitary pads regularly on a monthly basis inside the jail. Each of them was given a packet, which had around 6-8 pads inside. The inmates also informed that they were being frisked by matrons exclusively.

However, in regard to medical facilities and has been highlighted above, there was a need of lady medical officer to be working full-time inside the jail. Further, no gynaecologist was visiting the jail.

- b) Foreign National Prisoners: As per the information received by the jail, there were no FNPs present inside Central Jail, Hoshiarpur.
- c) Juveniles: The jail officials told the research team that in case a juvenile is brought to the central jail, the officials immediately inform the respective court, and call the District Child Welfare Committee. Following this, the inmate is shifted to Juvenile Justice/Observation Homes. During the team's visit, no juvenile inmate was identified in Central Jail, Hoshiarpur.

F. Issues of Concern

1. Substance Abuse and Smuggling of Mobile Phones

In the interaction of the team with the inmates inside the jail, it was informed that some kind of drug consumption was going on inside the jail. However, this was restricted to the male section and the women inmates informed that there was no kind of substance abuse or mobile phones in the female section. In specific, the inmates said that *Addnok* tablets (used for treatment of opioid dependence) was being stolen from the hospital/smuggled inside the jail and was sold inside the jail. When enquired about the source of smuggling of drugs inside the jail, it was alleged that both inmates and officials were contributing to it. It was also informed that PESCO employees were also involved in selling drugs. There was also information regarding consumption of *chitta* inside the jail. While primary route of smuggling was inmates bringing the drug inside body cavities after production, it was also alleged that, jail officials also engage in selling drugs inside the jail.

In regard to mobile phones, inmates alleged that officials were selling mobile phones inside the jail. It was further alleged that the officials were charging monthly rent for the same, and in case inmates were not able to pay the same, the officials would crackdown on their barracks and confiscate the mobile phones.

2. Instances of custodial violence and torture

1) Violence in Police Custody

Out of the 37 inmates interviewed by the team, 19 inmates claimed to have been subjected to custodial violence including some forms of torture by the Punjab Police. Techniques involved third degree interrogation methods like electric shocks to ears and genitals, water-boarding, rolling, stretching, being stripped naked, tied and beaten with sticks and belts. Amongst 19 inmates, 15 of them claimed that they were not produced before the court within the constitutional guarantee of 24 hours after an arrest. Additionally, two of the inmates informed that they were subjected to custodial violence, even before and after the judge allowed extension of their remand to the police station.

Custodial violence by police were also alleged by women inmates, wherein male constables engaged in third degree interrogation methods such as forced frisking and stripping, as well as beaten by sticks and belts by male constables as well as female constables.

2) Violence in Judicial Custody

In the team's interaction with both the jail officials and inmates, a narrative emerged that the officials were using cells for isolating inmates. Additionally, out of the 37 inmates interviewed by the team, 13 of them claimed that beatings by jail officials was also a part of maintaining discipline inside the prison premises.

4. Corruption

During the team's visit to the jail, the inmates alleged that corruption was rampant inside the jail. The existence of VIP barracks were alleged, wherein Barrack-8 and isolation cells were being sold by prison officials to inmates who can afford them. Other forms of corruption included money being charged for shifting barracks and selling of mobile phones. There were also allegations regarding misappropriation of food stocks being done by senior officials inside the prison which resulted in the poor quality of food due to lack of adequate quantity to feed the entire prison.

CENTRAL JAIL, KAPURTHALA

Modern Jail, Kapurthala, established in the year 2011, is one of the biggest prisons in Punjab, spanning over an area of 70 acres. The jail is located about 10 Kms outside the main city of Kapurthala. It is located near one of the main highways of the state. The Superintendent of the jail, Mr. Surinder Pal Khanna, highlighted that the location of the jail is a security advantage for them as there are no throwing incidents. To keep security aspects in check, 80 CCTV cameras are also installed both, inside and outside the jail.

The Central jail was mostly catering to the two major districts of Jalandhar and Kapurthala (including sub-divisions). In regard to courts, it was catering to Jalandhar, Kapurthala, Phagwara, Sultanpur Lodhi, Bholath, Nakoddar and Philaur.

A. Prison population and Infrastructure

Table 1.1 PRISON POPULATION ⁶⁴								
Name of the Prison	Capacity of Prison		Total Prison Population		Number of Undertrials		Number of Convicts	
	Men	Women	Men	Women	Men	Women	Men	Women
Central Jail, Kapurthala	2870	256	2851	181	2077	126	759	55

1. Prison Population and Overcrowding

Data received from the jail for 1st September 2017 till 31st August, 2018, Central jail, Kapurthala had an overall inmate capacity of 3126 inmates and there were a total of 3032 inmates housed inside the jail during that time period. This includes both male and female inmates (refer to table 1.1).

2. Prison design and physical layout

Central Jail Kapurthala is the biggest jail in the state of Punjab in regard to its holding capacity of inmates. Area wise, it is the second biggest jail (Ludhiana Central jail being the biggest). In regard to the general infrastructure of the jail, it had a huge perimeter wall followed by a jail boundary wall. There were multilayered walls and fences at entry. One had to go through four layers of security, two outside and two inside, before entering the main prison complex.

The jail had both male and female sections and was primarily divided into two phases.

⁶⁴ As on 2nd October 2018

There was a high security section inside. There was a legal aid room, *langar*, *mulaqaat* room, hospital, de-addiction center as well as OOATS center inside the jail. There was a VC room available inside the prison, with both hard and soft VC facilities available. Although the team did not visit the VC room, the jail Superintendent informed that the VC room was functional, and was at times being used for both trials and remand purposes. Apart from this, there was a functional factory, canteens as well as four PICS machines inside. There was also a separate courtroom available inside the jail, which was being used to conduct camp courts. The jail had a total of 108 barracks divided into the two phases and 100 security cells. The women's section had 12 barracks available.

Places of religious worship were also available, there were two *mandirs* and Gurdwara and a church. There was also a library, a computer room, a music room and a classroom inside the jail. However, the computer room, music room and the classroom were in non-functional state. There were facilities for outdoor sports, which included sports like volleyball and badminton. There was an amphitheater also available inside the jail.

The Men's section was divided into two phases. The phases were further divided in wards, which were further divided into barracks. There were a total on 9 wards inside the jail, and each ward had 12 barracks. The barracks were double storied in nature. There was a central tower in between the two phases and all the places of worships were inside the men's section, along with the recreational centers (computer room, music room, classroom, and amphitheater) and factory. Each phase was being catered by one individual *langar* and canteen. Each phase also had 2 PICS machine. The phases were huge and had some greenery inside. There were open areas/grounds in each of the phase.

As informed by officials, as much as possible, segregation was being maintained between convicts and undertrials where each ward was almost entirely dedicated for convicts or undertrials. There was also a separate HIV ward inside the jail. Additionally, it was informed by the Superintendent that there were separate barracks being maintained for young offenders (inmates between 18-21 years of age). There were 100 cells also inside the male section, which were being used for High Security Prisoners and Foreign National Prisoners. **We were informed the New Admission center was also in the High Security section, with cells being used for new inmates.**

The infrastructure of the barracks were the same across the jail. There were two types of barracks inside the jail. The smaller barrack had the capacity of maximum 20 inmates. There were elevated cement beds in each barracks. The smaller barrack had two toilets, two bathrooms, one urinal and one washbasin catering for the 20 inmates. However, it was informed that up to 30-40 people were being kept in these barracks. There larger barrack was also similar in structure and was called as Double barracks. The larger barrack had

the sanctioned capacity of 24 inmates and had two bathrooms, two toilets, two urinals and two washbasins. However, it was informed that around 40 inmates were being kept inside the larger barrack as well. Overall, it seemed that hygiene was being maintained inside the barracks. In regard to sewage treatment, the Superintendent informed that there is no outlet available and a case against this is pending.

It needs to be highlighted that the research team were not allowed to visit all wards inside the prison by the Superintendent. They were also not allowed to visit the security section, which apart from gangsters, also held new admission inmates and FNPs.

B. About the Prisoners

1. Procedures upon admission

Upon admission to the prison inmates go through the process of *mulaiza* which includes a) First medical examination after entry; c) Search on inmates by jail guards; d) Stay in the reception ward. Inmates in the jail were getting basic essentials like lifebuoy soap, mustard oil, toothpaste, toothbrush, and a pack of biscuits every 15 days.

a) First Medical Examination:

During interviews, inmates shared that first medical examination after their admission to the jail was happening within the first 48 hours, in majority of the cases. Doctors were also enquiring about drug addiction during the medical examination. In regard to the admission procedure, the MO highlighted that for custodial violence, if there is a discrepancy in noting of injuries from Civil hospital, then they send the inmate back. He further informed that although he suggests inmates to go for medico legal examination in case custodial violence has occurred, he doesn't force them to do so. **In his experience, no inmate wants to complaint about custodial torture as well. But he agreed that it was important to tell people to complaint about custodial violence and also suggested that MO's needed specific training to identify signs of psychological torture.**

Out of the 40 inmates interviewed in the Central jail, 28 alleged that they were tortured in Police custody by Punjab Police personnel. Of these 28 inmates, ten stated that the jail MO did not enquire about torture, hence they also did not share. Further, seven inmates stated that even though they shared their ordeal, of custodial violence in police custody, with the MO, nothing was done about it. One of the inmate said that the doctor normalized torture by telling him, "*police to maarti he hai*". Another inmate said that, "*daske koi fayda nahi inanu, inhone koi action nahi lena*". Inmate claims that came out

during the interviews are quite contrary to what the jail MO had stated regarding taking cognizance of custodial torture inflicted on inmates. An inmate who had marks (due to torture) on his body said that despite of informing the doctor about the reason behind those marks, the doctor did not do anything. Only one inmate among the 28 stated that the jail MO asked him the reason behind his blue eye, which was also caused due to police torture in custody.

The Superintendent shared that he had tried to push for NHRC medical health screening proforma to be followed by the Police Department at the civil hospital level before an accused is sent to the jail.

b) Search

In order to keep the entry of contraband articles in check, thorough body and material search is conducted on new inmates. An X-ray baggage scanner and a door frame metal detector are being used for this purpose. Apart from this, manual frisking was the predominant method of bodily search being used on inmates by prison guards. Female inmates are searched by female warders in a booth located in the admin block itself. At times inmates were also being strip-searched. During interview, some inmates did mention that they have undergone strip search.

c) Reception Ward

A specific section was meant to house new inmates in the Kapurthala Central Jail. This was called the reception centre and as mentioned above, the location of this section was quite odd as it was in the High Security area where even gangsters were housed. The team was not allowed to visit this section as a whole. However, the team did get manage to interview some inmates who were staying in the reception ward. These interviews revealed that the condition of this section that comprises of cells was quite bad. One of the inmates shared that a cell that is meant for three to four people was actually housing 11 inmates. One of the inmates who was staying in one of these cells, broke down while narrating the conditions of these cells as he had to stay there for another 10-11 days. Exact number of days for which a new entrant inmate is made to stay in the section is not known. These cells were extremely crowded, so much so that inmates were not even able to sleep properly or even use the washrooms or toilets properly due to intense overcrowding.

As a general practice in majority of the jails in Punjab convict PLVs were enquiring about legal representation of new entrants during admission or *mulaiza*. However, such a practice was not in place in Kapurthala central jail. This was revealed during the team's interaction with the convict PLV inside. They were getting cases for filing legal aid applications while they were accompanying the Superintendent during his visits to the

barracks. This directly reflected on the lack of legal aid knowledge among inmates of this jail. During the interviews, the team found many inmates who were unrepresented and did not have any knowledge about legal aid. They were not even aware about the front office cum jail legal aid clinic that was situated in the admin block. During the jail visits, the team directed many of these inmates, who required legal aid, to the legal aid clinic for filing of applications.

2. Access to basic amenities

a) Food:

There were three kitchens (*Langar*) inside the jail. Two of these were in the Male section (one in each phase) and one was there inside the female section. The team got the opportunity to visit two *langars*: one in the male section and one in the female section.

The langar in the male section had around 85 inmates working inside. There were two barracks attached to the langar, which seemed overcrowded as each langar barrack did not have a capacity of more than 20 inmates. However, the inmates informed that as they work in shifts, they are able to find enough space to stay inside the langar. There were just two washroom and two bathrooms available inside each barrack.

It was also informed that there was a langar committee comprising of inmates, which was functional. There were exhausts, fans and fly killing machine available inside the *langar*. The inmates informed that every Saturday, the *langars* were being checked by the Superintendent to check the hygiene and functionality of machines.

Inmates gave mixed responses on the quality of food being served to them. Many of them said that most of the days, for both the meals, only Dal (lentils) is served. This was further proved in the meal plan shared by the jail with CHRI. Either of the common dals (Moong dal, Masoor, Chana and Maah dal) was being served on all the days. For variety's sake, nutria was added to the dal on two days in a week.

Inmates who found the food to be satisfactory even stated that food has become better ever since the Superintendent joined back. However, another set of inmates who were not satisfied with the quality of food stated that the dal is watery and the food is of bad quality. One of them said that, "*Janwar bhi ye khaana nahi khayenge*". Another one stated that, "*Roti ayesi hai ke koi kutta na khaaye. Meri umar 33 saal hai, iss umar mein meri chaar daahar toot chuki hai ye roti khaa khaa ke*". Inmates stated that they were using *tadka* (tempering) to make the dal better. **Inmates who could not afford to buy items from the canteen were working for other inmates in order to eat better food.**

An important aspect came up during the interviews. One of the new entrant inmates who's mulaiza was still on stated that new inmates had to go for mulaiza at 7am in the morning, and in doing so they miss out on the morning meal. The interview was being conducted in the afternoon and till then he had not gotten the opportunity to eat.

Inmates also utilise the provision of canteen to buy food items and other essential items for daily use. However, the team got a lot of complaints regarding the pricing of items in the canteen. **Most of the inmates that were interviewed and were using canteen provision complaint that stuff was not being sold on MRP here.** Inmates directly blamed this on the welfare officer, Mr. Amrik Singh and the canteen in-charge of that time. Even basic things like cooking oil were not being sold on MRP. **Inmates reported major inflation of canteen prices.**

b) Water:

Inmates were using submersible water for bathing and for drinking water, purifiers were installed in both the phases. Water coolers were also installed in most of the places including the factory, langar and the women's enclosure. During interaction inmates gave mixed responses on the existing quality of water inside the jail. Some even stated that they have got skin allergies due to the water. From interaction with inmates it seemed like water filters were not installed in all barracks as some inmates even stated that drinking and bathing water is the same. Inmates also said that water coolers do not have filters in them. One inmate who was staying in barrack one said that "*nahane aur peene ka paani same hai*".

3. Contact with the outside world

a) Mulaqaat:

The mulaqaat room inside the jail was the same as most of the other jails in Punjab. The room had iron mesh fencing separating the inmates and the *mulaqaatis*. As per information received from the jail, Jail mulaqaat was happening on all days of the week except Sundays and other jail holidays. It would start at 8am and go on up till 2pm. Inmates would get ideally after 20 mins for the mulaqaat session. Some inmates alleged that if their families wanted to stay any longer for the same then they would have to bribe the guards. Another inmate stated that if his family gets late in the morning mulaqaat registration then the guards ask for a bribe in order to allow them for mulaqaat. He said that since he is a long term convict he does not let his family give bribe to the guards and he is also aware that there is a complaint box where they can put their complaint for the visiting judges to see. Some even state that people who are able to bribe officials get to meet their relatives in the *deory* (admin block).

During the discussion with DLSA Reader, Jalandhar, he informed that the location of Kapurthala jail being 3kms inside from the main highway has become a huge problem for families coming for mulaqaat. He suggested, that the prison department needs to establish a tie up with the roadways department to have some kind of feeder services available for *mulaqaatis* to be able to reach the jail.

The Jail Superintendent, also suggested that only blood relation family should be allowed to meet during mulaqaat and in exceptional circumstances, if there is no family and the inmate wants to meet a friend then a written request should be made to the Superintendent and this should then be allowed.

a) Telephone System/Contact through telephones:

Inmates also keep in touch with their families through telephones installed inside the jails. Kapurthala Central jail had four PICS machines in the male section (2 in each section) and two PICS machines in the female section. A total of just five machines for a population of more than 3000 inmates. Same as other jails, they were allowed to make calls everyday. The team saw this exercise in the female section. Women inmates using the machine turn wise. The process was being monitored by a long term female convict. 10 mins are given to female inmates and eight to 10 minutes to the male inmates and each call is priced at Re.1/min. However due to fewer machines in the male section, inmates are not able to utilise the allotted time.

4. Medical facilities and healthcare:

There was a hospital inside the jail. In regard to the medical infrastructure, there was a de-addiction center, OOATS center, Dental chair section, Health record room, patient wards (with boards displaying information of illness and the doctor's comments), HIV test room, three ambulances⁶⁵ and four permanent medical escorts available inside the jail comprising of Four Punjab Police officials. There was also a medical committee established by the Superintendent, which comprised of six convicts, who were assisting the Medical Officers and helping in the hospital. **There were three Medical officers (all posted from PCMS) working inside the jail, along with three pharmacists. Amongst the 3 medical officers, 1 was permanent and two of them were on deputation, while all the three pharmacists were on one-month deputation.** There were also specialists visiting the jail based on the following schedule:

Monday- Gynecologist (female)

Tuesday- Ophthalmologist and Dentist

Wednesday- Skin Specialist

⁶⁵ As informed by Mr. Khanna

Thursday- Psychiatrist
Friday- Medicine
Saturday- ENT + Surgeon

It was also informed that the OOATS clinic had its own psychiatrist visiting, and was only deputed to deal with addicts. The three medical officers were devising their own shifts where they would do 24 hours duties for 3 days and then change the shift. The research team got an opportunity to have a conversation with the Medical Officer inside the jail, who was permanently posted, and had been working inside the jail for the past 6 years. He highlighted several issues which are as under:

- At the outset, he highlighted that the jail lacked nursing staff and a lady doctor because of which he had to treat the women inside the women's section. Further, the jail had no lab technician and also did not have any blood test kits or dope test kits. Only HIV+ testing was going on inside the jail, which was also being conducted by a private NGO.
- The MO highlighted that there is an established MO to inmate ratio which states that the optimum ratio is 1:500. Based on this ratio and the strength of the inmates inside the jail, which is always above 3000 inmates, the jail required at least 6 medical officers to work inside. He further suggested that there should be a medical officer for every separate department inside the jail such as OPD, OOATS, Emergency, TB, HIV etc.
- The MO also highlighted that there is a lack of awareness amongst the jail doctors regarding specific treatment required by the LGBT community inside the jail (if there are any). For this, he suggested that there was a need to raise awareness amongst MOs and also provide them specific training regarding the same.
- In regard to the allegation of inmates that "only one type of medicine is given"- the MO highlighted that in certain situations it is true, because of lack of medicinal supply. For this, inside Kapurthala CJ, they have been trying to make local purchases of medicines with different names and colours, which helps in improving the satisfaction levels of inmates. Although medicine supply was less, he also highlighted that inmates accusing of same medicine is also psychological at times, wherein if they are given paracetamol having a different color, the inmates feel satisfied.
- **The MO highlighted that in regard to skin infections inside the jail, there was an urgent need of upgrading the medicines being supplied by the government department, as the skin infections were becoming increasingly resistant to the grade of medicines being provided by the government department.** Currently, the MO was dealing with this issue by making local purchases of effective skin medicines.

- **The MO stated that every year, around 18-20 deaths were happening inside the jail. Most of them were deaths due to natural causes or drug overdose cases⁶⁶.** However, as per him, drug overdose related deaths had decreased significantly in the past few years. After a death, the procedure involved a judicial inquiry, where medical records were checked.
- The MO suggested that the jail should not work with temporary deputation staff, but should have a permanent staff who serve of minimum two years inside the jail
- **The MO suggested that there was an urgent need of a Separate Counselor room inside the jail, and a permanent counselor/psychologist was required to carry out confidential counseling of inmates.**
- **The MO also stated that Prison administration/officials also required urgent counseling due to the intense nature of the job, which forced them to have an attitude of always living on the edge.**

Overall, the MO highlighted that every jail needs a proper medical infrastructure to function optimally. Till adequate medical infrastructure is not there inside the jail, medical needs and requirements of inmates will always remain incomplete.

* Private Medical Camp:

During the team's visit to the Central jail, a medical camp was being organized by the jail authorities in collaboration with Christian Medical College, Ludhiana, in both the female and male section of the jail. Two buses full of doctors was visiting for the purpose. The specialist included dentists, ortho, eye specialist and medicine specialist. Live check-up counters were set up for inmates and medicines were being prescribed after proper checkup. It was informed that these medicines will then be given by the jail MO. In the female section the camp was set up in the central area and almost all women had lined up to get themselves checked. Quite a lot of doctors and even senior prison officials were present during the camp.

5. Education & recreational activities

According to the data received from the jail, for a time period between September, 2017 and August, 2018, 100 inmates enrolled in educational courses inside the jail. However, in the same time period there was no inmate enrollment for vocational or skill development courses. During the team's visit to the female section, there were two teachers who were visiting the jail to teach the children of inmates. They were visiting the jail from 9am till 2pm and were teaching four kids. Educational programmes for women inmates were not found to be existing.

⁶⁶ Data received from the jail for the time period between 1st September, 2017 and 31st August, 2018, there were a total of 35 deaths inside Kapurthala prison. These include 27 deaths stated to be due to natural causes, four suicides and four deaths of UTs due to execution.

6. Prison labour & wages

The factory unit inside the jail had a LED lights making section, welding section, carpentry section, stitching section, power loom section and also a nursery. The team had an opportunity to have a conversation with the Deputy Superintendent who was in-charge of factory, who highlighted several issues in regard to the working of the factories inside the prison. One of the unique aspects of factory in CJ Kapurthala was its LED making section. The section inside factory was opened in collaboration with a private company (KACAD Pvt. Ltd. from Jalandhar). **They also had a retail shop available outside the jail, but inside the prison premises. In this collaboration, the payment was made by the company per piece produced, and the money was transferred by the Company directly to the account of convicts working.** The Deputy further informed that the convicts were allowed to withdraw upto 25% of the money deposited in their account. However, other issues were also highlighted by the Deputy regarding the working of the factories. They are as under:

- In regard to the machinery in factory units, he highlighted that there was an urgent need of new machinery. However, due to budget constraints, the same was not possible. Similar budget constraints was crippling the factory unit, where there was not enough budget allocated under the heads of Wages, raw materials and machinery (repairing).
- He highlighted that each jail which has a factory unit, should be composed of factory sections which can cater to the city that it is in. In this regard, he said that only those units should be set up which have an industry in the particular city. This will not only help in flourishing of the factory inside the jail, but also help in ease of procuring raw materials.
- He suggested that the government needs to move towards the model of collaboration with private industries. Such a model is beneficial for rehabilitation. He gave examples that many people who were working in the LED unit inside CJ Kapurthala, were recruited by the company outside. The company agreed to give a certificate, which makes the convicts employable once they go outside the jail.
- The Deputy also highlighted the need of the profits made by the factory to be coming back to the factory itself, rather than going to the government treasury. However, he further informed us that such a proposal has already been sent to the government where beneficial factors such as ease in payment of wages, and ease in payment to buy raw materials have already been highlighted.
- The factory unit was also facing a shortage in regard to technical posts, where some of them were lying vacant
- The deputy further suggested that Under-trials should be allowed to work- he said that it should be mandatory for undertrials to work inside the jail, for which they should be paid as well. As per him, if undertrials were made to work, most of the problems inside the jail would be solved.

Apart from the factory, convicts who were interviewed were working in the langar, as barack *nigraans* and lambardaars, in the tailoring unit, gardening work and munshi assistant. **Out of the 15 convicts interviewed only one was getting wages.** This issue was also brought to the notice of the jail authorities in a letter dated 18th June, 2019.

C. About the Prison Administration

1. Staff vacancies

As per the information received from the jail, as on 31st August 2018, the sanctioned staff strength in Kapurthala Central jail was 352 but the actual staff strength was of 214. The jail was functioning at a staff shortage of more than 39%. Instead of 11 Assistant Superintendents, the jail had just three of these officers appointed. With regard to the guarding staff unit, which is also one of the most important units with regard to day to day functioning and the security aspect of the jail, the unit was short of 119 warders and head warders. In the absence of prison cadre officers the jail had to rely on additional personnel of Home Guards, PESCO, Punjab Armed Police etc.

Table 1.2 PRISON STAFF STRENGTH															
Executive Unit		Guarding Staff		Medical Personnel		Welfare Unit		Educational Personnel		Technical Personnel		Agricultural Personnel		Ministerial Personnel	
S	AS	S	AS	S	AS	A	AS	S	AS	S	AS	S	AS	S	AS
18	8	313	194	8	5	1	1	Nil	Nil	1	0	Nil	Nil	11	6

2. Experiences of prison administrators

The team had an opportunity of interacting with multiple prison officials inside the jail: 1) Superintendent Jail 2) Deputy Superintendent, Security 3) Deputy Superintendent, Factory 4) Assistant Superintendent, Dog Squad In-charge 5) Head warden (Punjab Jail Guard Association- trustee). They shared a number of issues being faced by the Central jail.

a) Neglected Department:

Officials suggested that there needed to be pay parity between Police and Prison staff. They further suggested that the prison and police cadre should have same ranking and pay structure. As per them, there was also a need of allowing Punjab Prison Services to move to IPS level, in the same way it is allowed for Punjab Police Services. The officials highlighted that when it comes to Medals, Prisons department was not being mentioned, while all other services/departments were being mentioned. It was further highlighted that

in Punjab Police, a constable who undergoes dog training, is immediately promoted to head constable after the completion of training. However, the same is not the case for Punjab prisons, where a warder after undergoing dog-squad training, still remains a warder.

b) Lack of Motivation among prison staff:

Officials highlighted several reasons for the low motivational levels to work among prison staff. These included, slow promotions in the prison cadre. Due to staff shortage officials are given added tasks and positions. One might get deputed as Superintendent from Assistant Superintendent Level but this is not really a promotion as the pay scale and other perks remain that of an Assistant Superintendent. Only the post and workload gets upgraded, nothing else. It was also highlighted that, even for official travels, officials are allowed to travel either roadways bus (for local travel) or sleeper class in train (for inter-state travel). Senior officials also shared that there a huge employee attrition rate in the department. Many officials leave the service soon after joining. One of the officials stated that motivation is an issue with honest and non-corrupt staff. “When prison staff is not satisfied then how will they satisfy the prisoner’s moral”, he said.

Another senior official highlighted hectic work schedule and limited number of rests given to prison officials. For instance, it was informed that the Deputy Superintendents don’t get any rest day. For effective functioning of staff, rest days are a must. Officials also shared that due to the intense nature of their work, even they require counselling.

c) Issues faced by Guarding Staff:

Specifically with regard to CJ Kapurthala, prison staff highlighted that guarding staff (comprising of warders and head warders) are taking early retirement, specifically in CJ, Kapurthala, due to really bad behavior of senior officials. It was shared that each warder was working around six hours during the day and two hours at night. After seven days of such work, the warders would get one day rest. However, it was highlighted to the team that there was one warder in-charge of one entire ward (both during the day and night, having around 360-400 inmates), which created a lot of stress on the warders. They claimed that there is always special discrimination against guards who are a part of Jail Guard Associations.

It was further highlighted that there was always punishment against the warder in case of any contraband substances were being found inside the ward they were in-charge of. They highlighted that it was humanly impossible to carry out inspection of all inmates and all barracks. Added to that, the mental stress on the warders and head warders was never accounted for. It was also shared that along with guard duties, the warders and head warders

are also being used as clerical staff, which according to them should not happen. It was highlighted that when the jail closes at the end of the day, a report is submitted where head warders declare that everything at lockdown has been checked and taken care off. This report is signed by warder, Head warder, chief head warder, Assistant Superintendent (in charge) and Deputy Superintendent, Maintenance. However, if anything goes wrong in the same ward, only the Warder is suspended, even though the report is signed by other officials as well.

d) Issues within the Department:

He shared that when he was recruited there was a recruitment of 17 Assistant Superintendents but only seven are left now. Those who left the prison cadre went on to join the police services that too as sub-inspectors. That is self-explanatory of the level of motivation that exists in this cadre.

Officials also shared that there is disparity within the department as well wherein corrupt officials get away with doing anything but honest officials are made to suffer. Disparity is there with regard to promotion, pay, leaves etc. Officials also highlighted that, proper functioning and administration can only be done in smaller jails. One of the senior prison staff said that, *“bade jailon mein aap kahin reform nahi kar sakte”*. But on the contrary, smaller jails are being closed in Punjab.

Kapurthala CJ had two Labrador sniffer dogs. It was highlighted that these Dogs are being posted from 9 am to 7 pm, which was against the standard operating procedure for dog squads. It was further highlighted that dog squad handlers are also being used for other duties inside the jail, which is against the SOP for dog squads. The official also claimed that there is corruption at higher level posts, wherein after the dog catches any contraband substance, the officials at the higher levels don't take any action for the same.

e) Issues with regard to inmates:

Officials emphasized that there was a need for UTs to work inside the jail- for at least 2-3 hours daily, for which they should also be entitled to wages. It was further suggested that the wages of the inmates should fully go to their account, and the 75%-25% distinction of money going to account and rest being given to inmates, should not be practiced. Another suggestion that came in was that the Government needs to attach college Social work departments with jails, who should be made to send counsellors to jail.

With regard to women inmates a senior prison official suggested that pregnant women with children should not be sent to judicial custody (prisons) as this place is not conducive for the cognitive development of their child. He suggested that a specific provision should be added in the Juvenile Justice Act for the children of prisoners.

f) **Lack of Police Escorts:**

As it has been shared above as well, the jail was facing shortage of police escorts for court production of inmates and shortage of even medical escorts. It was suggested that the Judiciary needed to be made more aware of the Punjab prisoner (Attendance in Courts) Rules, 1969, which imposes responsibility on police for production. These rules need to be implemented properly, and the judiciary needs to stop holding the prison accountable for failure in production. It was further suggested that production warrant from court needs to be further detailed where date and day of production needs to be mentioned, and the production warrant should not merely say that the inmate needs to be produced on the next date.

In regard to the accommodation of the prison administrators, the Superintendent of Jail informed us that there were fairly recent and new accommodations available. For the Superintendent, Deputy Superintendent and Assistant Superintendent's bungalows were there. For wardens who were single, dormitories were available. In the opinion of the Superintendent there were no problems being faced in regard to the accommodations being provided. He also informed us that a new shopping complex was soon going to be opened inside the prison compound, outside the main prison complex.

3. Prison Oversight Mechanisms

Data from the jail for September, 2017 till August, 2018, shows that Board of visitors, including non-official visitors, were not appointed in Kapurthala Central jail. However, there were 172 visits by officials in this time period. These include, DLSA secretaries, District and Sessions Judges, officials from the prison department among others.

D. Role of Legal Service Institution

1. Access to Legal Aid

At the outset, it needs to be stated that two DLSAs were catering to Central Jail, Kapurthala, i.e. DLSA, Kapurthala and DLSA, Jalandhar. Legal aid infrastructure inside the jail consisted of a) Legal aid clinic; b) Convict PLVs; c) Legal aid beneficiaries.

a) **Legal Aid Clinic:**

There was a legal aid room inside the jail. However, unlike other jails of Punjab, it was at the *deory* (admin block) and not inside the prison per se. The team also witnessed jail visiting lawyers making a visit, during the time of the team's visit to CJ Kapurthala. It is important to note that the location of this clinic was not quite apt. Inmates of the jail could

not visit the clinic whenever they wanted due to the very location of the clinic. Further, the jail visiting lawyers were visiting the clinic therefore they had limited interaction with larger section of the inmate population which was residing inside the jail.

b) Convict PLV:

During conversation with the Superintendent, there seemed to be some confusion regarding the appointment authority for convict PLVs inside the jail, where the Superintendent seemed to be under the impression that he was the one in-charge of appointing the convict PLVs.

Apart from that, the team got the opportunity to have a conversation with both Convict PLVs inside the male and the female sections.

* Female Convict PLV:

The Convict PLV was working for the past 5 months. However, she informed that she had not been given an appointment letter or ID card from the DLSA she was working for (it was DLSA Jalandhar). Her primary work as a convict PLV involved filling up legal aid forms, for which she was going to barracks every week to ask if any inmate wanted legal aid lawyer, and also helping inmates out if they were missing their production. However, she admitted that she is not made to be present during the admission of women inmates inside the jail to make new entrants aware of free legal aid services. She said that inmates came to know after entering that she was in charge of legal aid, and then they would approach her.

With regard to documentation of legal aid information, no registers were being maintained by the Convict PLV. She informed that she has recently started maintaining a register for legal aid lawyers inside the jail. She further shared that, appointment of legal aid lawyers at the District court level took around 15 days. She informed that she has never filled any form for High Court legal aid lawyer or Supreme Court legal aid lawyer.

The Convict PLV informed that she has not been paid any honorarium for the five months of her work. Even bank account details have not been taken by the DLSA for this purpose. Although, she was aware that she was entitled to an honorarium of Rs. 400 a day. She further shared that she did not require any training for the work she was doing. She also highlighted that there was not much work, and she was effectively working for not more than 2-3 days a week. However, she showed interest to expand her area of work inside the prison. One peculiar feature of legal aid services was highlighted by her. She informed that **when the appointment of lawyer happens, only his/her name is mentioned in the letter and no contact details are mentioned. This as per her was creating a lot of issues regarding free legal aid services inside the jail.**

* Male convict PLV:

There were three convict PLVs working in the male section of the jail. While two of them were working since past few months, one had been working since the past two years. Even among the PLVs, there was a complete lack of clarity regarding the appointing authority for convict PLVs. While one was under the impression that the Superintendent appoints Convict PLV, the one PLV who had been working for the past 2 years, was aware that the DLSA appoints PLVs. He was also aware of the fact that appointment letter was given to one PLV, who was out on bail/released. However, none of the convict PLVs working at the time of team's visit had been given any appointment letters. **There was a slight indication that one of the PLVs was appointed by the Superintendent after the PLV paid some money to the jail Superintendent.**

Similar to what was informed by the female convict PLV, even the male PLVs informed that they were not present during the admission process of new inmates. However, one of the PLV would accompany the Superintendent his daily visits inside the jail, where he would gather names of the inmates who would want a legal aid lawyer. Additionally, their responsibilities included filling legal aid forms and filing jail appeal. In regard to maintenance of registers, they were maintaining two registers- one for Undertrials (legal aid register) and one Appeal register (for appeals for inmates belonging to both Jalandhar and Kapurthala). Additionally, the Convict PLVs were involved in making complete case files of inmates, with details of FIRs, Judgment copies, etc.

They too informed that when the appointment of lawyer happens, only his/her name is mentioned in the letter and no contact details are mentioned. The convict PLVs further highlighted that they were not exclusively working as PLVs but were also involved in other jail administration work from time to time. All the PLVs informed that they were not being paid any honorarium for their work as PLVs. However, one of them highlighted that the previous convict PLVs were getting paid. They also highlighted that from time to time, they were facing issues regarding shortage of stationery items.

c) Legal aid beneficiaries:

For the time period between 1st September, 2017 and 31st August, 2018, DLSA Kapurthala received a total of 263 legal aid applications from inmates and in all these cases a legal aid lawyer was appointed. Out of the 40 inmates interviewed by the team, only 11 had legal aid lawyers. Even among these, seven were not in touch with their legal aid lawyers. Some were not even aware who the lawyer was.

2. Under-trial Review Committee

As per the information received from the DLSA, Kapurthala for the period of September 2017 to August 2018, the UTRC has been established for Kapurthala Central jail. The committee had four meetings during this time period of one year. **This was one of the few DLSAs that provided a meeting wise list of under-trials recommended for release and even number of the ones who were released.** Overall, 144 inmates were recommended for release by the UTRC, out of which, 141 UTs were released. Maximum recommendations and releases were of sick and infirm inmates who required specialized medical care.

3. Camp Courts

The team was informed that Camp Courts were being held twice a month inside the jail: Once by DLSA, Kapurthala and once by DLSA, Jalandhar.

E. About Vulnerable Groups

1. Women prisoners and their children

The Women's section had a total of 12 barracks out of which the officials informed that only eight barracks were functional. The women's section on the day of the team's visit had 157 women prisoners and 6 children. All the barracks were double storied. There was also a small crèche inside the women's section which was being used by visiting teachers to teach the children inside the jail. The crèche also had TV and fridge inside. The women's section also had a Langar and a small canteen. As mentioned above there were two PICS machines as well. One mobile jammer was also installed in the female section but the same was non-functional.

All the barracks were spacious and built in a similar style. Individual marble slabs were being used as beds and one slab was being shared by two women inmates. There were enough fans and tube lights inside each barrack with windows on both sides. Since the team visited Kapurthala in peak summer season, the barracks were found to be relatively cooler due to good ventilation. Although toilets and bathrooms were found to be clean but some toilet seats were broken and all the doors that were attached were very low in height, just till the waist. TV was not there in all barracks. Even dustbin were not found to be there in these barracks.

Two barracks which were very big and were divided into two parts had stairway which was going up to the first floor. Toilets in one of the bigger barracks (number 1) were found to be dirty with broken wash basin, broken flush and leaking pipes. There were frogs inside this washroom. Upon visiting the first floor it was found that a small sewing unit

was set up there. Inmates were using the sewing machines for their personal use. Inmates were also staying on one side on the first floor.

There were 28 women inmates working in two shifts inside the jail langar. One of the **UTs was also being made to work in the langar, she was on utensil washing duty.** It was a big well ventilated kitchen but with limited equipment. Women had to knead the dough on their own. Dal or *sabzi* with roti was served to inmates. However, the jail was providing rice for women FNPs as that was their staple. Since the canteen was small in size with limited items, it was informed that whatever stuff is required which is not here then it is called from the male canteen. There were four children of women inmates inside during the team's visit. These children were getting a special diet of fruits and half kg milk powder packet.

Although it was informed that a lady doctor (Gynecologist) was visiting every Monday but the jail MO highlighted that there is no permanent lady doctor inside the female section. Inmates shared that the lady doctor was visiting once a week. Inmates also shared that they were not getting sanitary pads from the jail's side. They were either using cotton cloth as an alternative or buying pads from the canteen. An NGO at times distributed pads but that was rare.

2. Prisoners with Mental Illness

Data from the Central jail for September 2017-August 2018, mentioned the number of prisoners with mental illness to be three. The information further stated that these three inmates were also provided with psychiatric treatment.

3. Foreign national prisoners

Data received from jail states that as on 29th April, 2019, there were a total of 20 FNPs in Kapurthala Central jail. These included 12 male and eight female FNPs. The team could only interact with two female FNPs as they were not allowed to visit the male FNP enclosure. These two women were from Tanzania and Zimbabwe and both were under NDPS cases. There was no separate confinement for them and they were staying in barrack number 4 with other women inmates. However, one of them said that FNPs want to be confined in a barrack with a TV as this one does not have a TV. They claimed that they were having issues during mulaqaat as the jail authorities were not allowing their families to meet them. They were getting rice from the canteen and other food items they were making on their own by purchasing the raw material from the canteen. As ISD calls were not allowed, they were using PICS machine to talk to friends and family who were staying in India. They faced issues in communication with female warders due to the existing language barrier.

4. Young Offenders or Juveniles?

The team did not find any alleged juveniles inside the jail.

E. Issues of Concern

1. Substance Abuse and Smuggling of Mobile Phones

Although, inmates largely stated that drugs and mobile phone circulation inside the jail become less, comparatively, after the posting of the current Superintendent. However, many others stated that drugs are still being smuggled and consumed inside. Inmates get these drugs during court production. Inmates alleged that OOATS tablets and Addnock tablets are being smuggled and sold inside for Rs. 300/tablet (if demand is more than it is sold for Rs.500) and mobile phones are being sold by jail *mulazims* and even by inmates for Rs. 12,000-13,000 (basic ones) and smart-phones are being sold for Rs.50,000. Some claimed that drugs like *chitta* and sulfa are also available inside. An inmate claimed that *chitta* in the quantity of a Colgate cap is being sold for Rs. 2500 to Rs.3000.

One of the inmates stated that **“pehle se bohat farak hai, abhi 2-3% log nasha kar rahe honge andar”**. Another inmate stated that, **“Gangsters using mobile phones but buying and selling of the same has reduced considerably”**. Women inmates claimed that there is throwing (of mobile phones) happening in the female section from the male section and that there are some active mobile phones in the female section as well.

2. Corruption

Apart from Superintendent, it was overwhelmingly highlighted by all other jail officials, and inmates, regarding rampant corruption, bribery, mobile phone and drug smuggling, special mulaqaat at deory on reference, as well as selling of VIP barracks inside the jail. This was the first jail amongst all the 24 jails in Punjab, where the officials complained about corruption, more than the inmates did.

Information from inmates and officials revealed multiple stages where corruption is happening inside the jail.

- a) **Major misappropriation of ration that comes to langar.** Inmates shared that material from the langar is taken by jail staff. Referring to this, an inmate said that **“sab kuch andar aa jata hai (dorey mein)”**. Inmates claimed that, **“Langar raw material taken by officials that is how inmates get bad quality food”**.

- b) **There is corruption for proper mulaqaat as well.** As shared by one of the inmates that his family gets one hour time for mulaqaat but **“that comes at a cost of Rs.200 that needs to be paid to the “mulazim” to sit for entire time”**.
- c) Inmates claimed that drugs like adnock, *chitta*, *bidi* and *tambaku* are being consumed and for this smooth circulation, money is being collected from the consumers and this money is even reaching the highest level in the jail. An inmate said that, **“Sab tarah ka nasha chal raha hai. Andar bohat gandgi hai”**. Inmates further claimed that if someone is caught with mobile phones or drugs then they are let off if they pay Rs.15,000 so that no charges are put on them.
- d) **Existence of VIP barracks** wherein people pay to stay in certain barracks and certain sections of the jail. Inmates claimed that all first floor barracks are VIP barracks. The team was discouraged from inspecting the first floor barracks. Inmates claimed that hospital wards, Ward 8 (Barrack 8), Ward 6 (Barrack 10,12), Ward 9 (Barrack 2) are all VIP barracks. VIP barracks were alleged to be priced at Rs. 1-2 Lacs. Another inmate stated that **“tagda aadmi bakshi khaane mein rehta hai”** all facilities are provided to them for a cost, he said. The team was not allowed to visit that section. One of the inmate also said that, **“sifarishi log paise dete hein. Unka khaana bhi badhiya hai. Yahi log mobile bhi istemaal kar arhe hein.”** Inmates also claimed that chakkis (high security cells) were also being given for rent to inmates for Rs. 20,000-Rs.30, 000 per month.

These barracks are much less crowded and in doing so, other barracks are overcrowded. One of the inmates who was staying in Barrack 2 (3) said that 50 people were staying in his barrack which had a capacity of 20 people. One of the inmate said that, **“Gareeb logon ko bhar ke 40-40 logon ko 20 log wale barrack mein rakha jata hai wahin ameer logon ko 10 ko 20 wale barracks mein rakha jata hai.”**

- e) Corruption for giving specific type of work to convicted inmates who are under RI. Inmates claimed that convicts are put on langar duty which is one of the hardest duties in the prison and a senior prison official who is in-charge of allocating work to convict, charges money to change the duty of convicts. An inmate who was working in the langar stated that, **“Langar mein sab gareeb bande reh rahe hein iss liye koi mobile istemaal nahi kar raha”**.
- f) Inmates alleged that senior prison officials are not taking money directly but through other officers who are junior to them who takes money from inmates in the form of coupons that inmates possess. He then exchanges these coupons for currency notes.

2. Instances of Custodial Violence and Torture

a) Violence in Police Custody:

Out of the 40 inmates interviewed by the team, 28 alleged to have been subjected to some or the other form of custodial violence, including torture, by Punjab police in Police custody. Torture techniques that were used on them included, being stripped naked and intense beating on the naked body; being denied food and water while in custody; being deprived of sleep; beating on the sole; being hit with a belt; electric shocks on body parts including private parts; hanged upside down; stretching of legs; knuckles and hands hit with a baton; sole being hit with a baton. Amongst these 28 inmates, 23 of them claimed that they were not produced before the court within the constitutional guarantee of 24 hours after an arrest.

CENTRAL JAIL, LUDHIANA

Central Jail, Ludhiana was established in the year 1978 and is one of three jails located in Ludhiana. Despite being a central jail, it is a male only jail as there is a woman's jail in Ludhiana specially dedicated to confine women inmates. It is located in the same premises as the Borstal Jail and Women's Jail, Ludhiana which is inside the city premises and is surrounded by hosiery factories and residential buildings. The officials informed that due to this, there existed security issues of throwing contrabands inside the jail. Additionally, it was also informed that there were severe health hazards being experienced inside the jail due to its proximity to the hosiery industries.

A. About the Prison

PRISON POPULATION ⁶⁷								
Name of the Prison	Capacity of Prison		Total Prison Population		Number of Undertrials		Number of Convicts	
	Men	Women	Men	Women	Men	Women	Men	Women
Central Jail, Ludhiana	2800	Nil	2826	Nil	2028	Nil	778	Nil

Table 1: Prison Population

1. Prison population and overcrowding

Central Jail, Ludhiana had some amount of overcrowding. As per the information received by the team on the dates of visit (11th-14th March, 2019), the jail had a total population of 2826 inmates against its sanctioned strength of 2800 inmate. While this can be considered to be a negligible amount of overcrowding, the Superintendent in the conversations with the team informed that the jail faces regular overcrowding issues. In the information received from the jail, as on 31st August, 2018, the jail had a total population of 3100 inmates against its population strength. Based on these observations and the information provided by the officials, it can be said **that the jail is often overcrowded.**

2. Prison design and physical layout

The Central jail is spread over an area of 98 acres and is one of the largest jails in the State of Punjab. It caters to around four districts (NawanShehar, Khanna, Jagraon, and

⁶⁷ These figures do not include the number of detainees inside the prison. Also, the table reflects the population as on 14th March, 2019 i.e. on the date of visit.

Ludhiana) which had a combined total of more than 50 Police Stations. The jail had its own perimeter wall which was followed by the outer boundary wall which was common for all the three jails in the premises, i.e. Central Jail, Women's Jail and Borstal jail. The main administrative building or *deory* was an area at the entry of the jail and had a X-ray machine and metal door frame detector. The *deory* also housed the space for office of the officials. The *mulaqaat* area and the area of VC productions was also housed in the main administrative building.

The main section inside the jail was not planned and was spread indiscriminately across the 98 acres. It had a hospital (including de-addiction and OOATS treatment center), three *langars*, a factory, eight PICS machines and canteens spread across the campus. For religious purposes, there was a gurudwara and temple inside the jail. There was also a *mazaar* for Muslim inmates. The Superintendent of the jail highlighted to the team that there was no adequate sewage outflow system to cater to the prison.

The accommodation for inmates was divided into Seven Wards which had a total of 34 barracks. While the barracks were mostly similar in architecture in the older wards, the newer wards had double storied barracks. The team was able to visit several wards of the central jail but were not able to enter all the barracks for inspection. It was observed by the team that each ward had inmates ranging from 350+ inmates to 850+ inmates. Amongst the barracks inspected by the team in different wards the barracks had a capacity ranging between 30-35 to 90-120 inmates. All the barracks inspected had tube lights, exhausts, fans and TVs installed in them. In the ward called "New Barracks", each Barrack had around 9 Bathing areas and 6 toilets inside the barracks. There were also 4 bathing areas and 4 toilets outside, but most of them were non-functional. In the block called "7-8 barracks", each barrack had 120 inmates staying inside and the block had a total strength of 614 inmates. It also had the same infrastructure for toilets and washrooms as the "New Barracks".

The block called "BKU ward" had 7 barracks and had a total population of 850+ inmates. Each barrack inside the BKU ward had a capacity of 90-100 inmates and had 4 toilets and 1 bathing area inside the barrack, and 7 toilets and 3 bathing areas outside the barracks. The "Reception Ward" had 12 barracks and had a total population of 300+ inmates. Each barrack their had a capacity of 30-35 inmates and had 1 Western Commode, 1 toilet and 1 urinal inside the barrack, and had 7 toilets and 7 bathrooms outside the barrack. The ward called "Central Ward" had a total population of 750+ inmates and had barracks having capacity of 90-100 inmates. They had 8 toilets and 8 washrooms inside the barracks and 5 toilets and 3 washrooms outside the barracks.

Due to the varied sizes as well as varied numbers of washrooms and bathrooms available, it is not possible to determine whether they adhere to the basic ratio of inmate to toilets

and inmate to washrooms as prescribed by the Model Prison Manual.⁶⁸ On inspection, the team observed that the barracks in the older wards such as “7-8 barracks Ward” and “BKU Ward” were particularly in poor infrastructural conditions. The team was specifically informed by the inmates that the roofs of many barracks were leaking, with the risk of the roofs falling down in certain barracks as well. The team was also told that the Jail authorities were asking the inmates to collect money themselves and get the leaking roofs or any other infrastructure problem inside barracks to be repaired.

Overall, as observed by the team the hygienic condition of the toilets and washrooms was also poor across the wards.

B. About the Prisoners

1. Procedures upon admission

The admission procedure roughly included the stages of: 1) Medical Examination at prison during admission; 2) Search (frisking and material possession); 4) Making of history ticket; and 5) Admission to the prison (New admission Barrack in Reception Ward).⁶⁹

In the interaction of the team with inmates, it was informed that medical examination was happening during admission to the jail, and was conducted by the Medical Officer in-charge. It was further confirmed by inmates that medical examination was regularly happening, and was conducted the next day after the inmate had entered the jail, after which he was shifted to the new admission barrack. However, despite medical examination being conducted at the time of admission inside the jail, it was observed by the team during interaction with inmates that there is a lack of documentation of custodial violence. Out of the 34 inmates interviewed by the team, 22 inmates claimed to have been subjected to custodial violence including some forms of torture by Punjab Police. Amongst these inmates, 12 of them claimed that during the medical examination, no question regarding custodial violence was asked by the medical officer, and hence they did not inform the medical officer about the same. Four inmates informed that they did not inform the doctor about custodial violence meted at them because they were threatened by Punjab Police officials to not reveal about violence prior to their admission in prison. However, four inmates claimed that even though they informed the MO about the violence meted to them, no further action was taken and only medical assistance was provided.

In regard to the search procedure, the inmates informed that basic frisking of body and material possessions was taking place at the *deory* itself. However, some inmates alleged

⁶⁸ Section 2.10.1 of MPM 2016, prescribes ratio of one western commode (WC) unit, with day time ratio for usage being one unit for 6 inmates; and Section 2.11.1 prescribes a ratio of one bathing are for 10 inmates.

⁶⁹ The particular order of these stages has not been enquired into during the interviews.

that strip search was happening during search which included removal of shoes, lowering of pants up to knee level and sometimes complete strip search.

In regard to whether basic essentials like soap, toothpaste, toothbrush and oil, blankets and quilts being provided during admission, there were mixed responses from inmates. While most of them alleged that no basic essential was being provided to them during admission, some others claimed that a quilt and biscuits were being provided to inmates during admission. On further interaction, the inmates alleging that no basic essentials were provided at admission, informed that after a month of staying in the jail, all the mentioned amenities were being provided. Following their admission to the jail, the inmates were kept in the new admission barrack for some days. After this, the inmates were shifted to their allotted barracks.

2. Access to basic amenities

a. Food:

Due to the high number of inmates, the Central Jail had three areas allotted for *langar*/ kitchen inside the jail. As informed by the officials, the langars were being operated and maintained by the convicts, who were making food on the basis of the diet chart provided in the Punjab Jail Manual, 1996.⁷⁰

When the team enquired about the quality of food, mixed responses were received. While majority of inmates were unhappy with the quality of food, some claimed to be satisfied with the quality of food. The high prison population was termed to be one of the reasons for compromise in food quality. Others highlighted that vegetables when provided (although not frequently) were undercooked and *dal* was mostly water. Inmates highlighted that they had to add *tadka* to the food to make it edible. Few inmates also stated that just 2 kg onions are distributed to the langar in order to cater to 700+ inmates in a particular ward, which is insufficient. The quality of the food as observed by the team during their visit, did not seem satisfactory.

Additionally, in regard to food materials available in the multiple canteens inside the prison, the team observed that most of the canteens were empty and devoid of materials. This was explained by one inmate by informing that between 800 people per ward, there are only 268 milk packets stocked daily and 5kg onion and 5kg potatoes stocked on alternate days. Hence, the overall observation of the team and their interaction with inmates indicated that the purpose for canteen remain underserved as it lacks sufficient stock of food items.

⁷⁰ Rule 815, Punjab Jail Manual, 1996

b. Drinking & Bathing Water:

In the interaction of the team with inmates, it was informed that R/O was only available inside the Gurudwara and the Reception Ward. Most of the inmates used these R/Os for their drinking water purposes. However, the inmates highlighted that the other wards had no R/O connection and were directly using tap water for drinking purposes. While some of the inmates who used R/O did not highlight any problems with the drinking water, the others complained about the bad quality of drinking water.

Water tanks catered for the bathing water requirement of the inmates. As per the information received from the jail, there were a total of 72 water tanks. In the interaction of the team with the inmates, some claimed that the bathing water quality was not good and caused skin infections.

Overall, the team got the impression that the inmates were not satisfied with the quality of bathing or drinking water. Some inmates also claimed that the Medical Officers inside the jail themselves asked the inmates to boil the water before drinking as the tap water was not fit for consumption.

3. Contact with outside world

There were two primary means through which an inmate was maintaining contact with the outside world:

a. *Mulaqaat*:

There was a *mulaqaat* room present inside the prison. Its infrastructure was similar to the infrastructure inside most of the Punjab jails. It had mesh iron fencing and rods as a boundary between inmates and *mulaqaatis*. While the room was large in size, it did not have any cubicles for the purpose of *mulaqaat*. This means that, given the number of persons having *mulaqaat* each day, there is a likelihood for noise and chaos inside the room, making conversations difficult to hear and understand.

Further, as per the information received from the central jail, *mulaqaat* was happening for both undertrials and convicts, where an undertrial inmate was allowed to meet twice a week and a convicted inmate was allowed to meet once a week. The officials informed that 20 minutes were assigned to each inmate for *mulaqaat*, and up to 10 relatives (related by blood) are allowed for *mulaqaat*. It was also informed to the team that two identity cards were required to be shown by the relative (out of which one had to be AADHAAR). The officials stated that the mandatory requirement of AADHAAR was in lieu of a government order.

In the interaction of the team with inmates, majority of the inmates stated that they were satisfied with the *mulaqaat* process. Although the officials stated that only 20 minutes are allowed for *mulaqaat*, most of the inmates stated that they were allowed to talk in between 30 minutes to 1 hours. However, a few inmates alleged that the officials were charging money from inmates to have an extended time period during *mulaqaat*. One inmate also alleged that there was discrimination between poor inmates and rich inmates wherein materials given to poor inmates from their family members was not being allowed inside the jail, while the rich inmates were able to get all the materials they wanted.

b. Telephone system/Contact through telephones

It was informed by the jail officials that there were eight PICS machine available inside the jail. However, in the interaction of the team with the inmates, despite the allotted time of 10 minutes, inmates informed that they were not allowed to talk for more than 2-4 minutes in a day. The reason highlighted behind the same was the high prisoner population wherein eight PICS machines were not sufficient. Some of the inmates also alleged that some of the PICS machines were also not functional.

4. Medical facilities and healthcare

The medical infrastructure of the jail included: 1) Four MOs 2) 7 Pharmacists (but only 4 were working on the date of visit); 3) A hospital; 4) An OPD; 5) A De-addiction center; 6) An OOATS center; 7) An ambulance; and 8) A roster of specialists visiting the jail. The following specialists were visiting the jail- 1) Dental; 2) Skin; 3) Psychiatrist; 4) Ortho; 5) Medicine; and 6) ENT. It was also informed to the team by the Medical officer in-charge that medical camps were also being organised inside the jail on a regular basis with 2-3 camps in 6 months. The team got an opportunity to have a detailed discussion with the Medical Officer on duty during the time of visit as well as the pharmacist on duty. They highlighted several problems which are detailed below:

- a) One of the biggest problems highlighted by the MO was the shortage of medical escorts. He stated that due to shortage, it was not always possible to send inmates to specialists in hospitals outside the prisons, which would adversely affect effective treatment of an inmate which was not possible inside the prison.
- b) The MO highlighted certain issues regarding treatment of inmates suffering from HCV inside the jail. He highlighted that currently, for testing of HCV purposes, the jail did not have the budget to carry out Phase 3 of the test, which is the Viral Load test. He stated that the viral load test was essential for the adequate treatment of inmates suffering from HCV, and the lack of same was detrimental to the effective treatment of inmates suffering from HCV, which can at times lead to death.

- c) The MO stated that the major health care issues inside the jail is skin diseases. However, In regard to skin infections and its treatment, the MO said that the current medicines (*Benzyl Benzoate and Lindane Lotion*)- were not effective as the fungal infections have become resistant to these medicines. What was needed was medicines like *Permetarin Lotion and Ivermectin Tablet*, which destroys the fungus. However, these medicines were also costly and were not available inside the jail.
- d) As per the MO, the jail also lacked sufficient Drug Testing Kits. Medicines being supplied were also an issue and they were also low grade and old medicines which were not effective anymore as per the MO. Medicines needed to be upgraded by the government for effective treatment inside the jail. Additionally, the MO highlighted that the instruments in the hospital were old and needed to be replaced with new equipment soon.

In the observation of the team, the hospital building was very old and was in poor infrastructural condition needing urgent renovation. The Superintendent of the Jail also highlighted the poor conditions of medical infrastructure and health facilities and blamed it on the lack of adequate funds for the same. He additionally highlighted that the lack of proper sewage outflow system and the existence of hosiery factories around the jail was also contributing to medical ailments inside the jail.

In the interaction of the team with the inmates, a very vocal and unanimous dissatisfaction was highlighted in regard to the medical facilities. Multiple allegations were put forward by inmates. While some inmates highlighted that medicines like paracetamols and anti-biotics were not effective, others alleged that MOs would use the same syringe on multiple people. It was also highlighted by some inmates that treatment was only being provided for HIV+ patients and not HCV patients inside the jail, which was contrary to the statement made by the MO to the team, who stated that both HIV+ and HCV patients were being treated inside the jail. Some inmates also stated that the Medical Escorts were a big issue, and even when medical escorts were provided, they would always arrive late, causing them to miss their appointment with the concerned doctors.

5. Education & recreational activities

As per the information received from the jail, for the period of last year, a total of 24 inmates were enrolled in educational programmes.⁷¹ In regard to the educational programmes, the information states that nine inmates (four convicts and five undertrials) were enrolled in Bachelor of Arts (BA) and 15 inmates (seven convicts and eight undertrials) were enrolled in the Bachelor Preparatory Programme (BPP).

⁷¹ The time period for the data refers to 1st September 2017 to 31st August 2018.

The other form of recreation activities inside the jail were television sets inside barracks, access to religious institutions, as well as sport playing activities.

6. Prison labour & wages

CJ, Ludhiana's factory was the top factory amongst the jails in Punjab as per the officials. It had a very well-established bakery unit, which produced biscuits under the trademark of 'Anand Bakers' that was being supplied to all jails in Punjab and also outside. Along with the bakery unit, the jail also had a carpentry unit, a handloom unit, and a sewing unit. However, the factory had a shortage of technical staff for all factory units, and only one technical staff was working in the factory.

The officials further informed that at the time of visit, amongst the 724 inmates serving rigorous imprisonment inside the jail, 100 were employed in the factory, while the rest worked under the 'maintenance', which involved:

- Working in *langar*/kitchen;
- Operating the PICS machine;
- Working as assistants to the prison administration (as *munshis*);
- Working as assistant in the hospital.
- Working as *Nigrans/lambardaars*.

In regard to the wages, the jail officials informed the team that funds (for wages) have not been released since May, 2017. He further informed that when it comes to disbursement of wages, whoever is working in the factory is given wages. However, when it comes to inmates involved in maintenance work as mentioned above, only 10% were given wages at a particular time, and the rest were paid on rotational basis.

In the team's **interaction with the convicts engaged in work inside the jail, it was observed that some of the convicts were not aware of the wages that they are entitled to as a part of their rigorous imprisonment. Although some inmates were getting wages, the others were not. The team also further interacted with some inmates, whose bank accounts have not been opened through the jail.** This issue was brought to the attention of the Superintendent in a letter dated 16th April 2019 directing him to organise awareness camps and disburse the wages owed to the convicts working inside the jai and highlight the constraints that are being faced by the jail administration in paying wages/opening bank accounts, if any. However, **no response for the same has been received from the jail.**

C. About the Prison Administration

1. Staff vacancies

As per the information received from the jail, as on 31st August 2018, there was a major shortage in guarding staff, specifically the strength of Warders inside the jail. This situation is a cause of concern, specifically keeping in mind that the jail caters to a population of 2800+ inmates.

PRISON STAFF															
Executive Unit		Guarding Staff		Medical Personnel		Welfare Unit		Educational Personnel		Technical Personnel		Agricultural Personnel		Ministerial Personnel	
S	AS	S	AS	S	AS	A	AS	S	AS	S	AS	S	AS	S	AS
12	8	197	141	8	8	1	1	Nil	Nil	1	1	Nil	Nil	16	16

Table 2: Prison Staff Strength

2. Experiences of prison administrators

Multiple issues regarding prison administration were highlighted by the prison officials . They are as follows:

- Security threats and lack of upgraded weapons for Senior Punjab Prison Officials: In the conversation of the team with the jail officials, it was highlighted that senior jail officials received constant threats from gangsters as well as inmates inside the jail. They also emphasised that this threat was not just limited to them personally, but also extended to their families. It was highlighted by the officials that to enhance security, government vehicles, armed gunmen with enhanced trainings and upgraded arms are required.
- Lack of adequate accommodation for Prison Officials: The Prison Officials, including the medical staff informed the team about the dismal state of their accommodation/quarters. Located in the same premises, it was informed that accommodations provided to Borstal Jail, Women's Jail as well as Central Jail officials were extremely old and were in urgent need of renovation. It was also informed that the accommodations also lacked proper water management and sewage systems. Further, due to the proximity to hosiery industries around the jail and the accommodations, the prison officials and their families were also facing severe health-hazards.
- Low rate of Recruitment, Under-staffing and Lack of Weekly Rest: The Prison officials, especially the ones from Head Warder and the Warder levels, highlighted that the

low rate of recruitment by the Punjab Prisons Department was a big issue. While highlighting that the gap between recruitments was more than 25 years (1991 to 2017), they stated this led to huge under-staffing and vacancies, which directly led to them working more hours. Some warders explained that they work minimum 12 hours which can at times also stretch up to 16-18 hours of consecutive duty. It was also highlighted by them that this also resulted in their inability to get casual leaves.

- d. **Problems of Promotions and the need to Re-introduce Certain Posts:** In the conversation with the prison officials, the lack of prospects in regard to promotions was overwhelmingly highlighted. In particular regard to post such as warders and head warders, promotion was scarce wherein some officials highlighted that after getting admitted to service as warders, most of them were retiring with just the promotion of head warders. The Superintendent and the Deputy Superintendent highlighted that there was a need to re-introduce abolished posts of 1-Star (Sub-Assistant Superintendent) and 3-Stars (Senior Assistant Superintendent) to improve the prospects of promotions specifically for the officials from lower cadres.
- e. **Discrimination against Officials who are a part of Punjab Jail Guard Association:** In a conversation of the team with some officials who are members of Punjab Jail Guard Association (a trade union for Officials below the post of Assistant Superintendents), it was highlighted that discrimination existed against officials who were part of the Association. It was also brought to the notice of the team that there was an ongoing case in the Punjab & Haryana High Court⁷² wherein a petition was filed against the previous Superintendent (Shri. Surinder Pal Khanna) for stopping four increments of 14 warders and head warders (belonging to the Punjab Jail Guard Association) as a disciplinary measure for having spoken against the Central Jail, Ludhiana in the media.

It was also alleged that deliberate attempts were being made by Senior Prison Officials to reduce the presence/influence of the trade union from what it was before, by prescribing rules regarding restricting officials to join the Punjab Jail Guard Association.

3. Prison Oversight Mechanism

As per the information received from the central jail, for the period of September 2017 to August 2018, no Board of Visitors had been appointed by the State Government for prison oversight. However, the information also states that visits by both official and non-official visitors (NOVs) have been made. While 57 visits were made by the official visitors inside

⁷² CWP 10366 of 2017

the jail, 18 visits have been made by NOVVs. Further, nine training/orientation programmes were organised for NOVVs during the same year.

Additionally the information suggests that a template has been developed for the visitor to record their observations and reports have also been submitted by the visitors to the State Government and prison heads. However, the number of reports submitted have not been highlighted. Further, the information mentions that no action has been taken in regard to the reports submitted by the visitors.

D. Role of Legal Services Institutions

1. Access to legal aid

For access to free legal aid inside the jail, the following components formed part of the legal aid infrastructure.

- a) Jail Legal Aid Clinic: JLAC was operational inside the jail and was established in 2012.⁷³ The team observed that the JLAC was located in a central area which had good visibility and access for the inmates. Also, the JLAC was working six days in a week. Overall, as per the information received by DLSA, Ludhiana, for the period of September 2017 to August 2018, a total of 698 legal aid applications were filled and all the 698 applicants were provided with details of the lawyers.⁷⁴
- b) Convict para-legal volunteers (PLVs): At the time of the visit by the team (11th-14th March, 2019), the team were able to meet three convicts who were working as PLVs inside the jail. Based on the interaction of the team with convict PLVs, it was informed that all the three of them were appointed by DLSA, Ludhiana, and the DLSA was aware of them working as Convict PLVs inside the jail. However, despite being appointed by the DLSA, they informed that they were not being paid any honorarium for the same. Although, it was also informed by them that DLSA, Ludhiana had taken their bank account information.

The convict PLVs were maintaining the following registers: 1) High Court Appeal Register; 2) Legal Aid Lawyer register and 3) Admission register- mentioning whether the inmate has/wants a private lawyer or a legal aid lawyer.

⁷³ As per the information received by District Legal Services Authority, Ludhiana.

⁷⁴ This information is cumulative of the lawyer visits to all the three jails i.e. Central Jail, Women's Jail and Borstal Jail.

In regard to the time taken for appointment of legal aid lawyers, it was informed that by DLSA, Ludhiana they were appointed in around 10-15 days, HC lawyers were being appointed in two months (minimum time taken) and SC lawyers took three months to be appointed. They also further highlighted issues regarding shortage of stationary items wherein at times, the PLVs were paying from their own pockets to print out legal aid application forms. The team also observed the printing machine was not functional inside the Jail Legal Aid Clinic.

- c) Jail Visiting Lawyers and Community PLVs: As per the information, a total number of 92 visits were made by jail visiting lawyers between September, 2017 & August 2018.⁷⁵ However, in regard to jail visiting lawyers, it was alleged by certain inmates that a jail visiting lawyer was asking for money from inmates and was also engaged in soliciting clients by distributing his private practice cards inside the jail.

Additionally, the team got a chance to interact with one Community PLV, who was assigned by DLSA, Ludhiana to work inside the Central Jail. His duty at the jail legal aid clinic (JLAC) was of six days in a week, from 9:30AM in the morning till 4:30PM in the evening. For this work he was being paid an honorarium of Rs. 400 per day.

- d) Legal aid awareness camps: As per the information received, nine legal aid awareness camps had been conducted by DLSA, Ludhiana inside the jail between September 2017 to August 2018.⁷⁶
- e) Monitoring by the Secretary, DLSA: For the period of September 2017 to August 2018, a total of 24 visits (twice a month) were made by the Secretary, DLSA. While the DLSA was monitoring the work registers maintained in the JLAC, no reports were being submitted by Jail visiting lawyers or by the convict PLVs working inside the jail.

Further, out of the 34 inmates interviewed inside the jail, 12 of them had legal aid lawyers. In regard to the experience of the inmates with legal aid services, they pointed to several issues in regard to the work of the legal aid lawyers. Issues included money being demanded by legal aid lawyers and legal aid lawyers not appearing in courts during production. In particular, it was highlighted by the inmates that legal aid lawyers always ask for money when it comes to filing of bail application in the court. One inmate also stated that he had filed complaints against his legal aid lawyer, but no action was taken.

⁷⁵ This information is cumulative of the lawyer visits to all the three jails i.e. Central Jail, Women's Jail and Borstal Jail.

⁷⁶ This information is cumulative of the lawyer visits to all the three jails i.e. Central Jail, Women's Jail and Borstal Jail.

The allegations by inmates was also corroborated by the convict PLVs as well as the community PLV working inside the jail, wherein they stated that there were a lot of complaints being received by them as well in regard to legal aid lawyers which included not appearing during production and charging of money for filing bail applications. These specific issues were highlighted to the DLSA through a letter dated 16th April 2019. **However, no response was received from the DLSA for the same.**

2. Under-trial Review Committees (UTRCs)

As per the information received from the DLSA for the period of September 2017 to August 2018, the UTRC has been established and had met four times during the last year. Additionally, the same information mentions that none of the undertrials were recommended to be released by the UTRC during the same period. This is despite the fact that for the same time period, the jail had a total of 855 inmates who had been detained as undertrials for the period ranging between 1-5 years. The information also mentions that there were 469 inmates who had been inside the jail for more than five years as an undertrial.

3. Camp Courts

In the interaction of the team with the jail officials, Camp Courts were also being conducted inside the jail on a monthly basis. Currently, as per the officials, the scope of inmates being produced in camp courts were ones who had committed petty offences. As per the Superintendent, there was a need of expanding the scope of camp courts was needed so as to help in reducing overcrowding. However, the Superintendent also questioned the efficacy of camp courts, wherein he said that inmates released through camp courts have reduced the deterrent effect, resulting in a higher chance of them being habitual offenders and coming back to prison.

E. About Vulnerable Groups

- a) Foreign National Prisoners (FNPs): As per the information received from the central jail, 8 foreign national prisoners were detained between the period of September 2017 and August 2018. Amongst the eight FNPs detained, six were undertrials and two were convicted. The FNPs were confined in a cell block called “70 barracks” and the particular block was kept far away from the main area of the jail and were housed with other inmates who had some kind of security fear inside the jail. The accommodation was in isolation and was far away from other important centers like the hospital, legal aid clinic, VC production and *mulaqaat* room.

In the conversation with the officials, it was informed that FNPs did create a lot of issues inside the jail. The Superintendent highlighted that very recently, during *mulaqaat*, the wife of one FNP was caught smuggling drugs inside the jail. Apart from that, the Superintendent highlighted that there were issues regarding their food requirements as they were not used to eating the food being provided inside the jail. He suggested that the guidelines for FNPs diet needs to be relaxed and provisions need to be made for supplying their food through the canteens. He also suggested that if possible, one separate jail needs to be made, where all the FNPs be kept.

The team also got the opportunity to interact with some of the FNPs. At the outset, all of them highlighted the issue with food, and the lack of materials available in the canteen. They also said that during *mulaqaat*, food and other materials were not being allowed, as a form of punishment. This punishment was imposed due to the incident of one of the FNPs relative getting caught smuggling drugs inside the jail. Other problems faced by FNPs were in regard to racial discrimination faced by them, lack of access to roam around inside the jail premises and talking to other inmates, inadequate medical treatment and being harassed by the Welfare Officer wherein he constantly asked for bribes from them.

F. Issues of Concern

1. Substance Abuse and Smuggling of Mobile Phones

In the interaction of the team with the inmates, it was informed that drug consumption was rampant inside the jail. Starting from the availability of tobacco, cigarettes and hard drugs like *charas* and *chitta*, the inmates claimed that it was easy to procure these drugs inside the jail. In specific, it was alleged by the inmates that *Addnok* tablets (used for treatment of opioid dependence) was being stolen from the hospital/smuggled inside the jail and was sold inside the jail. While *addnok* tablets were being sold for Rs. 150/- per piece, a single piece of cigarette costed around Rs. 500/-. When enquired about the source of smuggling of drugs inside the jail, it was brought to the notice of the team that both inmates and officials were contributing to it. While primary route of smuggling was inmates bringing the drug inside body cavities after production, it was also informed that at times, jail officials also engage in selling drugs inside the jail.

In regard to mobile phones, inmates alleged that officials were selling mobile phones inside the jail. It was further alleged that the officials were charging monthly rent for the same, and in case inmates were not able to pay the same, the officials would crackdown on their barracks and confiscate the mobile phones. One inmate, who was able to get a mobile phone inside the jail, informed that he had to pay Rs. 12000/- to the official on getting caught, so as to not have a disciplinary charge against him. In particular, it was alleged by

some inmates that an official was helping in smuggling the phones inside, and all the staff were mostly aware about the inmates who had mobile phones inside the jail.

2. Instances of custodial violence and torture

a) Violence in Police Custody

Out of the 34 inmates interviewed by the team, 22 inmates claimed to have been subjected to custodial violence including some forms of torture by Punjab Police. Techniques involved third degree interrogation methods like electric shocks to ears and genitals, water-boarding, rolling, stretching, being stripped naked, tied and beaten with sticks and belts. Not giving food or water while in police custody were also alleged by inmates. Amongst these 22 inmates, 17 of them claimed that they were not produced before the court within the constitutional guarantee of 24 hours after their arrest. Additionally, some of the inmates claimed that they were subjected to custodial violence after their remand being extended for Police custody.

b) Violence in Judicial Custody

In the team's interaction with both the jail officials and inmates, a narrative emerged that the officials were using solitary cells for isolating inmates along with beating as a form of discipline inside the prison premises. Out of the 34 inmates interviewed by the team, 13 of them claimed that in-fighting by inmates was rampant, and to control the same, prison officials were beating inmates to enforce discipline. At times, threat of transferring them to different prisons was also being used.

3. Corruption

During the team's visit to the jail, the inmates alleged that corruption was rampant inside the jail. The existence of VIP barracks were alleged, wherein certain barracks in the wards and isolation cells were being sold by prison officials to inmates who can afford them. In particular, inmates alleged that a prison officer was the one involved in the selling of barracks. Barracks were sold to inmates and would range between Rs, 20,000-60,000. Other forms of corruption included money being charged for shifting barracks and selling of mobile phones. It was claimed by inmates that *chakkar hawaldars* were so corrupt that they would be earning around Rs. 10,000 per day. Also, in particular, inmates also alleged that inmates working as *munshis* were also involved in charging money from other inmates.

4. Deaths inside Ludhiana Central Jail

A very worrying information was shared by inmates regarding the frequency of deaths inside Central jail, Ludhiana. Some inmates alleged that deaths due to medical negligence

were increasingly frequent inside the jail. An inmate claimed that since 2013, he had witnessed 47 deaths inside the jail, while another inmate claimed that in the last five months of him being inside the jail, he had seen 25 deaths. In the information provided by the jail itself, between the period September 2017 to August 2018, 24 deaths were recorded, out of which 19 were claimed to be natural deaths, four deaths happened due to suicide and one death was considered to be a murder by a fellow inmate.

CENTRAL JAIL, PATIALA

Central Jail, Patiala was established in the year 1904. Located inside the main Patiala town, it is spread over an area of 83 acres. CJ Patiala was catering to around five District & Sessions courts namely Patiala, Nabha, Roopnagar, Mohali and Fategarh Sahib.

A. Prison population and Infrastructure

Table 1.1 PRISON POPULATION ⁷⁷								
Name of the Prison	Capacity of Prison		Total Prison Population		Number of Undertrials		Number of Convicts	
	Men	Women	Men	Women	Men	Women	Men	Women
Central Jail, Patiala	1688	113	1697	83	1027	46	670	37

1. Prison Population and Overcrowding

The research team sought data from the jail on the inmate capacity and occupancy on the day of their visit, as the data received on formats had many discrepancies. As on 20th March, 2019, the prison had an overall inmate capacity of 1801 inmates and the prison was occupied by 1780 inmates on this day. This includes 1697 male and 83 women inmates (refer to Table 1.1).

2. Prison design and physical layout

In regard to the general infrastructure, the jail had an outer perimeter wall, followed by a buffer area and then the boundary wall of the jail premises. The jail was planned in a square manner and had well maintained football and cricket grounds. At the outset the jail seemed clean and green. There were both male and female sections inside the jail. It was found that as a matter of administrative policy, two of the transgender inmates were being kept in separate cells inside the women's section. There was a Legal aid Room, VC room, Langar, *Mulaqaat* room, Hospital, De-addiction center, OOATS center, a factory, two welfare canteens and five PICS machines inside the jail. There was a library inside the jail, but it was non-functional. However, there was also a music room and a functioning computer center inside the jail. Catering to religious beliefs of inmates there was a temple, a Gurdwara and a *dargah* inside. *Namaz* provision was also there at the *chakkar*, as informed by the prison officials.

⁷⁷ As on 2nd October 2018

The male section was divided into multiple wards, which had a number of barracks inside them. While some wards had barracks, the others had cells. There was an effort being made to maintain segregation between UTs and Convicts. Police employees who were charge of an offence inside the jail were kept in completely separate section from the other barracks and wards. FNPs and inmates who were charged of desecration of religious text or had threat inside the jail were also kept in a separate ward.

Five death row convicts were also inside the jail, they were being kept in a separate isolated ward, called "*Battis Cell*". This was near the entrance of the jail on the right side. This section had cells inside and the death row convicts or condemned prisoners as they are called, were housed in individual cells. This section also had the execution area inside, which was closed and out of bound for all inmate. Although the execution area was closed but the team found it odd to keep death row convicts in the same area where this execution section was. Knowing what lied ahead of that door and encountering it on a daily basis might have psychological effects on the death row inmates. Although, the team could not interview any death row convict to get their point of view on their place of confinement. The jail authorities informed the team that the last execution that happened in Patiala was in 1987 when two brothers were executed. In 2016 they had prepared for another execution and had even called a hangman from Uttar Pradesh but the Supreme Court put the execution on hold a day prior to when it was supposed to happen. At a time three executions by hanging can take place here.

With regard to other male barracks, these were varied sized barracks inside the jail with the smallest being cells (having capacity of 3-4 inmates in one cell) to barracks having capacity of 30-40 inmates, 50-60 inmates and the largest barracks being able to hold 90-120 inmates. All the wards had a common bathing and cleaning area. While the cells had a washroom and toilet inside, they also had 12 toilets, two WC and two bathroom outside the barracks but inside the ward. It is important to note that inmates are locked inside the barrack during lock-in timing (noon to 3pm and Sunset to Sunrise).

The 100 capacity barracks had two toilets inside and had 18 toilets plus a common bathing and cleaning area in the ward. **In this case, after lock-in till lock-out for about 12 hours, inmates would only have access to the two toilets inside.** One ward had combination of big 100 capacity barracks, and smaller 50-70 capacity barracks which were newly built. They also had a common washing area and cleaning area along with 16 toilets. While the bigger barracks had concrete slabs as beds, the smaller barracks had no concrete slabs. These smaller barracks- having 50 capacity had 6 toilets and 6 washrooms available to them. Some of these barracks also had outside facilities with 14 toilets and 12 washrooms. The smallest barracks having 30-40 capacity had 2 toilets inside and 21 toilets and 24 bathrooms outside.

In summary, there was no uniformity in the kinds of barracks as well as the number of toilets and bathrooms available to them. Every ward had a different infrastructure of barracks and cells. As per data received from the jail, as on 31st August, 2018, there were a total of 348 toilets and 245 bathrooms in the male section. With the sanctioned capacity of male section being 1688 inmates, the toilet to inmate ratio stood at approximately 1:5 while the bathroom to inmate ratio stood at 1:7. This is in line with the basic ratio of inmate to toilets and inmate to bathrooms as prescribed by the Model Prison Manual.⁷⁸

B. About the Prisoners

1. Procedures upon admission

Upon admission to the prison inmates go through the process of *mulaiza* which includes a) First medical examination; b) Legal aid documentation; c) Search and d) Allocation of barracks.

a) First Medical Examination:

The first medical examination of new inmates was being conducted by the jail Medical Officer (MO). As informed by the inmates during interviews, the first medical examination in jail was happening within the first 24 to 48 hours of their admission to the jail. The MO also informed the team that with regard to the admission procedure, there was an admission form and a health card available. HIV tests were also being conducted on inmates during the medical examination. The Mo further informed that if any injury marks were observed, the inmate was sent to the civil hospital for medico-legal examination. **As per them, medico-legal examination was not happening inside the jail, in order to keep the process fair. Also to avoid allegations of biasness by the jail officials or the MO.** The MO also highlighted that at times, the inmates would self-inflict injuries on themselves to put the authorities and the MOs inside the jail under pressure so that they succumb to the inmates demands.

Out of the 45 inmates interviewed by the team in Patiala Central jail 26 alleged to have been subjected to custodial violence, including torture, in Police custody by Punjab Police. Only three of these inmates stated that the jail MO asked enquired about custodial torture during their medical examination at mulaiza. One of them even stated that the doctor noted down the injuries in the medical form. Further, eight of 26 inmates specifically stated that the MO did not enquire about custodial torture from them hence they did not share any details. Statements of inmates with regard to the documentation of torture are contrary to what was informed by the jail MO.

⁷⁸ Section 2.10.1 of MPM 2016, prescribes ratio of one western commode (WC) unit, with day time ratio for usage being one unit for 6 inmates; and Section 2.11.1 prescribes a ratio of one bathing are for 10 inmates.

b) Search:

Inmates were also being searched thoroughly, for checking contraband articles from being smuggled inside, before entry in the main prison complex. Prison guards were conducting bodily search on inmates, predominantly in the form of frisking. However, inmates shared that many a times strip search was also conducted on them. Two inmates said that they were strip searched in front of other inmates. Another inmates said that, “mostly frisking happening but at times inmates asked to open their pants and even asked to take a dump if the authorities are suspicious”. Women inmates were being searched by female warders once inside the *dorey* and once in the female section. Even they are strip searched at times.

Interaction with transgender women revealed that there is confusion among the authorities on the place of their confinement. They said that although they were searched by female officials but the MO was confused on the barrack that they should be kept in. One of them said that, “because of this confusion, I had to say everything openly in front of senior prison officials, requesting them to send me to the female ward”. Another one said that medical was conducted on her 2-3 times initially, after her admission to the jail, she was kept in *Battis chakki* for a night before being shifted to the female enclosure. However, in this regard the jail doctors said that segregation to male or female barracks happen on the basis of sex determination and not on the basis of psychiatric evaluation.

c) Allotment of Basic Essentials and Barracks:

All inmates are provided basic essentials by the jail. These include soap, oil, toothpaste, toothbrush and a thin quilt.

2. Access to basic amenities

a) Food:

There was a Langar inside the jail, which had around 88 inmates working inside. There were 3 barracks attached to the langar, which seemed overcrowded. Although the inmates said that it can easily fit in 40 people, there were just 12 cement beds inside the barracks. There were a dough kneading machine also available inside the langar along with exhausts and fire extinguishers as well. Some of the convicts working in the langar were interviewed by the team. The most intense part of working in the langar was roti making. Inmates showed burnt marks that they had received on their hands while making rotis. These inmates required safety equipment and even a roti making machine so that their labour in the langar becomes a little smoother.

Food was being served twice a day, in the morning at around 7am, then in the evening

around 4:45-5pm. The team got mixed responses from inmates on the quality of food that they were getting. Many inmates found the food to be dissatisfactory. Inmates suffering from HIV and HCV complained that they were not getting the proper diet that is required by patients of these diseases. They further stated that even if milk powder was being given to them, many a times, they did not have the means to cook as firewood or coal was required for this purpose. This issue was also brought to the notice of the jail authorities, in a letter dated 22nd April, 2019.

Apart from the food that was being provided from the jail's side, inmates could also prepare their own food by purchasing items from the jail canteen. Although, inmates complained of inflated prices of items being sold in the jail canteens. Some even stated that item on which MRP is not written are sold for a higher price.

b) Water:

Many inmates stated that the drinking and bathing water is the same. Since this was submersible water, the inmates found the water quality to be bad as it often causes skin allergies. Although, RO filters were installed in barracks but many were found to be non-functional. Apart from that, water coolers were also installed in many barracks including *Battis chakki*. One of the inmates even stated that inmates contribute money to get the RO fixed.

3. Contact with the outside world

a) Mulaqaat:

The mulaqaat room inside the jail was the same as most of the jails in Punjab. There was iron mesh fencing separating the inmates and the visiting family members. Same as other jails, here too the mulaqaat was on for six days a week (Monday to Saturday). Information provided by the jail stated the time for mulaqaat to be 8am till 12pm and 2pm till 5pm. Although, the jail had almost 40% convict but only one day (Tuesday) in a week was allocated for their mulaqaat. While, UT mulaqaat was there for four days a week (Monday, Wednesday, Thursday and Saturday). The understanding behind this timetable can also be due to the perception that once convicted, the frequency of visits by family is decreased. Apart from this, inmates were found to be satisfied with the time allocated for mulaqaat.

b) Telephone System/Contact through telephones:

The Central jail had only six PICS machines including one in the factory and one in the female section. Although eight minutes were given in a day to each inmate but since the PICS machines

were limited, inmates were hardly getting two minutes talk-time every day. The calls were priced at Re.1/minute. One inmate said that, “machines are less but crowd is more hence limited time is allotted”. Another one stated that, “(inmates) not allowed to call every day. We have to take turns to make a phone call and have to wait in long queues to make calls”. The Deputy Superintendent shared that PICS companies say that the machines should be operated for 11 hours at a stretch, however, the jail lock-in timings do not allow this.

4. Medical facilities and healthcare

The medical infrastructure in Patiala CJ included the jail hospital which included an OPD section, a pharmacy, and a Laboratory. There was also an X-Ray room and machine available but the same was not operational. A HIV testing room was also there inside the hospital, along with an isolation ward for TB patients and a dental OPD (happening on Tuesdays and Fridays). The jail had two ambulances and three wheelchairs as well. Someone had also donated a bike to the jail which was being used to transfer medical emergency patients from the barracks or hospital to the *dorey*. There were two wards with beds for patients. There were TVs inside these two patient wards. Overall, the jail hospital was neat and clean. A ward was there adjacent to the jail hospital where only HIV and HCV patients were staying. HCV treatment is not on from inside the jail.

There were three MOs working inside the male section and one female MO visiting the female section. Apart from that there were four pharmacists as well, and one visiting pharmacist. There also existed a roster of specialist doctors such as Skin, Dental, Ortho and Medicine, who were making visits regularly. However, Eye and ENT specialists were not visiting the jail. There was also a de-addiction center and OOATS center available inside the jail. It was also informed that three to four medical camps were being organized inside the jail on a yearly basis.

During interaction with the jail MO and Specialist (Medicine), many points regarding healthcare in prisons surfaced. They shared that one of the jail MOs was available inside the jail up till 3pm, after which one MO is always available on call. Along with this, one pharmacist was always present inside the jail. All the shifts were being managed between the pharmacists and the MOs themselves. But the jail lacked nursing staff and the need for the same was highlighted by the doctors. They further highlighted that instead of being deputed by PCMS, the jail department needs to hire their own Doctors for better health care of inmates. In relation to that, they unanimously agreed the MO's needed special training for them to be able to work in the jail atmosphere.

Although the doctors stated that buying of medicines was an issue inside the jail, where they had to mostly manage it through the jail welfare funds. Along with the shortage of medicines and non-availability of the medicines prescribed by the Specialists visiting the jail. But with regard to complaints by inmates regarding same medicines being given for everything, the

doctors stated that this was more psychological. They said if the same medicines are given to them, but in a different colour, then they would be satisfied. They further shared that inmates consume 4-5 days of dosage in 1-2 days, after which they continue to pester the MOs to give more medicine. They also informed us that a single medicine can have multiple purposes, which the inmates are not aware of. In regard to skin infections, they said it was primarily because of bad personal hygiene of the inmates themselves. Not only do they share clothes, but they also share underwear and towels. Additionally, they confirmed that anti-fungal medicines coming from the government were not effective anymore.

Another issue that was faced by the jail was lack of police medical escorts. MOs shared that, if in a day, the MOs would make 7-8 referrals, only 1-2 of them would actually go outside. Another additional problem was the timing of escorts, where they would be late. As a result, most of the inmates would not be able to meet the doctors as their timings would have ended. MRI scans and CT scans also get missed in the same way. They also highlighted that Lab reports were not coming back to the jail in time.

Data from the jail for September, 2017 till August, 2018, shows that there were a total of 10 deaths in the jail during this time period. Two of these were suicides and rest were stated to be deaths due to natural causes. The doctors, in regard to deaths inside prisons, highlighted that it was primarily because of natural causes. The MOs had seen two suicides during their tenure.

5. Education & recreational activities

Information received from the jail for the period between 1st September, 2017 and 31st August, 2018, stated that a total of 187 convicted male and female inmates were provided formal education inside. During the same time period, 121 female inmates were provided vocational training inside the jail. An ITI teacher was visiting the women's section to train women inmates in tailoring and beautician courses.

On the day of the team's visit, the Welfare Officer informed that 36 inmates have been enrolled in IGNOU⁷⁹ courses while 26 inmates have been enrolled in NIOS⁸⁰ classes. **However, there was an issue with this, the books provided by these central institutes were in Hindi while the official language in the state was Punjabi. Inmates too shared their reservations for the study material being in only Hindi and English. They even stated that certificates are not being given by IGNOU for the courses.** There was a computer center inside the jail where inmates were learning computer. As informed, once inmates learn the computer techniques here, they would assist in the main prison office. Inmates who had already learnt were teaching other inmates as well. Apart from this for recreational activities there was a music room inside the jail and even sports

⁷⁹ Indira Gandhi National Open University

⁸⁰ National Institute of Open Schooling

like cricket, volleyball, tug of war and kabbadi were being played inside. All sports items were being provided by the welfare department, as informed by the welfare officer. **He also informed that once a year inter-jail sports tournament is also held. Winners are granted some months of remission as awards.**

6. Prison labour & wages

As on 20th March, 2019, the jail had 688 convicted inmates serving a term under rigorous imprisonment. These include both, male and female convicts. Since there was a factory unit inside the male section of the jail, many convicted men were working here. Apart from that, inmates were working in the jail langar; working as barrack *nigraans*; working as munshis in the admin block. Women inmates had limited work options, those who were interviewed were working as barrack *nigraans* or on cleaning duty. It is important to note that these inmates were not getting wages for the work that they were doing.

The factory unit inside the jail had a carpentry section, a printing section, a flour making section, a power loom and handloom unit, and a tailoring section. The activities being undertaken in the factory were: 1) paper making; 2) Sewing; 3) Flour making; 4) Paper Binding and Register making; 5) phenyl & soap Making and 6) Carpentry 7) Quilt making unit.

It was informed that Patiala is the only jail with a handmade paper unit but unfortunately due to staff shortage, there was no operator in this unit. Inmates who were working in the factory were also given rest time from 12 to 3pm everyday. *Durries* and carpets that were being made in the power loom and handloom were being sold in exhibitions. And the registers that were being made in the paper binding unit were also being supplied to jails across Punjab. Furniture that was being made in the carpentry unit was being supplied to schools and other jails. The tailoring unit was making clothes for convicted inmates for Patiala CJ and other jails.

The team's conversation with the Deputy who was in-charge of factory, he highlighted several issues in regard to the working of the factories inside the prison:

- The Deputy highlighted that the inmates were not getting wages on time. He stated that the wages have been pending since the past 2-3 years, and the inmates have only got wages up until 2017.
- He highlighted that there is no budget available for local purchase. However, he highlighted that the factory units in Patiala CJ were not facing an issue with raw materials.
- Vacancies and the lack of appointment of technical posts attached to the factory was another issue that was hindering the work.

- He highlighted that the income generated from the factory goes to the Government treasury. Coupled with the fact that money doesn't come back either in the form of budget, there is a need, as per him, to innovate and change the factory system.
- He suggested that there should be a corporation set up inside the jail, so as to funnel the money back in the factory, which is generating the income. He also suggested that collaborations with private companies need to be thought about as a matter of policy, where the cheap labour from jail can benefit the company, and also help the inmate due to the regular pay. This can also be looked at from the point of job creation, once the person has been released from the jail. An inmate working for a company inside the jail, can go and work in the company, once he has been released from the jail.

C. About the Prison Administration

1. Staff vacancies

As per the information received from the jail, as on 31st August 2018, the sanctioned staff strength in Patiala Central jail was 250. However, the actual staff strength during this period was of 161 personnel. **The Central jail was short of 42% staff.** Two Deputy Superintendents were appointed against the sanctioned post of four officers. Similarly, six Assistant Superintendents were appointed against the sanctioned post of nine. The highest shortage was observed in the guarding staff unit that had a shortage of 36%. Since this data was of August, 2018, it mentioned that only one medical officer was appointed during this period. However, during the team's visit, there were three medical officers appointed against the sanctioned strength of four.

Table 1.2 PRISON STAFF STRENGTH															
Executive Unit		Guarding Staff		Medical Personnel		Welfare Unit		Educational Personnel		Technical Personnel		Agricultural Personnel		Ministerial Personnel	
S	AS	S	AS	S	AS	S	AS	S	AS	S	AS	S	AS	S	AS
14	9	218	140	8	5	Nil	Nil	Nil	Nil	5	3	Nil	Nil	5	4

2. Experiences of prison administrators

Deputy Superintendent, Mr. Gurcharan Singh Dhaliwal, was in-charge of the jail in the absence of the Superintendent. He highlighted a number of issues being faced by jail authorities in Patiala CJ.

a) Shortage of police escorts:

One of the primary issues being shortage of police escorts for production. The Deputy highlighted that the jail was facing a shortage of police escorts, but the brunt of non-production is faced by the prison administration. There is always a warrant issued against the Jail Superintendent for non-production. However, this should not be the case as Police escorts are Police's responsibility, and if any production is missed due to non-availability of police escorts, the Jail administration should not be held accountable. He further suggested that there should be an operation theater inside the jail so that the jail is not dependent on police medical escorts.

b) Staff Vacancy:

Another issue that he shared was with regard to the existing staff vacancy along with un-revised staff strength since early 90s. In his suggestion, sanctioned strength should be revised according to the population of the jail. He also said that a law officer should be appointed in each jail and one specific designation should be created to handle all the RTI requests that the jail keeps getting. The law officer can deal with all the legal cases faced with the jail. Along with this there should also be a legal aid officer as inmates trust an officer more than other inmates.

c) Old Jail Structure:

The Deputy also shared that since the jail was very old, it needed urgent repair work as some barracks have become unsafe. He said that the new construction of barracks which are double storied is problematic and that barracks should never be double storeyed. In these new barracks toilets are built in such a way that inmates are not visible when they go in. This has caused issues for the jail as two suicides have occurred in these toilets.

d) Threat to Staff:

He further stated that threats from inmates to prison officials is common. Official vehicle is required for jail staff as well but the same is not there.

e) Financial Crunch:

Convict wages are behind two years, as of now 2016 wages have been released and these are being distributed. Money orders are being sent to convicts who have been released. The jail was facing financial issues similar to Ludhiana Central jail. The Deputy suggested that Financial Rules have just Rs.1000 as cash balance, these rules have never been revised. In his opinion, minimum Rs.10 Lacs should be there for Central jails, Rs.5 Lacs for District Jails and Rs.2 Lacs for Sub-jails.

Amongst all the jails in Punjab (Apart from the Women's Jail), this was the first jail that had a female Deputy Superintendent. Ms. Apeksha Sharma joined the prison services in 2016 but was recruited in 2018 as a direct recruitment for the post. Due to a court case the recruitment got delayed. She was under the probation period of two years. This will end in April, 2020. At the time of the team's visit, she was in-charge of the female section of the jail.

a) Gender Disparity in Prison Services:

On being asked about the visible gender imbalance in the prison services, Ms. Sharma said that societal mindset discourages women from joining the prison services. But despite this, she received support from her immediate family. She even shared that "when I was still a fresh recruit, and even now, senior officials, who are junior to me, are reluctant to salute me but at the same time I have earned salutes from many other officials". She said that women have to make double the efforts, have to stay very firm on their orders. She felt that women are more suited for administrative and correctional service and more women should "venture out in untested waters". She said that, "this is the reason why I chose (rather fought for) deployment in a central prison". For women officers, the department gives 24 weeks maternity leave and two years of child care leave until the child is 18 years of age, this is given for two children.

Although there is constant gender discrimination within the services. But her seniors including the Patial jail Superintendent are very encouraging. She was encouraged to represent the jail in front of the Chief Minister of the state to pitch a project for an open jail for women. Even the CM appreciated her work. "Contrary to my assumptions, it's not that difficult to work here as a woman as my seniors are very encouraging," she said.

b) Issues of Inmates:

With regard to issues related to the prisoners, since she was in-charge of the female section, she said that most of the women have issues of no mulaqaat and non-availability of sanitary pads. She said that she tries to solve basic issues of women inmates so that they don't get into petty fights with each other. She highlighted that educational programmes in collaboration with the Rotary club and a gidha training group of women was set up to keep them busy. Soon pickle making will also be started under the Kaushal Vikas Yojna.

She further highlighted that it is difficult to deal with hard core substance abuse cases as they undergo major withdrawal. For them dealing with drug withdrawal was especially difficult at night. Depression was another major issue among inmates, even women inmates. She said that a full time counsellor is required for the jail as prison officials can do only limited counselling as they are not trained and overburdened with other work. She

also shared that children shouldn't be kept inside the prison until absolutely necessary as the prison environment is not conducive for them. They suffer from lack of cognitive development.

3. Prison Oversight Mechanisms

Data from the jail for September, 2017 till August, 2018, shows that Board of visitors, including non-official visitors, were not appointed in Patiala Central jail.

D. Role of Legal Service Institution

1. Access to Legal Aid

Legal aid infrastructure in the Central jail consisted of the a) Jail Legal Aid Clinic; b) Convict PLVs; d) Jail Visiting Lawyers; e) Legal aid beneficiaries.

a) Jail Legal Aid Clinic:

The JLAC was situated just ahead of the jail complex entrance. Whenever the team visited the clinic, on all four days of their visit, the room was always buzzing with activity. Convict PLVs were busy working on either documentation, digitization of data or interaction with inmates. DLSA Patiala was handling the clinic for this jail. In order to increase awareness on legal aid inside the prison, legal aid posters in Punjabi were put up all around the jail.

b) Convict Para Legal Volunteers:

Total five convict PLVs were working in Patiala Central jail, these included two female PLVs and three male convict PLVs. the team interacted with all these PLVs.

*** Female Convict PLVs:**

Both the PLVs were long term convicts, who had been working for a considerable amount of time as PLVs inside the jail (3.5 years and 1 year 2 months respectively). Their primary role was 1) Spreading legal aid awareness inside the jail; 2) Filling legal aid application forms and getting lawyers. For documentation of legal aid, they were maintaining two registers inside the women's section- the CT Register (mentioning name, charges and courts, thumb Print and whether require a lawyer or not) and the UT register (mentioning the same things). Both the PLVs were getting honorariums of Rs. 5000/month, for the work they were doing as PLVs. However, they were not being paid monthly, but were being paid after 2-3 months in a lumpsum amount of three months. The PLVs were not aware of the daily fixed honorarium of Rs. 400 per day for PLVs. They were also not aware of how many

days they were getting money for. They also informed the team that for the first two months of them being appointed as PLVs, they were not paid, and only started receiving the pay after 2 months of working as PLVs.

According to the PLVs, a Patiala legal aid lawyer took around 15-20 days to get appointed. **From Mohali, they informed that legal aid lawyers were not getting appointed at all.** For a High Court lawyer, it would take around one month for them to get appointed. They informed that in their tenure, they had not filled any Supreme Court legal aid lawyer application. They suggested that for the legal aid mechanism to be effective, there was a need to promptly appoint lawyers and monitor the performance of these appointed legal aid lawyers. **As per their observations, the lawyers don't really work, inmates having legal aid lawyers have high conviction rate, and most of these lawyers do not file for bail for these inmates.** They further suggested that for inmates, there needed to be a proper grievance redressal mechanism in place where their concerns regarding legal lawyers can be addressed. **Additionally, they suggested that all legal aid lawyers should come and meet the inmates during the mulaqaat so as to keep them updated with their proceedings.** Regarding day to day functioning of the legal aid clinic in the jail, they shared that there was lack of stationery inside the clinic and they were paying out of their pocket for the legal aid forms to be printed out. However, this kind of incident was not very frequent.

* Male Convict PLVs:

Three convict PLVs were very efficiently manning the busy legal aid clinic in the male section of the prison. Their duties and responsibilities included: 1) Be present during the admission of new inmates to make them aware of legal aid lawyers and get their names registered if they want lawyers/or write if they have private lawyers; 2) Fortnightly visits to barracks and ask if any one wants lawyers; 3) File Jail Appeals and SLPs; 4) fill legal aid forms and provide information about legal aid lawyers to the inmates; 5) Send Statistics to DLSA, as and when they require it; 6) Correspondence between jail and courts; 7) update inmates about the status of their cases. They were also having access to computers and were doing E-Prisons updation.

They were maintaining an Admission Register (for both UTs and CTs) where all the information about the inmate, as well as his lawyers were noted. A register for Jail visiting lawyers was also being maintained. In regard to the honorariums, firstly, all the three had appointment letters, and were being paid Rs. 5000 a month.

According to the PLVs, A Patiala district legal aid lawyer took 20 days to get appointed. However, lawyers were not getting appointed by DLSA, Mohali. For a high court legal aid lawyer, it would take 1-4 months, and for a Supreme Court legal aid lawyer, it would take

around 1-1.5 months. They suggested that delay in appointment of lawyers need to be immediately resolved. They also suggested that young lawyers should not be appointed, as they are not interested. Lawyers having 5-7 years of work experience should be appointed. If lawyers get changed, they said that it takes a lot of time for them in the jail to come to know about the change in lawyer. At times, they are not even informed.

c) Jail Visiting Lawyers:

The jail visiting lawyers were visiting the JLAC for four days in a week. Two JVLs are appointed and each one of them were visiting for two days in a week. The team had a brief conversation with one of the JVL who happened to be there on the day of data collection. Upon enquiring about his salary it was revealed that he wasn't even aware that JVLs are supposed to be paid by the DLSA. According to him they have never been paid for their work as jail visiting lawyers.

d) Legal Aid Beneficiaries:

For the time period between 1st September, 2017 and 31st August, 2018, DLSA Patiala received a total of 488 legal aid applications and a legal aid lawyer was appointed in all these cases. Among the 45 inmates that were interviewed by the team, 19 stated that they have a legal aid lawyer (including two inmates who had already filed an application for a legal aid lawyer). Majority of these inmates were either not aware as to who their lawyer was or if they were aware, they were not in touch with the lawyers. Some inmates even stated that the legal aid lawyer do not respond to their calls and don't even meet them during court production. Some of these inmates had not been taken for court production for months and were clueless about the status of their cases as they had no contact with their respective lawyers. **Inmates were largely highly unsatisfied with the services being provided by the legal aid lawyers.**

2. Under-trial Review Committee

As per the information received from the DLSA, Patiala for the period of September 2017 to August 2018, the UTRC has been established for Central jail Patiala. The committee held four meetings during this time period. Although, the DLSA did not share information on the number of undertrial cases recommended for release from the central jail by the UTRC but it did mention that 108 undertrial inmates were released.

E. About Vulnerable Groups

1. Women prisoners and their children

There were 3 barracks and 2 cells in the women enclosure of the Patiala Central jail. There was also a skill development center. RO was installed and there were water filters as well inside the women's section. The 2 cells inside the section were being specifically used to house the 2 transgender inmates. When asked to the Deputy regarding the segregation, she informed that this was being done for administrative purposes. However, one of the trans women shared that she does not want to be confined in a separate cell and that she had even requested the prison authorities to shift her to a normal female barracks but the request was turned down.

There was 1 PICS machine inside the women's section. There was also a kitchen garden area inside the jail. The women's section was in general very clean. In Barrack number 1, 18 inmates were staying. Elevated marble slabs were being used as beds in this barrack. Barrack number 2 was much bigger in size. This one was more like a dorm. There were two toilets and four bathrooms inside. Lastly, Barrack number 3 was also constructed in a similar manner like barrack no. 2. Food preparation area or *patha* as it was called was there on two sides of the female enclosure. A badminton court was also there inside this section.

There was also a creche area cum school inside the section, which was catering to the children. The School cum creche, built by NGO Sarbat Da Bhala, was very well maintained and had all the facilities required. There was a separate rest area for the children, and a kitchen inside where meals were prepared for the kids during the creche timings. Special diet was being provided to the children by the jail, included, milk with bournvita, rice, dailya and fruits. There was also an attached washroom. The creche was very clean. A teacher was recruited by the jail to teach the children. Women inmates informed that a lady doctor was visiting once or twice a week but if she is not there then the male MO is called. Women also stated that they are getting sanitary pads every month. They were getting a pack that had around six pads.

2. Prisoners with Mental Illness

Data received from the jail for September, 2017-August, 2018, stated that there were five inmates suffering from mental illnesses in the Central jail during this period. The data further mentioned that these inmates were also given psychiatric treatment and psychological counselling.

3. Foreign national prisoners

As on 20th March, 2019, there were 17 FNPs inside the jail. These included both, male and female undertrials and convicted inmates. They were from Nigeria and Nepal. The team interacted with three Nigerian FNPs and one Nepali FNP in Patiala Central jail. Although the Nigerian inmates were confined in a separate section but they were allowed to roam around the jail freely during lock-out.

The Nepali inmate was a convict and has been in jail for 11 years now. He was working in the jail factory. He was not aware about his family or local address of Nepal. In his view this will create issues in his release. He did not even have any contacts to prove that he is a Nepali citizen.

Nigerian inmates were preparing their own food as their diet was different from what was being provided inside the jail. Their family and friends were visiting them for mulaqaat and they were also using PICS services to communicate with their family and friends residing in India. But they could not communicate with families back home as there was no ISD service available. They stated that they were satisfied with the jail staff and had no issues from them. They even stated that the Deputy Superintendent listens to their problems. Two of the FNPs interviewed stated that they do not wish to contact the Nigerian embassy. However, the third one did want to communicate with the embassy.

4. Young Offenders or Juveniles?

Although juveniles are not supposed to be confined in a prison meant for adults but the team came across four alleged juveniles lodged in the jail. They were either 16 or 17 years old. Two of them informed the jail MO about their juvenility but other two did not inform anyone. Although, all of them had Aadhar Cards as identity proof but in two of these Aadhar cards, the age was mentioned as 18+.

They stated that although jail officials are nice but convicts force young offenders to work in the jail langar for long hours. Two juveniles stated that they were working inside the langar and on cleaning duty.

E. Issues of Concern

1. Substance Abuse and Smuggling of Mobile Phones

Inmates gave mixed responses on the use of drugs and mobile phones inside. Some stated that items like Jarda, beedi and OOATS tablets are being sold inside while other stated that after the deployment of the present Superintendent, drug and mobile circulation inside

the jail had been reduced considerably. Inmates also stated that Addnock tablet is being sold for Rs.500 and that inmates get in drugs from court production. Another inmate stated that “one of the Deputy Superintendents beat me up after I was caught smuggling a mobile phone, but I’m otherwise satisfied with the jail staff”.

2. Corruption

Some inmates stated that the jail has VIP barracks. One of the inmates who was interviewed stated that ward 6 (Barrack 1, 3 and 4) are all VIP barracks and that Rs.10,000 per barrack, are charged to stay in these VIP barracks. Another inmate stated that there are VIP barracks inside and that every rich inmate owns a mobile phone.

3. Instances of Custodial Violence and Torture

a) Violence in Police Custody:

Out of the 45 inmates interviewed, 26 inmates alleged to have been subjected to custodial violence including torture while they were in Police custody, by the Punjab Police. Interaction with these inmates revealed brutal stories of severe torture inflicted on them by the police. Common methods of custodial violence and torture included slapping; head being hit repeatedly with a slipper; being hit repeatedly after hands and legs being tied; electric shock on body parts including private parts; stretching, hands being tied with a chair; sole being hit with a baton; naked body hit with a baton; stretching of legs; pulling of nails; and waterboarding. Amongst these 26 inmates, all of them claimed that they were not produced before the court within the constitutional guarantee of 24 hours after an arrest.

b) Violence in Judicial Custody:

One of the Nigerian women FNP alleged that another woman FNP was stripped naked and beaten up by a jail staff. Although, the team had no means to cross check this claim. She also alleged that Indian women inmates (in this jail) are generally racist. On the other hand, the Deputy Superintendent, stated that Nigerian women confined in this jail, fight with other women inmates. Other women inmates also stated that in-fighting is common in the female enclosure and that force is used at times by authorities as a discipline measure. Women who fight are also locked up in the cells. Another woman inmate stated that “once, women inmates ganged up against me as I revealed to a matron that another female meets her boyfriend during mulaqaat”.

Among male inmates too, in-fighting was common. Many inmates stated that they are sent to *chakkis* or isolation wards as a punishment. One of the inmates stated that, once, he was caught with tobacco and as a punishment he was sent to 10 *chakki*. In protest he cut his hand at multiple places.

DISTRICT JAILS



BORSTAL JAIL, LUDHIANA

Borstal Jail, Ludhiana was established in the year 1978 and is one of three jails located in Ludhiana. It is a special jail, which only detains inmates within the age category of 18-21 years, who are also otherwise known as ‘youth offenders’. The Borstal Jail is located in the same premises as the Central Jail and Women’s Jail, Ludhiana. These are situated inside the city and is surrounded by hosiery factories and residential buildings. As per the prison officials, proximity to the hosiery industries not only poses severe health hazards to prisoners and prison officers, but nearness to residential buildings raises security concerns like throwing of contrabands etc. into the premises.

A. About the Prison

PRISON POPULATION ⁸¹								
Name of the Prison	Capacity of Prison		Total Prison Population		Number of Undertrials		Number of Convicts	
	Men	Women	Men	Women	Men	Women	Men	Women
Borstal Jail, Ludhiana	500	Nil	248	Nil	236	Nil	12	Nil

Table 1: Prison Population

1. Prison population and overcrowding

As per the information received from the borstal jail, it is a male only jail and has a sanctioned capacity of 500 inmates (31st August 2018), and a population of 248 inmates. On the date of visit i.e. 16th March, 2019, the borstal jail had a population of 266 inmates. On inspection of the data received for the period of 1st September, 2017 to 31st August, 2018 and the date of visit, the jail has rarely had an inmate population more than half of its capacity. **Therefore, overall the jail hasn’t been overcrowded over the past year, and continues to confine inmates much below its capacity.** The Borstal jail also is primarily an under-trial jail, with the convict population being less than 5% of the total jail population.

2. Prison design and physical layout

The Borstal Jail is spread over an area of seven acres, has its own perimeter wall, which is followed by the outer boundary wall surrounding the campus. The main administrative

⁸¹ These figures do not include the number of detainees inside the prison. Also, the table reflects the population statement for the last population on the last date of August 2018.

building or *deory* was a small area with an X-ray machine and a metal door frame detector. The office of Deputy Superintendent of the jail was inside the jail compound and not at the *deory*. The *mulaqaat* area was also at the entrance/*deory* of the jail.

The main section inside the jail housed the *langar*, the barracks, the dispensary, a school, a video conferencing room and a factory. In particular, the Deputy Superintendent highlighted to the team that there was no sewage outflow system in the jail. This was also observed by the team, wherein as a make-shift arrangement, the jail administration had dug a huge hole in the jail campus, which was getting filled with the daily sewage and drainage. All the officials highlighted the possibility of health problems because of the same and emphasized that the sewage issue is the first priority that needs to be resolved.

In total, there were six barracks inside the jail. All the barracks were of the same size and could hold a capacity of inmates ranging between 60-70. All the barracks had elevated cement beds and had tube lights, fans and exhausts. The barracks had toilets and washrooms, both inside the barracks and outside the barracks. Inside, there were 10 bathrooms and 8 toilets available, while outside, there were 4 bathrooms and 4 toilets available. Hence, in total, each barrack had 14 bathrooms and 12 toilets available to the sanctioned strength of 60-70 inmates. It is important to note here that during inspection, the team found that some of the bathrooms and toilets available outside the barracks were non-functional.

Although cleanliness of barracks appeared to be properly maintained, this could be due to the population being half of sanctioned capacity. Jail authorities had undertaken efforts to put plants and flowers along the main pathway inside the jail. However, it was unanimously highlighted by all the officials that all the three jails, i.e. Central Jail, Women's Jail and Borstal Jail were really old and were in urgent need of renovation.

B. About the Prisoners

1. Procedures upon admission

The admission procedure roughly included the stages of: 1) Medical Examination at prison during admission; 2) Search (frisking and material possession); 3) Providing basic essentials and 4) Making of history ticket.⁸² In the interaction of the team with inmates, it was informed that medical examination was happening during admission to the jail, and was conducted by the Medical Officer in-charge. It was further confirmed by inmates that medical examination was regularly happening, and was conducted the next day after the inmate had entered the jail. Additionally, the Deputy Superintendent informed the team

⁸² The particular order of these stages has not been enquired into during the interviews.

that during the medical examination, the age of the inmate was also being confirmed, wherein if any inmate was found to be below the age of 18 years, then they were being transferred to the juvenile observation home in Ludhiana, based on the order of the court. In the interaction of the team with the inmates, it was specifically informed that during admission, search was being conducted which included strip searches as well based on suspicion. **Some inmates informed that strip search was being conducted wherein anus of the inmate was being checked under the suspicion of drugs being carried inside the jail through body cavities.** It was further informed that strip searches were being conducted in the presence of other inmates and prison officials.

Despite medical examination being conducted at the time of admission inside the jail, it was observed by the team during interaction with inmates that there is a lack of documentation of custodial violence. Out of the 18 inmates interviewed by the team, 12 inmates claimed to have been subjected to custodial violence including some forms of torture by Punjab Police. Amongst these inmates, seven of them claimed that during the medical examination, no question regarding custodial violence was asked by the medical officer, and hence they did not inform the medical officer about the same. However, when two inmates did inform about custodial violence to the medical officer during admission, one said that the doctor noted the same, but no other action was taken. The other inmate was sent to the hospital, as he had broken his arm during custodial violence, but other than that, no other action was taken.

2. Access to basic amenities

a. Food:

The Borstal Jail had an area allotted for *langar*/kitchen. It was informed to the team by the officials that the food was being prepared on the basis of the diet chart provided in the Punjab Jail Manual, 1996.⁸³ Food and tea were being served twice a day: once in the morning, and once in the evening. A total of 22 inmates were working in the *langar*. However, the inmates working in the *langar* were not convicts, but a mix of under-trials and convicts. The Deputy Superintendent informed that the reason why under-trials were also working because the Borstal Jail had less than 5% population of convicts. **Hence, to run the *langar*, it was necessary that under-trials also worked.** While the team enquired about the quality of food, the inmates unanimously concurred that the quality of the food was satisfactory, and they were not facing any issues regarding food. However, some inmates highlighted that there is a need of adding *tadka* to the food to make it edible.

⁸³ Rule 815, Punjab Jail Manual, 1996.

b. Drinking & Bathing Water:

In regard to the drinking water requirement of the Borstal Jail, there was no R/O system installed. The team also did not come across any water filters installed inside barracks. In the interaction of the team with the inmates, it was informed that all the inmates were using tap water for drinking purposes. The water for drinking, bathing and washing was the same inside the jail. It was highlighted that due to this a lot of water-borne diseases were prevalent inside the jail.

Water tanks catered for the bathing water requirement of the inmates. As per the information received from the jail, there are 20 water tanks inside the jail. While no inmate complained about the shortage of bathing water, most of them did highlight to the team that bathing water was causing skin infections inside the jail.

Overall, the inmates were not satisfied with the quality of the drinking or bathing water inside the jail. This observation was confirmed by the officials as well, who highlighted that lack of proper sewage system, as discussed in earlier sections, was also causing infections inside the jail.

3. Contact with the outside world

There were two primary means through which an inmate was maintaining contact with the outside world:

a. *Mulaqaat*:

There was a small *Mulaqaat* area available at the entry of the Borstal Jail. There was an iron mesh fence separating the inmate and the visitor. The *mulaqaat* area for the inmates was very small and no more than 3-4 people could have had *mulaqaat* at a particular time. Also, the visitor would sit at the entry of the jail, which had a constant presence of officials. In the observation of the team, there was no privacy due to the lack of a particular room/area for *mulaqaat*.

Further, as per the information received from the borstal jail, *mulaqaat* was happening for two days a week for a designated period of 20 minutes. In the interaction of the team with the inmates, none of them highlighted any issues regarding *mulaqaat*.

b. Telephone system/Contact through telephones

It was informed by the officials that there was telephone facility available inside the jail. However, the number of such facilities could not be documented by the team during the visit. In the interaction of the team with the inmates, they informed that they were allowed

to call for five minutes in a day, which would cost them Rs. 5. Most of the inmates however informed that as they did not have any money, they would not use the facility. Apart from that, inmates did not highlight any issues in regard to telephone facilities.

4. Medical facilities and healthcare

In regard to the medical infrastructure and facilities inside the jail, there was a dispensary-cum-hospital available. There was also an ambulance available. Two Medical officers and two Pharmacists were working round the clock inside the jail, dividing their work through shifts. The Medical officer informed us that that specialist doctors were visiting the jail on a roster schedule: dental (Tuesdays), general medicine (Thursdays) and skin (Saturdays). However, there was no psychiatrist/psychologist/counsellor visiting the jail. Additionally, no de-addiction or OOATS treatment was available inside the jail.

The medical officers and pharmacists were visiting the jail every day from 8:00 A.M. to 2:00 PM. In the interaction of the team with the medical officers, it was informed that medical facilities were adequately functional, and they were not facing any issues regarding shortage/availability of medicines. However, the medical officer suggested that although there were beds available in the hospital, their condition was not up to mark. Additionally, the lack of proper sewage system was contributing to health issues inside the jail.

They also suggested that there was a need to increase the medical budget of the jail, increase the number of medical escorts, and also the need to provide medical officers and pharmacists with the training to cope with the prison environment. It was also highlighted that the current state of accommodation for medical officers and pharmacists was deplorable, and urgent need of renovation in regard to their quarters was required. In the interaction of the team with inmates, no issues were highlighted in regard to the medical infrastructure or facilities.

5. Education & recreational activities

As the Borstal Jail catered to an inmate population between the ages of 18-21 years, there was a functional school inside the jail. The team got an opportunity to have a conversation with the Principal and a teacher who were teaching in the school. Both of them were associated and employed with the Jail Department. The Principal had been employed in the Borstal jail for the past 29 years. The teacher who was teaching, was a mathematics teacher. As per the principal, the school was almost non-functional since the past five years. The reasons as per them were as follows:

- 5 years ago, there were a good number of convicts inside the jail (70-80). He said that the convicts had interest in studying, which the under-trials don't. As per him, lack of long-term convicts was one of the primary reasons for non-functionality.
- They had 10 posts of subject teachers. However, since the past 5 years, only him, and the mathematics teacher were teaching.

Both the principal and the teacher suggested that more than education, the government needed to focus on skill development for these youth offenders. They said that skill development had a direct link with the kind of job opportunities they get, once they are released. They said that they have seen youth offenders go back to committing crimes post-release as they find it difficult to get jobs outside. As per them, skill development was essential and should be made compulsory.

6. Prison labour & wages

There was a factory-cum-skill development centre available inside the jail. As per the information received from the jail, the working inside the jail was divided between a) factory and b) maintenance. Further, the information states that for the period between September 2017 and August 2018, the factory work involved making *kurta*, *pyjama* and bed sheets, while the maintenance work involved working in *langar*. However, on the date of visit (16th March, 2019), the Deputy Superintendent informed that the Skill Development Centre/Factory was non-operational in the jail. As per him, the reasons behind the same was partially because of non-availability of funds and also because the jail did not have any long-term convicts. As a result, the functionality of the factory suffered.

In regard to the *langar*, it was informed that around 22 inmates were working, who were a mix of under-trials as well as convicts. The team was only able to interact with one convict inside the jail, who was not aware of the wages he was supposed to receive in the lieu of work.

C. About the Prison Administration

1. Staff vacancies

As per the information received from the jail, as on 31st August 2018, the jail had vacancy across all prison staff. In particular, there was acute shortage in guarding staff as well as educational personnel. In regard to the medical personnel, on the day of visit, it was informed that out of the five sanctioned posts, four of them had already been filled (16th March, 2019).

PRISON STAFF															
Executive Unit		Guarding Staff		Medical Personnel		Welfare Unit		Educational Personnel		Technical Personnel		Agricultural Personnel		Ministerial Personnel	
S	AS	S	AS	S	AS	A	AS	S	AS	S	AS	S	AS	S	AS
8	3	82	57	5	2	Nil	Nil	9	2	11	6	Nil	Nil	8	5

Table 2: Prison Staff Strength

2. Experiences of prison administrators

Due to the limited time available for the visit, the team did not get enough opportunity to have a detailed discussion with the jail officials. However, certain issues regarding prison administration were highlighted by the prison officials. They are as follows:

- a) Lack of adequate accommodation for Prison Officials: The Prison Officials, including the medical staff informed the team about the dismal state of their accommodation/quarters. Located in the same premises, it was informed that accommodations provided to Borstal Jail, Women's Jail as well as Central Jail officials were extremely old and were in urgent need of renovation. It was also informed that the accommodations also lacked proper water management and sewage systems. Further, due to the proximity to hosiery industries around the jail and the accommodations, the prison officials and their families were also facing severe health-hazards.
- b) Lack of proper Sewage System inside Prisons: As has been highlighted earlier, the lack of proper sewage system inside the jail was also a concern for prison officials. It was emphasised consistently by the prison officials to the team that the first priority needed to be given to install a proper sewage system inside the jail at the earliest.
- c) Issue of Drug Smuggling: The Deputy Superintendent highlighted that the particular category of inmates, i.e. youth offenders were very notorious for drug smuggling inside the jail, and this was an issue that needed to be addressed at the earliest. The inmates in his opinion, were mostly drug addicts and hence were constantly trying to smuggle substances inside the jail.

3. Prison Oversight Mechanism

As per the information received from the borstal jail, for the period of September 2017 to August 2018, no Board of Visitors have been appointed by the State Government for prison oversight. However, around 37 visits were made by the official visitors inside the jail. However, no training or reporting and follow up had been conducted in regard to the visits by official visitors.

D. Role of Legal Services Institutions

1. Access to legal aid

The legal aid infrastructure inside the jail included the following components: 1) Jail legal Aid Clinic (JLAC); 2) Convict and Community PLVs; 3) Jail Visiting Lawyers; 4) Legal

Aid Awareness Camps; and 5) Monitoring by Secretary, DLSA, Ludhiana. The following observations were made by the team in regard to the functioning of legal aid services:

- a) Jail Legal Aid Clinic (JLAC): The JLAC was operational inside the borstal jail and was established on 23rd October, 2012.⁸⁴ Although the JLAC was working for six days a week, the team did not see a dedicated room for the clinic inside the jail. Overall, for the period of September 2017 to August 2018, a total of 698 legal aid applications were submitted for appointment of legal aid lawyers. However, this information has been provided cumulatively for Central Jail, Women's Jail and Borstal Jail and the number of legal aid applications filled for Borstal Jail exclusively has not been provided. Additionally, as per the information by the DLSA, the inmates were also provided with the name and contact details of the legal aid lawyer appointed with the concerned inmate.
- b) Convict and Community PLVs: Based on the information received from the DLSA, Ludhiana, a total of seven inmates were working inside the legal aid clinics in Central Jail, Women's Jail and Borstal Jail, Ludhiana. However, the breakup of how many convict PLVs were working inside Borstal Jail, was not provided. On the date of visit (16th March, 2019), the team was able to interact with the convict PLV working inside the jail. He informed that he had been working for the past one year, but had some queries regarding the payment of his honorarium. Neither was he aware of the amount per clinic, nor was he receiving remuneration on a periodic basis. He was once given a lumpsum payment, but how many days of work it covered he was unaware of.

The Convict PLV was maintaining 3 types of registers: 1) Legal Aid Form Register (people who have got legal aid lawyers); 2) Form Filled and sent Register (for people who have applied but have not got a lawyer); 3) Admission register (mentioning if a prisoner has requested for appointment of a lawyer or not).

The team also got a chance to interact with the Community PLV, who was deputed to work inside the jail. He informed that he had undergone three days of training after his appointment, and was working inside the borstal jail daily. He was being paid Rs. 400 per day for his services.

- c) Jail Visiting Lawyers: A total of 92 visits were made by jail visiting lawyers during the time period 1st September 2017 to 31st August 2018. However, the number of visits was cumulative of visits to the Central Jail, Women's jail and the Borstal Jail. Hence, the number of visits made by jail visiting lawyers to the

⁸⁴ As per the information received by District Legal Services Authority, Ludhiana.

Borstal Jail has not been provided by the DLSA. Additionally, the team did not get any opportunity to interview the jail visiting lawyers.

- d) Legal aid awareness camps: As per the information received, a total of nine legal aid awareness camps were organised by DLSA, Ludhiana inside the Central Jail, Women's jail and Borstal Jail cumulatively. The number of training camps exclusively held inside the Borstal Jail, has not been provided.
- e) Visits by the Secretary, DLSA: For the period of September 2017 to August 2018, a total of 12 visits were made by the Secretary, DLSA, Ludhiana inside the Borstal Jail.

Out of the 18 inmates interviewed inside the jail, eight of them had legal aid lawyers. The inmates having legal aid lawyers pointed to several issues in regard to the work of the legal aid lawyers, including lack of interaction with the inmates and non-appearance in the court during production. One inmate specifically highlighted that the legal aid lawyer had asked for money for his services. These specific issues were highlighted to the DLSA through a letter dated 22nd April, 2019. However, no response has been received yet for the same.

2. Under-trial Review Committees (UTRCs)

As per the information received from the DLSA for the period of September 2017 to August 2018, the UTRC has been established and had met four times during the last year. Additionally, the same information mentions that none of the undertrials were recommended for release by the UTRC during the same period, thus no releases had occurred in that regard.

3. Camp Courts

The team was not able to enquire about functionality of Camp Courts inside the borstal jail.

E. About Vulnerable Groups

- a) Juveniles: In the interaction of the team with the 18 inmates inside the jail, eight of them claimed that they were juveniles. It was also observed that these alleged juveniles were not housed separately, and were being kept with the other inmates. The same allegations were brought to the notice of the Deputy Superintendent and Secretary, DLSA Ludhiana through letters dated 22nd April, 2019. However, no responses have been received for the same.
- b) Transgender Inmate: During the visit of the team to the Borstal Jail, the team came across a transgender inmate, who identified as a *Kinnar* and a *trans-woman*.

In the interaction with the team, she informed that during admission, and during productions, in the absence of female staff, male guards were conducting searches on her, which she felt was violative (although she also highlighted that the male guards would conduct minimal frisking). She also informed that she was facing severe eve-teasing and harassment from the other inmates inside the jail. She was being confined inside the hospital, where she was allowed to use a separate washroom. However, inside the hospital, she was being kept with TB and HIV patients. Due to constant harassment and eve-teasing, she made repeated requests to the team to get her shifted to Central Jail, Ludhiana as her co-accused were confined there. This was brought to the notice of the Deputy Superintendent of the jail via letter dated 22nd April, 2019. However, no response has been received for the same.

F. Issues of Concern

1. Instances of custodial violence and torture

a) Violence in Police Custody

Out of the 18 inmates interviewed by the team, 12 inmates claimed to have been subjected to custodial violence by Punjab Police immediately after arrest. At times, violence also included methods of torture. Techniques involved third degree interrogation methods like electric shocks to ears and genitals, water-boarding, rolling, stretching, being stripped naked, tied and beaten with sticks and belts. Amongst these 12 inmates, 11 of them claimed that they were not produced before the court within the constitutional guarantee of 24 hours after an arrest. Additionally, one of the inmates informed that he was subjected to custodial violence, after the judge allowed extension of his remand at the police station.

b) Violence in Judicial Custody

In the team's interaction with both the jail officials and inmates, a narrative emerged that the officials were using cells for isolating inmates along with beating as a form of discipline inside the prison premises. Out of the 18 inmates interviewed by the team, five of them claimed that beating was common for disciplining after a fight.

2. Drug and Mobile Phone Smuggling

In the interaction of the team with inmates, it was informed that incidents of drug as well as mobile smuggling were frequently happening inside the jail. This was corroborated by the Deputy Superintendent, who informed that drug smuggling was an issue he was dealing with constantly inside the jail. It was also alleged by some inmates, that in case mobile phones or drugs are caught, the prison officials were charging money from those inmates and letting them go.

DISTRICT JAIL, BARNALA

District Jail, Barnala was established in the year 1998 and spreads over an area of 13 acres of land (approx.). The jail is located at a distance of around 12 kms from the city of Barnala and hence is outside the city premises. There were farmlands around the jail premises which acted as a buffer zone. When asked by the team regarding any kind of security issues being faced by the jail, the Deputy Superintendent, Prisons. claimed that there were no major security issues being faced. He added that having farmland all around added to less incidents of security lapses.

A. About the Prison

PRISON POPULATION ⁸⁵								
Name of the Prison	Capacity of Prison		Total Prison Population		Number of Undertrials		Number of Convicts	
	Men	Women	Men	Women	Men	Women	Men	Women
District Jail, Barnala	450	Nil	372	Nil	269	Nil	96	Nil

Table 1: Prison Population

a) Prison population and overcrowding

As per the information received from the district jail, it has a sanctioned capacity of 450 inmates.⁸⁶ However, the information provided by the jail on the date of visit (17th November, 2018) mentions that the total sanctioned strength of the jail was 235 inmates, which was increased up to 435 with the newly constructed barracks. The information received on the date of visit also mentions having a capacity strength of 15 female prisoners. However, we did not come across any female inmates inside the jail and were also not introduced to any section specifically meant for female prisoners.

On the date of visit, the district jail had a population of 346 inmates in comparison to its sanctioned capacity strength of 450 inmates. **Therefore, the jail did not have an issue of overcrowding.** Amongst the 346 inmates, 246 were under-trials, 93 were convicts serving rigorous imprisonment, five convicts were serving simple imprisonment and two inmates were civil prisoners. The jail also had three gangsters lodged inside the jail. The discrepancy in population data can be attributed to the different dates on which the data was received and the visit was made to the jail.

⁸⁵ These figures do not include the number of detainees inside the prison.

⁸⁶ The sanctioned capacity as on 31st August 2018 (based on the information provided by the jail) is 450.

b) Prison design and physical layout

District Jail, Barnala was located outside the city premises. The jail had a fenced perimeter wall with farmlands around it. The main jail compound had a concrete boundary wall with sentry posts. There was the main administrative building or *deory* which had the prison control room and offices for the jail officials. The *mulaqaat* room was also housed in the main administrative building. For admission security check, door frame metal detectors and an x-ray machine was available. **However, the X-ray machine was non-functional at the time of the visit.** Although we were informed that there was a video conferencing (VC) room inside the jail, the team did not physically inspect the VC room.

The main section inside the jail housed the *langar*, the accommodation for inmates, the dispensary, a legal aid room, places of religious worship, the canteen as well as a playground for inmates. There was a central tower inside the main section. There was also a R/O system installed inside the jail, which as informed by the prison officials, was non-functional. There was also a store and school room inside the jail. However, the team observed that the school was being used as a store room for broken furniture and unused goods. It was also informed to the team by the officials that the room was not being used for the educational purposes that it was designed for.

In total, there were eight barracks inside the district jail and all were functional. Although there was a visible segregation between under-trials and convicts, the team also observed a difference in the type of accommodations. **Along with the barracks, there was also a separate section inside the jail which had small dormitories.** As per the observations of the team, every barrack could hold around 35-40 inmates. However, the dormitories were smaller and could hold around 4-5 inmates. The team observed a visible difference in the living conditions of the inmates inside barracks in comparison to the dormitories. In total, there are 32 toilets and 24 bathing areas divided amongst eight barracks. This indicates that in general, each barrack had four toilets and one bathing area to be shared amongst 35-40 inmates. This indicates that the ratio of one unit of toilet to inmate is 1:7, while the ratio for bathing rooms and inmates is 1: 10; and is in line with the prescribed ratio in the Model Prison Manual, 2016.⁸⁷

However, it needs to be pointed out that the team is unaware of whether the total number of toilets and bathing areas are inclusive of the dormitories which were housed under the label of Barrack-7 inside the jail. While the hygiene inside barracks was not up to the mark, the dormitories housing a smaller number of people were visibly hygienic and cleaner. Additionally, it was informed by the inmates that the sewage system in the jail was not working properly and contributed to the unhygienic conditions inside the jail.

⁸⁷ Section 2.10.1 of MPM 2016, prescribes ratio of one western commode (WC) unit, with day time ratio for usage being one unit for 6 inmates; and Section 2.11.1 prescribes a ratio of one bathing are for 10 inmates.

B. About the Prisoners

1. Procedures upon admission

The admission procedure roughly included the stages of: 1) Medical Examination conducted at Civil Hospital; 2) Search (frisking and material possession); 2) Making of history ticket; 3) and Admission to the prison (New admission Barrack).⁸⁸ In the team's interaction with the inmates, it was informed that the medical examination was being conducted at Civil Hospital, Barnala, after which the inmates were brought to the jail. There was no medical examination being conducted at the time of the admission inside the jail. This information shared by the inmates was corroborated by the pharmacist in-charge of the jail, who had been working with the district jail for the past seven years. He informed that as no Medical Officer has been posted to the jail for the past 10 years, medical examination does not get conducted at the jail.

In the team's interaction with inmates, it was informed that while quilt/bedding from home is not allowed inside the jail, quilt/bedding and blankets being provided by jail during admission were of very bad quality and were not in hygienic condition. Some inmates stated that such bedding/blankets caused skin infections. It was also informed that no basic essentials are being provided during admission. Basic essentials such as toothpaste, brush, soap, hair oil etc. was being provided sporadically. While some inmates claimed that these essentials are provided once in 2-3 months, some claimed that these essentials are not provided at all.

The lack of medical examination during admission to the jail, highlights the problem in the documentation of custodial violence. Out of the 16 inmates interviewed by the team, eight inmates claimed to have been tortured by Punjab police. Amongst these, the inmates claimed that during their medical examination at civil hospital, the doctors did not ask about torture, and neither did they inform the doctor about the same. One inmate who had undergone torture, specifically highlighted that during his medical examination, Punjab Police personnel were present and hence he was afraid to reveal the instances of custodial violence and torture to the medical examiner at Civil Hospital, Barnala.

2. Access to basic amenities

a. Food:

The district jail had an area allotted for *langar*/kitchen at the entry of the jail. This was being operated and maintained by convicts. The food was being prepared on the basis of

⁸⁸ The particular order of these stages has not been enquired into during the interviews.

the diet chart provided in the Punjab Jail Manual, 1996.⁸⁹ There was a dough kneading machine also available inside the jail. Food and tea were being served twice a day: once in the morning, and once in the evening. While the team enquired about the quality of food, the inmates gave a mixed review with some satisfied while other not being satisfied with the quality. However, some inmates informed the team that at times there was a shortage in the quantity of the food for inmates. It was further informed that this was due to misappropriation by senior officials of the jail of food ration coming from the government.

In the team's inspection of the *langar*, it was found that although there were exhausts, there were no fire extinguishers available. While interacting with inmates, it was informed to the team that the jail authorities were aware of the fire hazard, as fire did break out in the jail a few years ago. However, despite the incident, no fire extinguishers were available.

Additionally, during the interaction with the inmates, it was also highlighted that the canteen inside the jail is not adequately stocked and also does not have basic essentials that need to be there for inmates to buy. If and when there were materials available in canteen, the inmates complained that they were of bad quality (such as coal used for cooking was dampened and would never burn).

b. Drinking & Bathing Water:

There was a central RO system installed inside the district-jail which catered to the drinking water requirement of the inmates. However, at the time of the visit, the team was informed that the RO system was not functional. In the interaction of the team with inmates, they were informed that drinking, bathing and washing water was the same inside the jail. Most of the inmates claimed that the drinking water was not consumable and most of the infections caused inside the jail were because of bad water.

Water tanks catered for the bathing water requirement of the inmates. As per the information received, there are 16 water tanks inside the jail. While no inmate complained about the shortage of bathing water, some of them did highlight to the team that bathing water at times were causing skin infections. It was also informed by the inmates that the bore-well inside the jail was also not functional since some time. Overall, the inmates were not satisfied with the quality of the drinking or bathing water inside the jail.

3. Contact with outside world

There were two primary means through which an inmate was maintaining contact with the outside world:

⁸⁹ Rule 815, Punjab Jail Manual, 1996

- *Mulaqaat:*

There was a *Mulaqaat* room available inside the district jail. The room was located inside the *deory*/administrative building of the jail. As per the information received from the district jail, four days⁹⁰ are allotted in a week for under-trial inmates and two days⁹¹ are allotted for convicts. The timings for *Mulaqaat* were from 9:00 AM in the morning to 2:00 PM in the afternoon. This is similar to all the jails across the State of Punjab.

Two particular issues were brought out by the inmates in regard to *mulaqaat*. First, the inmates informed the team that only blood relatives were allowed to meet for *mulaqaat*. In case a person was from outside the State of Punjab, his friends in Punjab were not allowed to meet as a result of this rule. Second, the inmates informed that only items bought from the public canteen outside the jail was allowed to be given to the inmate inside the prison. Any other items, which the inmates might want from home, were not allowed. This was confirmed by the jail officials, who informed the team that only canteen items are allowed to be passed to the inmates inside the jail. The reason for this as per the officials was to stop smuggling of contraband substances inside the jail. As per them, materials given by family (aside from the ones bought from the jail canteen) have a higher probability of containing contraband substances.

- Telephone systems/PICS

The Prison Inmate Calling System (PICS) allows inmates to be in touch with the outside world through phones. Under PICS, each inmate is entitled to five minutes of calling in a day, which cost Rs. 1 per minute. While the team is unaware of how many PICS machine were available inside the jail, in the interaction with the inmates, it was informed that five minutes a day was too less a time for any of the inmates to have a proper conversation. In the subsequent visits to other jails in Punjab, the team were informed that the Punjab Government had increased the call duration of Prison Call System from five minutes to eight minutes in the month of November.⁹²

4. Medical facilities and healthcare

In regard to the medical facilities inside the jail, there was a dispensary room available inside. There was no full time Medical Officer appointed to the jail, and also did not have a hospital. The jail officials informed the team that as there was no

⁹⁰ Monday, Wednesday, Thursday & Saturday.

⁹¹ Tuesday & Friday.

⁹² Additional Director General of Police (Prisons), Memo No. 1/276/2015-3J (4J)/ 1357922/1, dated: 21/11/2018.

de-addiction or OOATS treatment going on inside the District Jail, addicts were sent to Central Jail, Bathinda for treatment.

As per the information received from the jail for the period of last year,⁹³ 1284 inmates were treated in the dispensary of the jail. Amongst these, around 10 inmates were admitted to a hospital. The name of the hospital has not been provided by the jail authorities. Two pharmacists were working full time inside and were working in shifts decided amongst them. The team got an opportunity to interact with the pharmacist, who had been deputed to the jail for the past seven years. His visit times were divided into two halves: First, from 8:30-9:00 AM in the morning to 12:00 PM in the afternoon; and second, from 3:00 PM in the afternoon to 6:00 PM in the evening. He informed us further, that since the past 10 years, no Medical Officer has been deputed to the district jail. At present Medical Mobile Unit has been appointed to the jail by Civil Hospital, which comprises a retired medical officer and his staff of lab technician and administrative staff. They visit the jail during morning 9:00 AM to 12:00 PM. However, the team was not informed about the frequency about the visits. Specialist doctors were also visiting the jail twice a week.⁹⁴ Additionally, health awareness camps were also being conducted inside by specialists like orthopedics, psychologists and psychiatrists. It was further informed by the pharmacist that in case of emergencies, inmates were being sent to Civil Hospital, Barnala.

Several other issues regarding medical facilities and the health care of prison inmates were highlighted by the pharmacist. They are as follows:

- Absence of ambulance and lack of medical escorts. It was highlighted that in case of emergencies, jail authorities were using their own personal vehicles for transportation purposes.
- It was highlighted that there were frequent cases of inmates who would fake medical discomfort and minor illnesses in order to be sent out on referral. The reason for why inmates would do so, was not highlighted.
- Non-deputation of Medical Officer inside the jail since the past 10 years.
- Limited scope of treatment at Civil Hospital, Barnala.

Some inmates, however, in contradiction to the pharmacist, highlighted that **no Medical Officer was actually visiting the prison, and all the treatment was being done by the pharmacists themselves.**

⁹³ The time period for the data refers to 1st September 2017 to 31st August 2018.

⁹⁴ Tuesday's and Friday's.

5. Education & recreational activities

As per the information received from the jail, for the period of last year,⁹⁵ a total of 15 inmates were enrolled in formal education programmes.⁹⁶ However, during the interaction with the inmates, the team did not meet any of the inmates who were enrolled in the education programme. Moreover, some inmates highlighted that they were not interested in educational programmes inside the jail. The team also observed that there was a hall inside the jail, having all the equipment required for a school. However, the jail officials did highlight that the hall was not in use and was mostly being used as store for broken chairs, old quilts etc.

6. Prison labour & wages

There was no factory unit available inside the district jail. Other than that, the work being undertaken by the inmates inside the jail included:

- Working in *langar*/kitchen;
- Operating the PICS machine;
- Working as assistants to the prison administration (as *munshis*);
- Working as assistant in the dispensary.
- Working as *Nigrans/lambardaars*.

In the team's **interaction with the convicts engaged in work inside the jail, it was observed that even though that not all convicts were receiving prison wages in lieu of work done by them. Some were also not aware of the wage structure or process of opening bank accounts.** This issue was brought to the attention of the Superintendent in a letter dated 11th December 2018 directing him to organise awareness camps and disburse the wages owed to the convicts working inside the jail. **No response for the same has been received from the jail.**

C. About the Prison Administration

1. Staff vacancies

As per the information received from the jail, as on 31st August 2018, there was no vacancy in the district jail. All the positions were duly filled. However, on the date of visit (17th November 2018), the team were given information by the officials which indicated a vacancy of nine officials.⁹⁷ This discrepancy is possibly due to the different dates in data collection.

⁹⁵ The time period for the data refers to 1st September 2017 to 31st August 2018.

⁹⁶ Out of the 15 inmates, eight were convicts & 7 were under-trials.

⁹⁷ There was vacancy for 1 position of Head warder and 8 positions for warders.

PRISON STAFF															
Executive Unit		Guarding Staff		Medical Personnel		Welfare Unit		Educational Personnel		Technical Personnel		Agricultural Personnel		Ministerial Personnel	
S	AS	S	AS	S	AS	A	AS	S	AS	S	AS	S	AS	S	AS
1	1	38	38	2	2	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	1	1

Table 2: Prison Staff Strength

2. Experiences of prison administrators

Multiple issues regarding prison administration were highlighted by the prison officials . They are as follows:

- a) Jail Guards to prisoner ratio: The Guarding Staff of the jail consists of the Head Warders and the Warders.⁹⁸ As per the Model Prison Manual, 2016 the optimum ratio of jail guard to prisoner is 1:6.⁹⁹ It further suggests that this ratio should be followed in all shifts of the guards.¹⁰⁰ An optimum guard to prisoner ratio was also highlighted previously by NCRB statistics in 2015, which pegged it at 1:8.¹⁰¹

However, based on the information received from the jail, there was a total strength of 38 guards for a sanctioned inmate strength of 450. This translates into a ratio of 1:12 (guard: inmate), which is much higher than the prescribed optimum level. In the interaction of the team with guard officials, it was highlighted that such a scenario does create a situation of severe stress on the guarding staff, both mentally and physically.

- b) Lack of Accountability for non-Punjab prisons personnel: In the interaction of the team with the Deputy Superintendent, the need for staff belonging entirely to Punjab Prison Services was required. At present, apart from officers of Punjab Prisons, there were other different forces working inside the jail such as Punjab Police,¹⁰² Punjab Ex-Servicemen Corporation (PESCO)¹⁰³ employees and Home Guard.¹⁰⁴ These forces were mostly entrusted with maintaining the security of the jail.

⁹⁸ Rule 4.03, Chapter IV, Model Prison Manual, 2016.

⁹⁹ Rule 4.08, (II), Chapter IV, Model Prison Manual, 2016.

¹⁰⁰ Ibid.

¹⁰¹ Inmate Population and Strength of Jail Officials (NCRB Prison Statistics 2015) (<http://ncrb.gov.in/statpublications/psi/Prison2015/Full/PSI-2015-%2018-11-2016.pdf>) : As per the NCRB data in 2015, for prisons across India, there is a total sanctioned strength 53,009 jail officials to take care of 4,19,623, which amounts to eight inmates per official.

¹⁰² Total Number of Punjab Police employees (as on 17th November 2018): 12 (7-Head Constables, 3 Constables and 2 Lady Constables)

¹⁰³ Total number of PESCO employees (as on 17th November 2018: 15 (1- Supervisor, 14- Others)

¹⁰⁴ Total Number of Home Guard employees (as on 17th November 2018: 25 (2-Platoon Commanders,

It was highlighted that there was a lack of accountability of non-Punjab prison forces in case there was a lapse of duty by their personnel. While the process to hold them accountable had many bureaucratic hurdles, such a system was affecting the normal day to day functioning of the prisons. In his opinion, it was essential that the Punjab prisons be administered only by personnel belonging to Punjab prisons and no other forces be allowed to operate inside prisons.

- c) **Problem of Promotions and Pay Parity with Punjab Police:** In the team's interaction with prison officials, the lack of promotions (for Warders & Head Warders) was highlighted. Some of the warders working in the service for 28-30 years, had not got any promotion. They highlighted that there was a high possibility that they would retire as warders. Some head warders highlighted that it took at least 10-15 years for them to become Head Warders. However, they were unsure about whether they will be promoted to the post of Assistant Superintendent during the remaining tenure of their service.
- d) **Mental Health of Prison Officials (especially Guarding Staff):** In the team's interaction with guarding staff, the intense work timings along with skewed guard to prisoner ratio was highlighted as a cause of bad mental health. Although the officials did not specifically use the words 'mental health', they did suggest that counselling for guarding staff is required.

3. Prison Oversight Mechanism

As per the information received from the district jail, for the period of September 2017 to August 2018, no Board of Visitors have been appointed by the State Government for prison oversight. There was one Non-official Visitor (NOV) appointed for the same period. However, while 89 visits were made by the official visitors, no visit has been made by the NOV. Also, no reporting or follow up has taken place in regard to these visits, which raises a doubt on the effective functioning of the oversight system.

D. Role of Legal Services Institutions

1. Access to legal aid

The jail had an established legal aid infrastructure, which constituted of the following components: 1) Jail Legal Aid Clinic (JLAC); 2) Convict Para-Legal volunteers (PLVs); 3) Jail Visiting Lawyers; 4) Legal Aid Awareness Camps; and 5) Monitoring by Secretary, DLSA, Barnala. In the inspection of the team, the following observations were made about legal aid facilities:

23-Others)

- a) Jail Legal Aid Clinic: The JLAC was operational inside the jail and was established on 1st September 2013.¹⁰⁵ There was a separate room inside the jail for the JLAC, which was confirmed by the team during their visit. As per the information received by the DLSA, the JLAC was working only two days a week (Wednesday & Saturday). Overall, for the period of September 2017 to August 2018, a total of 398 legal aid applications were filled. Further, the DLSA also stated that the inmates were also provided with the name and contact details of the legal aid lawyer appointed with the concerned inmate.
- b) Convict para-legal volunteers (PLVs): Based on the information received from the DLSA, two convict PLVs were working inside the jail. However, as on the date of the visit, the team found only one convict PLV working inside the district jail. Based on the interaction of the team with the PLV, it was informed to them that they were being paid a lumpsum amount of money on yearly basis as honorarium. The convict PLV was aware of the amount of honorarium he was entitled to, and informed the team that the money was being sent directly to his private account outside the jail.

Additionally, as per the information received from the DLSA, a total of 12 reports were also submitted by the convict PLVs to the DLSA for the period of September 2017 to August 2018. However, the team was not aware of the content of these reports being submitted by the convict PLVs.

The Convict PLV was also maintaining the following registers: 1) Case register of inmates; and 2) Legal Aid Lawyer register of inmates. As per the DLSA, these registers were also being routinely reviewed by them.

- c) Jail Visiting Lawyers: As per the information received by the DLSA, three retainer lawyers were visiting the jail twice a week. A total of 12 reports were also submitted by the jail visiting lawyers, which was being reviewed by the DLSA. Jail visiting lawyers perform an important role in the legal aid delivery and are entrusted help in filling up of legal aid application forms, procure required documents and offer legal advice. However, the team was not able to interview any jail visiting lawyers during the visit.
- d) Legal aid awareness camps: As per DLSA, Barnala, 12 legal aid awareness camps were organised (once a month) by them inside the district jail. The team also observed huge legal aid awareness posters being put up inside the jail, which was also a part of spreading legal aid awareness inside.

¹⁰⁵ As per the information received by District Legal Services Authority, Barnala.

- e) Visits by the Secretary, DLSA: For the period of September 2017 to August 2018, a total of 12 visits were made by the Secretary, DLSA. The Secretary was visiting the jail and carrying out monitoring duties once a month. There also existed a complaint box (outside the Langar) which was locked. The jail officials informed that the key was in the possession of the Chairman, DLSA. However, the team was not informed about the frequency for the inspection of these complaint boxes.

Out of the 16 inmates interviewed inside the jail, seven of them had legal aid lawyers. The inmates having legal aid lawyers pointed to several issues in regard to the work of the legal aid lawyers, including not being in touch with the inmates and not appearing in the court during production. One inmate specifically highlighted that he had applied for a High Court legal aid lawyer around 8 months ago, but he was still not aware of the status of the appointment. These specific issues were highlighted to the DLSA through a letter dated 11th December 2018. However, no response has been received from the DLSA for the same.

2. Under-trial Review Committees (UTRCs)

As per the information received from the DLSA for the period of September 2017 to August 2018, the UTRC has been established and has been meeting quarterly as per the mandate. However, the same information mentions that none of the undertrials were recommended for release by the UTRC during the same period. This is despite the fact that the jail had 84¹⁰⁶ inmates who had been detained as undertrials for the period ranging between 1-5 years. The information also mentions that there are five inmates inside the jail, who have been held for than five years. Additionally, amongst the 84 inmates, 22 undertrials have been detained for a period of 3-5 years. Despite the existence of such long detentions for certain under-trials, it remains unclear on the reasons behind the non-recommendation of the names by the UTRC.

3. Camp Courts

The team was not able to enquire about functionality of Camp Courts inside the district jail.

E. About Vulnerable Groups

The District jail didn't have any population of vulnerable categories such as female prisoners, foreign national prisoners, mentally ill prisoners or juveniles.

¹⁰⁶ As per information received from the DLSA for September 2017 to August 2018

F. Issues of Concern

1. Drugs related cases and substance abuse

In the interaction of the team with the inmates inside the jail, it was informed that drug abuse was rampant inside. While substances like *bidi*, *jarda* were common, it was also informed that contrabands such as opioid drugs and *chitta* was also being consumed inside. When enquired about the source of smuggling of drugs inside the jail, it was brought into the notice of the team that both inmates and officials were contributing to it. While primary route of inmates is through smuggling drug inside body cavities, it was also alleged that at times, jail officials also engage in selling drugs inside the jail.

2. Instances of custodial violence and torture

a. Violence in Police Custody

Out of the 16 inmates interviewed by the team, **eight inmates** informed the team about custodial violence committed by Punjab Police immediately after arrest. At times, violence also included methods of torture. Techniques involved third degree interrogation methods like electric shocks to ears and genitals, water-boarding, rolling, stretching, being stripped naked, tied and beaten with sticks and belts. All eight inmates also claimed that they were not produced before the court within the constitutional guarantee of 24 hours after an arrest. Additionally, amongst the nine inmates, two of the inmates informed that they were subjected to custodial violence, after the judge allowed extension of their remand to the police station.

b. Violence in Judicial Custody

In the team's interaction with both the jail officials and inmates, a narrative emerged that the officials were using cells for isolating inmates along with beating as a form of discipline inside the prison premises. Some inmates also informed the team that the general attitude of the higher officials inside the jail was aggressive and threatening. Additionally, it was also informed to the team by inmates that fights amongst inmate was very often. An inmate specifically narrated a personal incident, where the inmate was beaten up by four other inmates when he was put in isolation cell. Even after complaining about the incident to authorities, the inmate informed us that no action was taken against the accused inmates who beat him up.

3. Corruption

In the interaction of the team with inmates, it was alleged that corruption was pretty normal inside the jail. Corruption activities included the existence of VIP dormitories, for which money was being charged. This can be corroborated with the team's observation, where there was visible distinction in number of inmates inside 'dormitories' and 'barracks' as well as living conditions. The inmates informed the team that up to Rs. 50,000 were being charged from inmates who were living inside the dormitories. It was further informed that mobile phones were also being provided by officials inside these dormitories for additional charges.

Additionally, it was informed by inmates working in langar that there was misappropriation of ration being done by senior officials inside the jail. As a result, the langar inmates always fell short of preparing the adequate amount of food to cater to all the inmates and had to use other techniques like adulteration to provide food to all inmates. This information is corroborated by the information provided by the inmates, who overwhelmingly indicated their dissatisfaction with food.

Other forms of corruption included favourable and special treatment to inmates living inside dormitories as well as inmates who helped facilitate the selling of drugs inside the jail.

DISTRICT JAIL, MANSA

District Jail, Mansa was established in the year 2011 and is fairly a new jail in comparison to some other jails in Punjab. It is spread over an area of 21 acres and consists of both male and female sections. The jail is located outside the city premises and has farmlands around it, which act as a buffer zone. The district jail catered to around 12 police stations and three Courts in the district. In regard to the location of the jail, the Superintendent indicated that the jail being in such an isolated location far from the city premises, makes it vulnerable to any organised attack. Additionally, there were incidents of throwing of contrabands inside the jail, because it was easy to reach the jail premises through the farmlands. In his opinion, jails should be situated nearer to the city premises and not in isolated areas outside the city.

A. About the Prison

PRISON POPULATION ¹⁰⁷								
Name of the Prison	Capacity of Prison		Total Prison Population		Number of Undertrials		Number of Convicts	
	Men	Women	Men	Women	Men	Women	Men	Women
District Jail, Mansa	401	32	548	34	318	21	230	13

Table 1: Prison Population

1. Prison population and overcrowding

As per the information received from the district jail, it has a sanctioned capacity of 433 inmates (401 male and 32 female).¹⁰⁸ Based on the information received from the jail, it had a population of 626 inmates as on 26th September 2018. However, on the date of visit i.e. 18th February 2019, the district jail had a population of 492 inmates (454 males and 38 females) in comparison to its sanctioned capacity strength of 433 inmates. **Therefore, overall the jail had an overcrowding rate of 13% on the date of visit.** Amongst the 492 inmates, 273 were under-trials, 213 were convicts serving rigorous imprisonment and six convicts were serving simple imprisonment. The jail had no children residing with their mothers in the women's section of the jail.

¹⁰⁷ These figures do not include the number of detainees inside the prison. Also, the table reflects the population statement for the last population on the last date of August 2018.

¹⁰⁸ The sanctioned capacity as on 31st August 2018 (based on the information provided by the jail) is 433.

2. Prison design and physical layout

District Jail, Mansa was located outside the city premises. The jail had no outer perimeter wall, which as per the Superintendent, was very much required to improve the security conditions of the jail. However, the main jail compound had a concrete boundary wall with sentry posts. It was informed by the officials that out of the seven sentry posts, due to shortage of staff, only five were functional. There was the main administrative building or *deory* which had the prison control room and offices for the jail officials. The *mulaqaat* room was also housed in the main administrative building. For admission security check, door frame metal detectors and an x-ray machine was available. Both the equipment were functional. There was a VC room inside the *deory* as well as inside the jail.

The main section inside the jail housed the accommodation for inmates (both male and female sections), the *langar*, the hospital (including the Out-Patients Department (OPD)), a legal aid room, a canteen and a playground for inmates. There was a small R/O system installed inside the jail, which as per the officials, was not adequate to cater to the water requirements of the jail.

In total, the jail was divided into blocks, which housed the barracks. There were four blocks in the male section and each block consisted of different number of barracks. There was a visible segregation between convicts and under-trials wherein block 1 (having 16 barracks) was entirely composed of convicts. Blocks 2 & 3 were undertrial barracks and had 12 barracks each. There was Block 4 which comprised cells and there were total eight cells in the block. Apart from this, there was the female section, which had eight barracks in total. Although the number of barracks in the female section match the information provided by the district jail, there is a mismatch in the information provided by the jail regarding the male section, wherein it has been stated that there are 39 barracks and two cells. In the observation of the team, the male section had a total of 40 barracks and eight cells inside the jail.

As per the observation of the team, the barracks inside the blocks differed in sizes and amenities. The convict block (Block 1) had 16 barracks wherein each barrack had a sanctioned capacity of not more than 10-12 inmates. There was one bathing room, one toilet, two urinals and two wash basins in each barrack. The under-trial block (Blocks 2) had slightly larger barracks which had a sanctioned capacity of no more than 25-30 inmates. These barracks had two washing areas, two toilets, four wash basins and four urinals inside the barracks. The other under-trial block (Block 3) also had the new-admissions barrack and were the largest in size inside the jail. They could hold around 35-40 inmates and had four washing areas, four toilets, four wash basins and four urinals. In regard to the female barracks, they were the same size as the barracks in Block 1, and

had a capacity of no more than 10-12 inmates. These barracks also had one toilet and one bathing area available. All these barracks had exhausts, tube lights, fans and television sets available inside them.

In total and as per the information received by the jail, there were 50 toilets and 50 washrooms divided amongst 39 barracks inside the male section and eight toilets and washrooms divided amongst 8 barracks in the female section. This indicates that in general, each barrack has around one bathing area and one toilet to be shared amongst inmates ranging from 10 at the lowest and 40 at the highest capacity. However, in the observation of the team inside each barrack, the ratio of one unit of toilet to inmate is 1:10 (in the barracks in convict block), 1:15 in Block 2 and 1:10 (approx..) in Block 3. The same ratios are applicable to bathing areas as well. While the ratio of bathing rooms to inmates is in line with the prescribed ratio in the Model Prison Manual, 2016,¹⁰⁹ the ratio of inmates to toilets is not in line with the prescribed ratio in any of the blocks.

In the observation the team, the hygiene inside barracks was being maintained. However, there was a visible difference in the hygiene conditions inside the barracks in convict blocks and the under-trial blocks, wherein the under-trial blocks were in poor hygienic conditions. Additionally, it was informed by the Superintendent that there was no functional sewage system available inside the jail, which was contributing to the unhygienic conditions inside the jail.

B. About the Prisoners

1. Procedures upon admission

The admission procedure roughly included the stages of: 1) Medical Examination at prison during admission; 2) Search (frisking and material possession); 3) Providing basic essentials 4) Making of history ticket; and 5) Admission to the prison (New admission Barrack).¹¹⁰ In the interaction of the team with inmates, it was informed that medical examination was happening during admission to the jail, and was conducted by the Medical Officer in-charge. It was further confirmed by inmates that medical examination was regularly happening, and was conducted the next day after the inmate had entered the jail, after which he was shifted to the new admission barrack.

In regard to the search procedure, the inmates informed that basic frisking of body and material possessions was taking place at the *deory* itself. Women inmates interviewed by the team also informed that a matron was always in charge of frisking and searching

¹⁰⁹ Section 2.10.1 of MPM 2016, prescribes ratio of one western commode (WC) unit, with day time ratio for usage being one unit for 6 inmates; and Section 2.11.1 prescribes a ratio of one bathing area for 10 inmates.

¹¹⁰ The particular order of these stages has not been enquired into during the interviews.

the material possessions of the women inmates. While some inmates informed that basic essentials like soap, toothpaste, toothbrush and oil was being provided to them during admission, some inmates informed that it is not given at the time of admission, but is provided to them on weekly/monthly basis. Following the admission to the jail, the inmates were kept in the new admission barrack for some days. After this, the inmates were shifted to their allotted barracks.

Despite medical examination being conducted at the time of admission inside the jail, it was observed by the team during interaction with inmates that there is a lack of documentation of custodial violence. Out of the 28 inmates interviewed by the team, 10 inmates claimed to have been subjected to custodial violence including some forms of torture by Punjab Police. Amongst these inmates, nine of them claimed that during the medical examination, no question regarding custodial violence was asked by the medical officer, and hence they did not inform the medical officer about the same. While one inmate did inform about custodial violence to the medical officer during admission, no further actions were taken regarding the same. This observation was confirmed by the medical officer inside the jail, who informed that no information regarding Medico-legal examination is given to the inmates who have suffered from custodial violence at the hands of Police.

2. Access to basic amenities

a. Food:

The district jail had an area allotted for *langar*/kitchen inside the men's section. This was being operated and maintained by convicts. The officials informed that the food was being prepared on the basis of the diet chart provided in the Punjab Jail Manual, 1996.¹¹¹ Food and tea were being served twice a day: once in the morning, and once in the evening. While the team enquired about the quality of food, the inmates unanimously concurred that the quality of the food was satisfactory, and they were not facing any issues regarding food. However, some inmates highlighted that there is a need of adding *tadka* to the food to make it edible. It was also brought to the notice of the team that while vegetables were being served inside the jail during winters, in summers, only *dal* and *roti* was being provided.

It needs to be noted here that there was no *langar* inside the female section, and the food was being provided from the male section itself. No particular problems were highlighted regarding the quantity or quality of food or in regard to the absence of *langar* inside the female section by the female inmates.

Additionally, during the interaction with inmates, it was also highlighted by the inmates

¹¹¹ Rule 815, Punjab Jail Manual, 1996

that the canteen prices are inflated in comparison the prices outside. They informed that 10% inflation in the prices of materials is always there.

b. Drinking & Bathing Water:

As per the officials, there was an R/O system installed in every block and langar. However, as highlighted previously, the Superintendent himself admitted that it was not adequate to deal with the population of the jail. Further, he informed that the quality of drinking water is poor. The shortage of drinking water supply was also highlighted by him, wherein the jail was having to make ad hoc arrangements from nearby farms to cater to the drinking water requirement of the jail. While the Superintendent informed that he has recently installed a bore-well to deal with this issue, the quality of water although improved, has overall remained poor. This information provided by the officials was also corroborated by the inmates in their interaction with the team, where they informed that the quality of drinking water inside the jail was not up to the mark.

Water tanks catered for the bathing water requirement of the inmates. As per the information received from the jail, there are 47 water tanks inside the male section and four water tanks inside the female section of the jail. While no inmate complained about the shortage of bathing water, some of them did highlight to the team that bathing water at times were causing skin infections.

Overall, the inmates were not satisfied with the quality of the drinking or bathing water inside the jail.

3. Contact with outside world

There were two primary means through which an inmate was maintaining contact with the outside world:

a. *Mulaqaat*:

There was a *Mulaqaat* room available inside the district jail. The room was located inside the *deory*/administrative building of the jail. However, in contrast to the *mulaqaat* rooms in other jails of Punjab, this *mulaqaat* room had small cubicles inside the *mulaqaat* area. In total, there were 10 such cubicles. As per the officials, such a set up not only gave more privacy to the inmates while having *mulaqaat*, but it also reduced the noise level, thereby making *mulaqaat* process much effective. However, the officials also informed that although most of the times, one cubicle was occupied by one inmate, at times, one cubicle was also being shared by two inmates as well.

Further, as per the information received from the district jail, *mulaqaat* was happening for six days a week, wherein four days¹¹² are allotted in a week for under-trial inmates and two days¹¹³ are allotted for convicts. The timings for *mulaqaat* were from 10:00AM in the morning to 12:00PM in the afternoon and from 3:00 PM to 5:00 PM in the evening. Out of these allocated days, a particular convict was allowed to meet twice a week and a convict was allowed to meet once a week. There was further demarcations made based on alphabetical order where undertrials having initials from A to L were allowed *mulaqaat* on Mondays and Thursdays ; undertrials have initials M to Z were allowed *mulaqaat* on Wednesdays and Saturdays; convicts having initials from A to L were allowed *mulaqaat* on Tuesdays; and convicts having initials from M to Z were allowed *mulaqaat* on Friday.

In the interaction of the team with inmates, it was informed that a minimum of 30 minutes is given for the *mulaqaat* period. However, some inmates claimed that they could do *mulaqaat* for as much time as they wanted. It was further informed that food materials, clothes and other basic amenities from homes were also being allowed inside the jail during the *mulaqaat* period.

b. Telephone system/PICS

While the team is unaware of how many PICS machine were available inside the male section, the inmates informed that although there was a PICS machine at the *chakkar*, and there were also normal telephones available in each block. Some inmates alleged that while the PICS machine at the *chakkar* cost Rs 1/minute, the phones inside the blocks charged Rs 2/min. The reason behind the discrepancy in the charges was not informed to the team. Some inmates also informed the team that more PICS machines were required. Additionally, the team also observed that there was no PICS machine available inside the female section. In alternative to the PICS machine, a normal telephone was kept inside the female section for calling purposes, wherein the female inmates also informed that they were being charged Rs 2/min. This highlights that the jail was not following the rules regarding the prescribed charges for the phone calls made from the jail, and was in fact, charging extra money per minute.

However, overall, the inmates were satisfied with phone facilities available inside the jail.

4. Medical facilities and healthcare

In regard to the medical facilities inside the jail, the jail had a hospital inside the prison, having a capacity of 10 beds and a minor Operation Theatre (OT) also available. In the observation of the team, there was an OPD as well as a medicine store available. Although

¹¹² Monday, Wednesday, Thursday & Saturday.

¹¹³ Tuesday & Friday.

the information received from the jail confirms that there is a medical officer appointed to the jail, in the interaction of the team with the medical officer, it was informed that a team of two medical officers and four pharmacists were working inside the jail round the clock. They operated in two shifts i.e. morning (9:00AM to 3:00PM) and the evening shift (3:00PM to 9:00AM). The medical officer informed that there was one medical officer present inside the jail at all times.

As per the information received from the jail for the period of last year,¹¹⁴ 30,354 inmates were treated in the OPD of the jail. Amongst these, around 1936 inmates were admitted to the hospital inside the jail and 2245 inmates were referred to specialists outside. The hospitals to which inmates were being referred are Civil Hospital Mansa, CHC Khiala Kalan, Rajindra Hospital, Patiala, Guru Gobind Singh Medical College and Hospital, Faridkot and PGI Chandigarh.

It was informed by the medical officer that no specialist doctors were visiting the jail. In addition to the lack of specialist doctors, several other issues regarding medical facilities and the health care of prison inmates were highlighted by the medical officer. They are as follows:

- a. At the outset, the medical officer highlighted that there was a lack of medical staff residential quarters, which forced the medical officers and pharmacists to adjust in the other staff quarters. In their opinion, this was detrimental to the morale of the medical officers and pharmacists to work efficiently inside the jail.
- b. Although the jail had an ambulance, in the opinion of the medical officials, it was not in proper condition to cater to the needs of the jail.
- c. While the medical officials informed that there was a lack of medical escorts, they further highlighted that when medical escorts were available, they always did not take the inmates to the civil hospital. He alleged that medical escorts take a round and come back to the jail. As a result, treatment of inmates remained pending for as long as 6-8 months.
- d. In specific regard to Drug-testing kits, the medical officer informed that they always had a shortage, because of which drug testing of inmates being admitted to the jail was not always possible.
- e. The medical officer informed that there was shortage of essential basic equipment such as a fridge (for storing insulin as well as blood samples required for testing) inside the jail. Currently, they were using the canteen fridge to store the same.
- f. It was further informed that there was no adequate infrastructure for disposing bio-medical waste inside the jail.
- g. In regard to medicines, the medical officer informed that there was a general shortage of medicine wherein basic medicines like paracetamols and skin infection

¹¹⁴ The time period for the data refers to 1st September 2017 to 31st August 2018.

ointments were not available inside the jail, despite sending constant request to the main supplying medicine warehouse.

- h. Non-availability of Lab-technician inside the jail, was also a major issue as per the Medical officer.
- i. The medical officials confirmed that at times, contraband drugs were being smuggled inside the jail.

The medical officials also highlighted a peculiar difficulty of dealing with inmates inside the jail. They highlighted that the accusations of inmates saying “only one type of medicine is given” was common, because it had a psychological reason behind it. As per him, changing the colour of the same medicine, or changing the name of the medicine (although them having same qualities) was enough to deal with this accusation of the inmates. Additionally, they were also facing issues such as referral of inmates outside the jail. The medical officer informed that if inmate gets referred outside the jail for a particular issue, for the next few days/weeks, all the inmates inside the jail start complaining about the same issue and demand to be referred outside. In the opinion of the medical officials, it was very difficult for them to operate effectively inside a prison.

5. Education & recreational activities

As per the information received from the jail, for the period of last year, no inmate was enrolled in any kind of formal educational programmes.¹¹⁵ In regard to recreational activities inside the jail, it was observed by the team that television sets inside the barracks, and playground suitable for sports like football and volleyball were the only recreational activities being undertaken inside the jail.

In the interaction of the team with both the inmates and Deputy Superintendent inside the jail, it was informed that sports competition were being organised frequently to keep the inmates busy. Religious sermons from gurudwara and temple inside the jail was also being used to engage people inside the jail. Additionally, the Deputy Superintendent informed that they were developing a library inside the jail, and were also encouraging inmates to engage in frequent reading.

6. Prison labour & wages

There was no factory unit available inside the district jail. In the opinion of both the Superintendent and the Deputy Superintendent, the lack of factory inside the jail was a big problem. They emphasised that a factory was required inside the jail, to change the ambience and also instil more discipline. Other than that, the work being undertaken by

¹¹⁵ The time period for the data refers to 1st September 2017 to 31st August 2018.

the inmates inside the jail included:

- Working in *langar*/kitchen;
- Operating the PICS machine;
- Working as assistants to the prison administration (as *munshis*);
- Working as assistant in the hospital.
- Working as *Nigrans/lambardaars*.

In the team's **interaction with the convicts engaged in work inside the jail, it was observed that only some convicts and not all convicts were receiving prison wages in lieu of work done by them. Some were also not aware of the wage structure or process of opening bank accounts.** This issue was brought to the attention of the Superintendent in a letter dated 6th March 2019 directing him to organise awareness camps and disburse the wages owed to the convicts working inside the jail. However, **no response for the same has been received from the jail.**

C. About the Prison Administration

1. Staff vacancies

As per the information received from the jail, as on 31st August 2018, there was no vacancy in the district jail. All the positions were duly filled. As on the date of visit (18th February 2019), the information given to the team continued to show a vacancy of 19 posts.

PRISON STAFF															
Executive Unit		Guarding Staff		Medical Personnel		Welfare Unit		Educational Personnel		Technical Personnel		Agricultural Personnel		Ministerial Personnel	
S	AS	S	AS	S	AS	A	AS	S	AS	S	AS	S	AS	S	AS
6	5	71	67	2	4	Nil	1	Nil	Nil	Nil	Nil	Nil	Nil	17	9

Table 2: Prison Staff Strength

2. Experiences of prison administrators

The team got an opportunity have detailed interactions with the Superintendent, Deputy Superintendent and Head Warders as well as Warders inside the jail. Multiple issues regarding prison administration were highlighted by the prison officials. They are as follows:

- Lack of adequate accommodation for Prison Officials: In the interaction of the team with prison officials, it was informed that apart from the Superintendent of the Jail,

neither the Deputy Superintendent, nor the Medical Officers had any kind official accommodations available for them. Although accommodations were available for other staff members such as Assistant Superintendents, Head Warders & Warders, they were not enough in number, as a result of which, officials were staying in over-crowded and congested accommodations. This was also confirmed by the Medical officer in-charge in his conversation with the team.

- b. Lack of Accountability for non-Punjab prisons personnel: In the interaction of the team with the Superintendent and the Deputy Superintendent, the need for staff belonging entirely to Punjab Prison Services was required. At present, apart from officers Punjab Prisons, there were other different forces working inside the jail such as Punjab Police,¹¹⁶ Punjab Ex-Servicemen Corporation (PESCO)¹¹⁷ employees and Home Guard.¹¹⁸ These forces were mostly entrusted with maintaining the security of the jail.

It was highlighted that there was a lack of accountability of non-Punjab prison forces in case there was a lapse of duty by their personnel. While the process to hold them accountable had many bureaucratic hurdles, such a system was affecting the normal day to day functioning of the prisons. It was further informed by the Superintendent that these non-Punjab prison forces were also a major source of drug smuggling inside the jail, wherein he himself had caught them, following which he had written a report to their in-charge for suspension. In the opinion of both Superintendent and Deputy Superintendent, it was essential that the Punjab prisons be administered only by personnel belonging to Punjab prisons and no other forces be allowed to operate inside prisons.

- c. Problem of Promotions and Pay Parity with Punjab Police: In the team's interaction with prison officials, the lack of promotions (for Warders & Head Warders) was highlighted. Some of the warders working in the service for 28-30 years, had not got any promotion. They highlighted that there was a high possibility that they would retire as warders. Some head warders highlighted that it took at least 10-15 years for them to become Head Warders. However, they were unsure about whether they will be promoted to the post of Assistant Superintendent during the remaining tenure of their service.

Further, it was informed that there was lack of pay parity amongst Punjab Prison Employees and Punjab Police employees, where Deputy Superintendent (Grade II) was not being paid at par with Deputy Superintendent (Grade II) in Punjab Police.

¹¹⁶ Total Number of Punjab Police employees (as on 18th February 2019): 21

¹¹⁷ Total number of PESCO employees (as on 18th February 2019): 40

¹¹⁸ Total Number of Home Guard employees (as on 18th February 2019): 25

- d. **No Rest for the Post of Deputy Superintendent inside Punjab Prisons:** In the team's interaction with Deputy Superintendent, he highlighted that although all jail staff (including Superintendents, Assistant Superintendents, Head Warders & Warders) had a provision of weekly rest, the same was not allowed for Deputy Superintendent. He emphasised that weekly rest was a basic right, and the Deputy Superintendents should also be allowed the same.
- e. **Security Threats and lack of Vehicles for Senior Punjab Prison Officials:** Both the Superintendent and the Deputy Superintendent highlighted that they received constant threats from gangsters as well as inmates inside the jail. They also emphasised that this threat was not just limited to them personally, but also extended to their families. However, in their opinion, there was no adequate security measures provided to them to deal with such threats. They stated that it was very important to be given gunmen from Punjab Police for their personal protection, as well as government vehicles for transportation to improve their security.

3. Prison Oversight Mechanism

As per the information received from the district jail, for the period of September 2017 to August 2018, no Board of Visitors have been appointed by the State Government for prison oversight. However, around 70 visits were made by the official visitors inside the jail. The jail has further informed that it has sent seven action taken reports to the Jail Department which have been forwarded to the State Government. However, as per the information, there has been no template developed for recording of observations, and no non-official visitors have been appointed or have visited the jail.

D. Role of Legal Services Institutions

1. Access to legal aid

In the observation of the team the Jail legal Aid Clinic (JLAC), the Convict & Community Para-Legal Volunteers, Jail Visiting lawyers, organisation of legal aid awareness camps and Monitoring by Secretary DLSA, Mansa formed the legal aid infrastructure inside the jail. The detailed observations about each component is detailed below:

- a. **Jail Legal Aid Clinic (JLAC):** The JLAC was operational inside the jail and was established on 5th October 2012.¹¹⁹ Overall, for the period of September 2017 to August 2018, a total of 184 legal aid applications were filled. As per the information by the DLSA, the inmates were also provided with the name and contact details of the legal aid lawyer appointed with the concerned inmate.

¹¹⁹ As per the information received by District Legal Services Authority, Mansa.

- b. Convict and community para-legal volunteers (PLVs): Based on the information received from the DLSA, two convict PLVs were working inside the jail. This was corroborated by the team during their visit, where they got an opportunity to interact with the two convict PLVs. They informed that the DLSA, Mansa was aware of their appointment, and they were getting paid a salary of Rs. 3,200 per month. They were further informed by the DLSA that they would get a salary of eight working days in month, which would be deposited to their personal bank accounts. However, based on the information received from the DLSA, it has been informed that the Jail legal aid clinic is functional for six days in a week, which translates into a total of 24 working days for the convict PLVs. However, the reason behind them getting paid for only eight days remains unknown. Additionally, the convict PLVs informed that they had not got paid since the past 4-5 months.

The Convict PLVs were also maintaining the following registers: 1) Advocate Register, 2) UT lawyer Register, 3) Appeal D&S court register, 4) Appeal High Court and Supreme Court register and the 5) Daily Admission register. As per the DLSA, these registers were being frequently monitored by them. Further, both the convict PLVs informed the team that there was a requirement of better orientation training for them, so as for them to be able to work effectively.

Additionally, the team got a chance to interact with Community PLVs, who were frequently deputed to work inside the jails. He informed that he had undergone four-day training after his appointment, and was working inside the jail for two days a week. He was being paid Rs. 400 per day for his services.

- c. Jail Legal Aid Clinic (JLAC), Jail Visiting Lawyers and Community PLVs: As per the information received by the DLSA, the JLAC was working six days a week. Further, a total of 58 visits were made by Jail visiting lawyers during the time period 1st September 2017 to 31st August 2018. Further, a total of three reports were also submitted by the lawyers monthly to the DLSA. However, the team was not able to interview any jail visiting lawyers during the visit.
- d. Legal aid awareness camps: As per the information received, 15 legal aid awareness camps were organised by DLSA, Mansa inside the district jail. The team also observed huge legal aid awareness posters being put up inside the jail, which was also a part of spreading legal aid awareness inside the jail.
- e. Visits by the Secretary, DLSA: For the period of September 2017 to August 2018, a total of 20 visits were made by the Secretary, DLSA.

Out of the 28 inmates interviewed inside the jail, nine of them had legal aid lawyers. The inmates having legal aid lawyers pointed to several issues in regard to the work of the legal aid lawyers, including not being in touch with the inmates and not appearing in the court during production. One inmate specifically highlighted that it had taken almost 25 days for a lawyer to get appointed for him. These specific issues were highlighted to the DLSA through a letter dated 6th March 2019. DLSA, Mansa responded to the letter on 25th March, 2019, providing a detailed response of the actions that had been taken by them in regard to actions taken.

2. Under-trial Review Committees (UTRCs)

As per the information received from the DLSA for the period of September 2017 to August 2018, the UTRC has been established had met three times during the last year. In particular, the UTRC did not have a meeting for the quarter of March 2018 to May 2018. Additionally, the same information mentions that none of the undertrials were recommended for release by the UTRC during the same period. This is despite the fact that the jail had 126¹²⁰ inmates who had been detained as undertrials for the period ranging between 1-5 years. Additionally, amongst the 126 inmates, 15 undertrials have been detained for a period of 3-5 years. Despite the existence of such prolonged detention for certain under-trials, it remains unclear on the reasons behind the non-recommendation of the names by the UTRC.

3. Camp Courts

The team was not able to enquire about functionality of Camp Courts inside the district jail.

E. About Vulnerable Groups

- a. Women: There was a women's section available inside District Jail, Mansa. The women's section had eight barracks and had a total capacity of 32 inmates. There were no creche/*balwadi* facilities available inside the jail. Further, no vocational training was being conducted amongst the women inmates inside the jail. Additionally, as has been highlighted above, there was no *langar* inside the female section. Also, no convict PLV (female) was working inside the female section.

In regard to the specific needs of female inmates inside the jail, the female inmates informed that they were being given sanitary pads regularly on a monthly basis inside the jail. Each of them was given a packet, which had around 6-8 pads inside them for

¹²⁰ As per information received from the DLSA for September 2017 to August 2018

use. The inmates also informed that they were being frisked by matrons exclusively.

However, in regard to medical facilities, it was informed that no lady doctor was visiting the jail. Further, there was also no gynaecologist visiting the jail either. For any kind of specific medical needs of female prisoners, it was informed that they were being referred to civil hospital for getting the treatment.

- b. Foreign National Prisoners: As per the information received by the jail, two foreign national prisoners were detained inside district jail, Mansa between 1st September 2017 and 31st August 2018. However, at the time of the visit (18th February 2019), there were no FNPs present inside district jail, Mansa.

F. Issues of Concern

1. Instances of custodial violence and torture

a. Violence in Police Custody

Out of the 28 inmates interviewed by the team, 10 inmates claimed to have been subjected to custodial violence including some forms of torture by Punjab Police immediately after arrest. At times, violence also included methods of torture. Techniques involved third degree interrogation methods like electric shocks to ears and genitals, water-boarding, rolling, stretching, being stripped naked, tied and beaten with sticks and belts. Amongst these 10 inmates, nine of them claimed that they were not produced before the court within the constitutional guarantee of 24 hours after an arrest. Additionally, one of the inmates informed that he was subjected to custodial violence, after the judge allowed extension of their remand to the police station.

b. Violence in Judicial Custody

In the team's interaction with both the jail officials and inmates, a narrative emerged that the officials were using cells for isolating inmates along with beating as a form of discipline inside the prison premises. Some inmates also informed the team that the general attitude of the Superintendent, when he was newly appointed to the jail, was very aggressive and threatening.

Further, it was informed that due to such a strict attitude of the Superintendent, the jail inmates went on a protest for a few days so as to force the Superintendent to change his behaviour. One inmate informed that the Superintendent had brutally beaten up an inmate inside the jail, who has also filed an official complaint against the Superintendent.

2. Corruption

In the interaction of the team with inmates, it was informed that although there was no drug consumption inside the jail, some cells in a particular block were being used as VIP cells. Although none of the inmates claimed that money was being charged to stay in these cells, some inmates stated that through reference and recommendation, you were being allowed to stay in cells alone or with two-three other inmates.

DISTRICT JAIL, MUKTSAR SAHEB

District jail, Muktsar is one of the several new jails in the State of Punjab and is spread over an area of 23 acres. The jail was established in 2016 and is located outside the city premises. Despite operating as a district jail for the past three years, the team was informed by the jail officials **that the sanctioned staff capacity remains to be that of a sub-jail**. This meant that in addition to many other posts, even the posts of Deputy Superintendent, Assistant Superintendents, Medical officer, pharmacists and matrons for female inmates is yet to be sanctioned. The district jail caters to a total 10 police stations¹²¹ in the district. Additionally, the jail officials also informed the team that they were not facing any security issues such as throwing of contraband substances inside the jail.

A. About the Prison

a) Prison population and overcrowding

District jail Muktsar held a population of inmates which is 45% less than its allotted capacity. On the date of visit, the jail had a population of 435 inmates, amongst whom, 297 were undertrials, 161 were convicts serving rigorous imprisonment and 7 convicts serving simple imprisonment.¹²²

PRISON POPULATION ¹²³								
Name of the Prison	Capacity of Prison		Total Prison Population		Number of Undertrials		Number of Convicts	
	Men	Women	Men	Women	Men	Women	Men	Women
District Jail, Muktsar Sahab	775	100	494	0	286	0	208	0

Table 1: Prison Population

¹²¹ The police stations are: 1) City, Mukstar Sahib; 2) Sadar, Sri Muktsar; 3) PS Bariwala; 4) City Malout; 5) Sadar Malout; 6) PS Giddarbha; 7) PS Kabar Wala; 8) PS Kotbhai; 9) PS Lakhewali; and 10) PS Lambi.

¹²² While the data on Table 1 reflects the population statement as on 31st August 2018, the population statement on the date of visit i.e. 19th November 2018, is different due to constant in-flow and out-flow of inmates.

¹²³ As on 31st August, 2018. On the visit dated 19th November 2018, a total of 23 inmates were interviewed in District Jail, Muktsar.

b) Prison design and physical layout

In the interaction of the team with the Superintendent of the jail, it was informed that the new jail was constructed to reflect a model jail. It had a concrete perimeter wall with adequate number of sentry posts on it. The jail consisted of the main administrative building at the entry which housed the room for camp courts, *mulaqaat* and video conferencing. Inside the main gate, the jail was divided into two sections of which, only one section was operational. There was visible segregation between undertrials and convicts with specific blocks and barracks designated for each category of inmate. The other section, which was non-operational, consisted of the hospital, other barracks as well as the factory. It also had a female section,¹²⁴ and a separate barrack for transgenders.¹²⁵ The jail campus also had an accommodation for the Superintendent and a hostel for jail warders. However, the team did not get an opportunity to visit the same.

The district jail had 22 barracks in total, out of which 14 barracks were in use. Additionally, it also had 12 cells which are used by inmates to stay. The barracks resembled a long dormitory with concrete beds. There were windows with iron fencing and metallic mosquito netting in each of the barrack visited. Tube-lights, fans, wall clock and television sets were also available in all the barracks. The barracks were well ventilated and had enough light. The 14 functional barracks were housed within four blocks. Each block had an open area which was being used for gardening and farming. Water filters were present in every barrack and were functional.

Each barrack inside the district jail had a sanctioned capacity of 35-40 inmates. They also had two washrooms inside the barrack for usage after lock in. In general, each barrack had four toilets (including one western commode), four bathing areas, and washbasins. This indicates that the ratio of one unit of toilet to inmate is 1:7, while the ratio for bathing rooms and inmates is 1: 10; and is in line with the prescribed ratio in the Model Prison Manual, 2016.¹²⁶ The toilets and the bathing area were in hygienic condition. The washbasins, toilets and western commodes were well maintained. In the interaction of the team with inmates, it was informed that the primary reason behind the hygienic conditions was weekly visits and surprise checks made by the Superintendent to ensure hygiene being maintained.

¹²⁴ As the female section was non-functional, we did not get a chance to visit the same.

¹²⁵ The team did not have an opportunity to observe the transgender barrack at the time of the visit. The existence of a transgender barrack is based on the information received from District Jail, Muktsar.

¹²⁶ Section 2.10.1 of MPM 2016, prescribes ratio of one western commode (WC) unit, with day time ratio for usage being one unit for 6 inmates; and Section 2.11.1 prescribes a ratio of one bathing are for 10 inmates.

B. About the Prisoners

1. Procedures upon admission

The admission procedure roughly included 5 stages: a) health screening and making of health card; b) Search (frisking and material possession); c) Making of history ticket; d) including information of right to free legal aid; and e) Providing basic materials (bedding, blanket, washing and bathing soap, toothpaste, oil, shampoo etc).¹²⁷ Search of a person and material possession was being conducted multiple times for an inmate (including the admission stage).

One important aspect of medical examination during admission to the jail is documenting custodial violence. The medical officer examining the inmate becomes a primary witness and also helps document torture or custodial violence, which can be further used as evidence. However, of the 23 inmates interviewed, nine informed the team about instances of custodial violence in the custody of Punjab Police, immediately after arrest. Yet, none of them said that they had informed the medical officer about these instances at the time of their medical examination during admission to the jail. This they further explained was because the doctor never asked them about any injuries or ill treatment in police custody, thus they did not feel the need to inform.

In regard to search procedure, the team was informed that thorough frisking of body as well as material possessions takes place. The jail also provided basic essential material during the time of admission to the inmates. These included materials like bedding and a blanket. Soap, brush, toothpaste and oil were also being provided during admission and continued to be provided to the inmates on a monthly basis.

2. Access to basic amenities

a) Food:

The district jail had a huge area allotted for *langar*/kitchen, which was operated and maintained by convicts. The food was prepared on the basis of the diet chart provided in the Punjab Jail Manual, 1996.¹²⁸ Food was served twice a day: once in the morning, and once in the evening. Tea was also being served twice a day. The *langar* was well ventilated, had enough sunlight, had exhausts, fire extinguishers, water filters and was maintained in a hygienic condition.

As the district jail did not house any women, children or sick and infirm inmates, it had no requirement of providing any special diet as per the jail manual.¹²⁹ Additionally, on

¹²⁷ The particular order of these stages has not been enquired into during the interviews.

¹²⁸ Rule 815, Punjab Jail Manual, 1996.

¹²⁹ Rules 819, 820 & 821, Punjab Jail Manual, 1996; In our interaction with the pharmacist, we were

interaction with inmates, the team was informed of the presence of a food inspection committee (comprising inmates - both undertrials and convicts) which was functional. Along with food inspection committee, the Superintendent was also regularly checking the food quality inside the prison. Overall, the inmates were satisfied with the quality of food being provided.

b) **Drinking & Bathing Water:**

There was a central RO system installed inside the district-jail which catered to the drinking water requirement of the inmates. At the time of the visit, the RO system was not functional. The Superintendent informed the team that the time period for the operability of a RO system did not exceed six months. The reason behind the same was the existence of hard ground water which damaged the RO system on a regular basis. Although alternate arrangements were being made when the RO system was not functional, it was highlighted by the Superintendent that alternate water filtering mechanisms needed to be thought of keeping in mind the nature of ground water across the State of Punjab.

Water tanks catered for the bathing water requirement of the inmates. As per the information received, there were 98 water tanks in the male section of the jail. The team also observed equipment being provided to cater to hot water requirements during winter. In the interaction of the team with the inmates, it was unanimously informed quality of drinking and bathing water was satisfactory.

3. Contact with outside world

There were two primary means through which an inmate was maintaining contact with the outside world:

- a) *Mulaqaat*: *Mulaqaat* allowed inmates to interact with family members and friends. The *mulaqaat* room was a hall in the administrative building of the jail. The timings for *Mulaqaat* were between 9:00 am to 2:00 pm for 6 days a week (except Sundays). Four days¹³⁰ were allotted to undertrials and two days¹³¹ were allotted to convicts. Out of these allotted days, a particular under-trial was allowed to meet twice a week while a convict was allowed to meet once a week. As informed by the jail officials, the underlying principle behind this distribution was based on the prison population where the ratio between undertrials and convicts was generally 2:1. While some inmates informed that they were being allowed 15 minutes for *mulaqaat*, other inmates informed the team that it could extend up to 30-45 minutes as well.

informed that people suffering from HIV and HCV (needing special diet requirements) were sent to Central Jail, Faridkot.

¹³⁰ Monday, Wednesday, Thursday & Saturday.

¹³¹ Tuesday & Friday.

The *mulaqaat* room had no glass boxes or telephones to talk but had iron meshes separating the inmate from their visitors. 15-20 inmates were allowed to be inside the *mulaqaat* area at a particular time. However, as it was an open-area, the team observed that there was a high probability of disturbance and violation of privacy. Also, **as informed by the jail officials, the provision of inter-personal meeting, where the inmate can touch or hug their family members, was not available.**

- b) Prison Inmate Calling System (PICS): The Prison Inmate Calling System (PICS) allowed inmates to be in touch with the outside world through phones. Based on the information provided by the jail, under PICS, each inmate was entitled to 5 minutes of calling in a day, which cost Rs. 1 per minute. The inmate was allowed to feed up to three contact numbers in the PICS system. In the interaction of the team with the inmates, it was informed that the PICS in particular had helped facilitate contact of inmates with their families, who are not from the particular district or did not belong to the State of Punjab.

The district jail had three PICS machine which catered to the entire inmate population. While both convicts and undertrials were allowed to use the PICS systems on designated timings for them.¹³² While most of the inmates were primarily satisfied with the PICS system, some of them highlighted that five minutes of calling time in a day was not enough for them to converse with family members as well as lawyers.

4. Medical facilities and healthcare

The jail had a medical infrastructure consisting of a hospital, isolation ward (For inmates with infectious diseases such as TB), a de-addiction centre as well as an OOATS centre. However, none of these facilities were operational due to lack of sanctioned staff required for a district jail. However, as per the information received, a medical officer was visiting the district jail on regular basis.¹³³ Along with medical officer, a psychologist¹³⁴ and a counsellor¹³⁵ were also visiting the jail on designated days in a week. The daily check-up of inmates was being carried out by a pharmacist, who was deployed by the civil hospital, Sri Muktsar Sahib. He was also visiting the jail on a daily basis.

Inmates diagnosed with HIV, HCV and drug addiction were being sent to Central Jail, Faridkot. The jail also had an ambulance for medical emergencies. As per the information

¹³² Undertrials: 8:00 AM to 12 PM; and Convicts: 12 PM to 5 PM

¹³³ The medical officer belongs to Civil Hospital, Sri Muktsar Sahib.

¹³⁴ The Psychologist visits the prison from 9:00AM to 12:00PM on Monday, Wednesday and Friday.

¹³⁵ The Counsellor was visiting two times a week.

received from the jail, it had treated a total of 34,995 inmates in its out-patients department (OPD). Furthermore, a total of 322 patients were also referred for treatment outside the prison with Civil Hospital, Sri Muktsar Sahib and GGS Medical College & Hospital, Faridkot being the two centers.

In the interaction of the team with the pharmacist inside the jail, the primary issue highlighted with medical facilities was its non-functionality due to lack of sanctioned staff as per the requirement of district jail and the corresponding infrastructure. The pharmacist emphasised that there was a need of permanent medical staff, including a permanent Medical Officer inside the jail. Additionally, he informed that obtaining medical escorts was an issue, where at times, the jail officials had to use their own means of transport to respond to a medical emergency inside the prison. This observation becomes evident, wherein as per the information provided, an average of two medical escorts are provided on a daily basis, which as per the jail officials and the pharmacist, was insufficient.

5. Education & recreational activities

As per the information received, there is no vocational training or education programs being conducted inside the district jail. However, there existed a library which was being used as a make-shift classroom.

Additionally, there was a multipurpose hall inside the jail which had a capacity of seating 500 people at the same time. In the interaction of the team with both the inmates and the jail officials, it was informed that the hall was being used by the Superintendent regularly for giving motivational speeches and sermons. This was confirmed by the team further in the interaction with the pharmacist, who informed that the Superintendent was very clear of his objective of motivating inmates towards de-addiction and rehabilitation through motivational means.

Other recreational activities inside the jail included the availability of television sets inside barracks, farming activity around the prison premises along with religious *bhajans* being played on speakers inside the prison. The team also observed a running track, a basketball and volleyball court and gym inside the prison, which were well maintained and being frequently used by the inmates.

6. Prison labour & wages

Although the district jail had infrastructure provided for a factory, it was not operational as already explained above. Other than that, the work being undertaken by inmates inside the jail included:

- Working in *langar*/kitchen;
- Working on the farms inside the prison premises;
- Operating the PICS machine;
- Working as assistants to the prison administration (as *munshis*);
- Working as assistant in the OPD department of the Hospital.
- Working as *Nigrans/lambardaars*.

In the team's interaction with the Superintendent as well as the convicts engaged in work inside the jail, it was observed that the authority as well as the inmates were unaware about the payment of wages. This issue was brought to the attention of the Superintendent in a letter dated 18th December 2018 requesting him to organise awareness camps and disburse the wages owed to the convicts working inside the jail. Response for the same was received from jail on 21st January 2019, which informed that awareness camps had been organised by the jail in collaboration with District Legal Services Authority, Muktsar Saheb, to inform the convicts regarding the rules and regulations for prison labour and wages. The letter further stated that all convicts engaged in prison labour were being provided wages as per the rules.

C. About the Prison Administration

1. Staff vacancies

As per the information received, one position of Head Warder is vacant in the district jail. However, as was informed to us by the Superintendent, the district jail is operating on the sanctioned strength of a sub-jail, which has not been revised to one of a district jail yet. Hence, the adequate number of staff strength required to operate the district jail is not present.

PRISON STAFF															
Executive Unit		Guarding Staff		Medical Personnel		Welfare Unit		Educational Personnel		Technical Personnel		Agricultural Personnel		Ministerial Personnel	
S	AS	S	AS	S	AS	A	AS	S	AS	S	AS	S	AS	S	AS
1	1	24	23	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

Table 2: Prison Staff Strength

2. Experiences of prison administrators

Multiple issues regarding prison administration were highlighted by the prison officials. They are as follows:

- a) Jail official to prisoner ratio: The Guarding Staff of the jail consists of the Head Warders and the Warders.¹³⁶ As per the Model Prison Manual, 2016 the optimum ratio of jail guard to prisoner is 1:6.¹³⁷ It further suggests that this ratio should be followed in all shifts of the guards.¹³⁸ An optimum guard to prisoner ratio was also highlighted previously by NCRB statistics in 2015, which pegged it at 1:8.¹³⁹

However, in Muktsar District jail, the total sanctioned staff strength of guards (Head warders and warders) is 24. In relation to the total population of the prison at the time of the visit, the ratio of official to inmate is 1:20, which is much higher than the prescribed optimum level. It also needs to be kept in mind that the such a situation exists despite the jail being only occupied up to 63% of total capacity. An urgent need to upgrade the sanctioned strength was hence expressly visible.

- b) Severe Stress on Guarding Staff: During the team's interaction with warders and head warders inside the jail, it was informed that the skewed ration between guarding staff and the number of inmates, created a situation which imposed severe stress on them, both mentally and physically. The same issue was brought to the team's notice in their interaction with the pharmacist inside the jail. He emphasised that not only did the inmates require regular counselling, but there was an urgent need of counselling for the jail staff as well.
- c) Lack of Accountability for non-Punjab prisons personnel: Different kind of forces work inside Punjab prisons. These are: the Punjab Police, the Punjab Armed Police (P.A.P), the Indian Reserve Battalions (I.R.B), Punjab Ex-Servicemen Corporation (PESCO) employees and Home Guard. The primary reason for the appointment of such personnel to Punjab prisons is the lack of overall staff across the prisons in the state of Punjab.

The Superintendent highlighted the lack of accountability of non-Punjab prison forces in case there was a lapse of duty by their personnel. While the process to

¹³⁶ Rule 4.03, Chapter IV, Model Prison Manual, 2016.

¹³⁷ Rule 4.08, (II), Chapter IV, Model Prison Manual, 2016.

¹³⁸ Ibid.

¹³⁹ Inmate Population and Strength of Jail Officials (NCRB Prison Statistics 2015) (<http://ncrb.gov.in/statpublications/psi/Prison2015/Full/PSI-2015-%2018-11-2016.pdf>) : As per the NCRB data in 2015, for prisons across India, there is a total sanctioned strength 53,009 jail officials to take care of 4,19,623, which amounts to eight inmates per official.

hold them accountable had many bureaucratic hurdles, such a system was affecting the normal day to day functioning of the prisons. In his opinion, it was essential that the Punjab prisons be administered only by personnel belonging to Punjab prisons and no other forces be allowed to operate inside prisons.

- d) **Lack of Correctional/Rehabilitative Measures:** Chapter XXII of the Model Prison Manual, 2016 emphasises on the need of after-care and rehabilitative measures as an integral part of prison as an institution. However, it was highlighted to us by the Superintendent, that as per the status quo, there is no measures being taken for after care of inmates once they are released from the prison. In his opinion, there was an urgent need to establish an additional department inside prisons, which would solely focus on the after-care and rehabilitative measures required for an inmate.
- e) **Need for Security Measures:** As per the officials, there was an urgent need for security of prison officials outside the jail premises. Due to their regular interaction with inmates such as gangsters, there were frequent threats being made against the prison officials and their families. Permission to carry fire arms outside the jail premises as well as lack of government vehicles for senior prison officials were suggested as reforms that could help in improving the security of the officials and their families.

3. Prison Oversight Mechanism

As per the information received from the district jail, for the period of September 2017 to August 2018, no Board of Visitors had been appointed by the State Government for prison oversight. Although official visitors were visiting the jail, non-official visitors were not yet appointed. In the interaction of the team with the Superintendent, it was informed that the Sessions judge of the district was visiting on a monthly basis, while Deputy Inspector General (DIG) of Prisons was visiting once in two/three months. Based on the information received, a total of 58 visits were made by these official visitors for the above-mentioned period.

However, the information from the jail suggests that no reporting or follow up has taken place in regard to these visits. This raises a doubt on the effective functioning of the oversight system. A possible outcome of such a lapse might be the reason behind the lack of sanctioned strength of a district jail, since its upgradation to a district jail from a sub jail in 2016.

D. Role of Legal Services Institutions

1. Access to legal aid

In the observation of the team during the visit, the jail legal aid infrastructure comprised of a Jail legal aid clinic (JLAC), Convict Para-legal Volunteers (PLVs), Jail visiting lawyers, organising legal aid awareness camps and monitoring by Secretary DLSA, Muktsar Saheb. A detailed observation of the team regarding these components are as under:

- a) Jail Legal Aid Clinic (JLAC): A JLAC existed inside the district jail and was operational on all working days. Overall, for period of September 2017 to August 2018, 116 applications were filed and were provided with legal aid. The information received from the DLSA also mentioned that all of the 116 inmates were provided with the details of their lawyers through posts and e-mails.
- b) Convict para-legal volunteers (PLVs): As on the date of visit, three convict PLVs were working inside the district jail.¹⁴⁰ Based on the interaction with the team, they informed that they were being paid regularly by the DLSA for their services.

Additionally, as per the information received from the DLSA, Muktsar Saheb, A total of 51 reports were also submitted by the convict PLVs to the DLSA for the period of September 2017 to August 2018. However, the team was not aware of the content of these reports being submitted by the convict PLVs. One stand out feature regarding the functioning of PLVs was the maintenance of a register of inmates who refused to avail free legal aid services. The reason behind the same was to ensure accountability of the inmates, who refuse to avail legal aid services, but claim to have asked for free legal aid services during visits by official/ or other visitors.

The other two registers maintained were: 1) Name of people who asked for legal aid services; and 2) Admission Register highlighting people who have received the lawyers along with their contact details.

- c) Jail Visiting Lawyers: As per the information provided by the DLSA, empanelled lawyers of the DLSA were visiting the jail, four days a week on average.¹⁴¹ A total of 12 reports were also submitted by the jail visiting lawyers, which were being reviewed by the DLSA. Jail visiting lawyers perform an important role in the legal aid delivery and are entrusted help in filling up of legal aid application forms,

¹⁴⁰ As per the information received from DLSA, a total of 5 Convict PLVs have been appointed for District Jail, Muktsar.

¹⁴¹ A total of 213 visits were made by the empaneled lawyers for the time period of September 2017 to August 2018.

procure required documents and offer legal advice. However, the team was not able to interview any jail visiting lawyers during the visit.

- d) Legal aid awareness camps: Based on the information received, 28 legal aid awareness camps were held for the period of September 2017 to August 2018. As part of the awareness program, the team also observed existence of huge legal aid awareness posters in each block of the district jail.
- e) Visits by the Secretary, DLSA: For the period of September 2017 to August 2018, total of 17 visits were made by the Secretary DLSA. There also existed a complaint box inside each block of the jail, which was locked. The key was in the possession of the Chairman, DLSA. However, the team was not informed about the frequency for the inspection of these complaint boxes.

Out of the 23 inmates interviewed, eight of them had legal aid lawyers, while 14 of them had private lawyers. Although it appears that the administration of legal aid delivery seems fairly functional, the reason for the lack of inmates availing legal aid services remain unknown.

2. Under-trial Review Committees (UTRCs)

As per the information received from the jail for the period of September 2017 to August 2018, the UTRC has been meeting quarterly as per the mandate. However, the same information mentions that none of the undertrials were recommended to release by the UTRC during the same period. This is despite the fact that the jail had 83¹⁴² inmates who had been detained as undertrials for the period ranging between 1-5 years. Amongst the 83 inmates, 4 undertrials had been detained for a period of 3-5 years. Despite the prolonged detention of certain under-trials, it remains unclear on the reasons behind the non-recommendations of the names under S. 436A by the UTRC.

3. Camp Courts

Camp courts are being conducted once a month inside the prison. In the opinion of the Superintendent, such a procedure was satisfactory as it helped in reducing the overcrowding inside the prison.

E. About Vulnerable Groups

This jail doesn't have female prisoners or foreign national prisoners. Additionally, it was informed by the Superintendent that high security prisoners, prisoners with serious

¹⁴² As per information received by the jail from September 2017 to August 2018

medical issues (including prisoners undergoing de-addiction or OOATs treatment) were being sent to Central Jail, Faridkot.

The team did, however, come across three alleged juveniles inside the prison, who during interactions with the team shared that they were juveniles. The same was brought to the attention of the Secretary, DLSA Mukhtar Saheb, via a letter dated 28th November 2018. Actions have been taken regarding the same, and has been intimated us via a letter dated 20th December 2018.

F. Issues of Concern

1. Drugs related cases and substance abuse

In the interaction of the team with the inmates as well as officials, it was unanimously informed that district jail, Muktsar is the only jail in Punjab which has no drug consumption or substance abuse going inside the prison premises. The primary credit for this was attributed to the Superintendent of the jail by both junior officials and inmates who stated that the discipline imposed by the Superintendent ensures that no drug consumption or substance abuse happens inside the jail. Additionally, the Superintendent also was conducting weekly motivational lectures himself inside the jail premises to help inmates with de-addiction.

2. Instances of custodial violence and torture

a) Violence in Police Custody

Out of the 23 inmates interviewed, **nine inmates** informed the team about custodial violence committed by Punjab Police immediately after arrest. At times, violence also included methods of torture. Techniques involved third degree interrogation methods like electric shocks to ears and genitals, water-boarding, rolling, stretching, being stripped naked, tied and beaten with sticks and belts. All nine inmates also claimed that they were not produced before the court within the constitutional guarantee of 24 hours after an arrest.

b) Violence in Judicial Custody

In the team's interaction with both the jail officials and inmates, a narrative emerged that the officials were using cells for isolating inmates along with beating as a form of discipline inside the prison premises. From the 23 inmates that were interviewed by the team, nine of them stated that beatings would only happen in case inmates would create nuisance inside the jail.

3. Corruption

The team was unanimously informed by the jail officials as well as the inmates that corruption of any kind was not tolerated inside the prison premises. Smuggling of material substances such as mobile phones and special treatment to certain inmates including existence of VIP barracks was claimed by inmates to be non-existent inside the jail.

DISTRICT JAIL, ROOPNAGAR (ROPAR)

District Jail, Ropar was established in the year 2008 and is spread over an area of 18 acres. It consists of both male and female sections. The jail is located in a residential area and is adjacent to the main road. In the interaction of the team with the Deputy Superintendent, it was informed that the jail being located in a residential premise, gave rise to certain security issues such as throwing of contraband substances. In particular, it was highlighted that an abandoned cold storage factory adjacent to the jail premises, was the main point of throwing incidents. The district jail was catering to all police stations and courts in the districts of Mohali and Ropar.

A. About the Prison

PRISON POPULATION ¹⁴³								
Name of the Prison	Capacity of Prison		Total Prison Population		Number of Undertrials		Number of Convicts	
	Men	Women	Men	Women	Men	Women	Men	Women
District Jail, Ropar	338	25	716	44	503	34	212	10

Table 1: Prison Population

1. Prison population and overcrowding

District Jail, Ropar is one of the most overcrowded jails in the State of Punjab. As per the information provided by the district jail, it has been perpetually overcrowded through September 2017 to August 2018. As on the date of visit, the jail had a population of 633 inmates, **which pegs it at an overcrowding rate of 74% over capacity**. Amongst the inmates, there were a total of (male and female included) 419 undertrials and 214 convicts (serving rigorous imprisonment).¹⁴⁴

2. Prison design and physical layout

District Jail, Ropar had no outer perimeter wall, which as per the Deputy Superintendent, was a security concern. The main jail compound however, had a concrete boundary wall

¹⁴³ These figures do not include the number of detenues inside the prison. Also, the table reflects the population statement for the last population on the last date of August 2018.

¹⁴⁴ While the data on Table 1 reflects the population statement as on 31st August 2018, the population statement on the date of visit i.e. 15th & 16th February 2019, is different due to constant in-flow and out-flow of inmates.

with sentry posts. As per the jail officials, out of the six sentry posts, only four of the sentry posts were functional due to shortage of staff. The jail had the main administrative building or *deory* which housed the prison control room, offices for the jail officials and the *mulaqaat* room. For admission security check there was a door frame metal detector available.

Inside the main gate, the jail had two sections, i.e. one for male inmates and one for female inmates. It was informed by the officials that there was segregation being maintained between undertrial inmates, convicts, high Security Prisoners, and inmates who faced special threats inside the jail itself. Inside the male section, there was a complex which housed the PICS machine, a tailoring and ironing unit, legal aid room, out-patients department (OPD), hospital as well as isolation wards. The jail had no factory section available inside. However, there was a ground available inside the jail for sports activities, and religious buildings like Gurudwara and temple were also available.

The Deputy Superintendent informed that the accommodation for jail staff was also available inside the jail campus. There were staff quarters available for Superintendent, Deputy Superintendents, Medical Officer and Assistant Superintendents. Head warders and Warders were living in hostel kind of accommodations wherein, in certain situations, families of the Head Warders and Warders were being allowed based on seniority, due to lack of adequate housing to accommodate families of all lower level staff. In particular, the Deputy Superintendent highlighted that lack of outer boundary wall around the quarters was a cause of security concern.

In total, the jail had 11 barracks in the male section and one barrack in the female section. The team observed visible segregation wherein the convict section had four barracks housed inside it, and the undertrial section had seven barracks. Additionally, there were 20 cells inside the male section and a high security section which was manned by two Punjab Police Officials at all times. The barracks resembled a long dormitory with concrete beds. There were windows with iron fencing and mosquito netting, tube-lights, fans and television sets inside the barracks. The barracks were in really poor condition which was a direct result of overcrowding and lack of space.

Each barrack inside the sections differed in its capacity strength. However, at an average, none of the barracks had a holding capacity of more than 35 inmates. In general, each barrack had four bathing areas, three toilets, and one wash basin attached to them. However, the team also came across a larger barrack, which had 12 toilets, 10 bathing areas, 10 basins and 12 urinals. Due to the high % of overcrowding inside the jail, the basic ratio of inmate to toilets and inmate to washrooms as prescribed by the Model Prison Manual, was not being followed.¹⁴⁵

¹⁴⁵ Section 2.10.1 of MPM 2016, prescribes ratio of one western commode (WC) unit, with day time ratio for usage being one unit for 6 inmates; and Section 2.11.1 prescribes a ratio of one bathing are for 10 inmates.

As observed by the team, the hygiene of the barracks was unlivable and also a direct result of the huge overcrowding inside the jail. The team further observed that in all the barracks, inmates had their beds set up in front of the washrooms as there was an obvious lack of space inside barracks to accommodate all inmates.

B. About the Prisoners

1. Procedures upon admission

The admission procedure roughly included the stages of: 1) Medical Examination at prison during admission; 2) Search (frisking and material possession); 3) Providing basic essentials 4) Making of history ticket; and 5) Admission to the prison (New admission Barrack).¹⁴⁶

In the interaction of the team with inmates, it was informed that medical examination was happening during admission to the jail, and was conducted by the Medical Officer in-charge. It was further confirmed by inmates that medical examination was regularly happening, and was conducted the next day after the inmate had entered the jail, after which he was shifted to the new admission barrack.

In regard to the search procedure, the inmates informed that basic frisking of body and material possessions was taking place at the *deory* itself. Women inmates interviewed by the team also informed that matron was always in charge of frisking and searching the material possessions of the women inmates. However, there were some allegations made by inmates (male inmates) regarding strip search during admission based on the suspicion of officials towards the inmate.

Inmates further informed that basic essentials like soap, toothpaste, toothbrush and oil was being provided to them during admission. Following the admission to the jail, the inmates were kept in the new admission barrack for some days (in male section and not applicable to women inmates). After this, the inmates were shifted to their allotted barracks.

One important aspect of medical examination during admission to the jail is documenting custodial violence. Out of the 28 inmates interviewed by the team, 16 inmates claimed to have been subjected to custodial violence including some forms of torture by Punjab Police. Amongst these inmates, eight of them claimed that during the medical examination, no question regarding custodial violence was asked by the medical officer, and hence they did not inform the medical officer about the same. While four inmates did inform about

¹⁴⁶ The particular order of these stages has not been enquired into during the interviews.

custodial violence to the medical officer during admission, no further actions were taken regarding the same. Some inmates also alleged that in the medical examination conducted at Civil Hospital before admission to the jail, the police did not let them meet the medical officer and also threatened them to not reveal anything to the medical officer.

2. Access to basic amenities

a. Food:

The district jail had an area allotted for *langar*/kitchen inside the men's section. This was being operated and maintained by convicts. The food was being prepared on the basis of the diet chart provided in the Punjab Jail Manual, 1996.¹⁴⁷ Food and tea were being served twice a day: once in the morning, and once in the evening. There was a flour kneading machine, exhausts and fire extinguishers available inside the *langar*. It was informed by the officials and the inmates that around 28-30 convicts were working inside the *langar* and were residing the barracks attached to the *langar*. In the interaction of the team with the inmates, all the inmates interviewed informed that the food being provided was satisfactory and adequate in quantity.

It needs to be noted here that there was no *langar* inside the female section, and the food was being provided from the male section itself. No particular problems were highlighted regarding the quantity or quality of food or in regard to no *langar* inside the female section by the female inmates.

Additionally, it was alleged by some inmates in their interaction with the team that there was some price inflation in regard to the materials being sold in the canteen.

b. Drinking & Bathing Water:

In the interaction of the team with inmates, it was informed that R/O filters were available near the Gurudwara and the Temple inside the prison. The inmates were fulfilling their drinking water requirements through these R/O water filters. Overall, the inmates were satisfied with the drinking water inside the jail and had no complaints regarding the same. However, some inmates alleged that the drinking and bathing water were the same inside the prison. It was also alleged that at times, the R/O filters would also not work.

Water tanks catered for the bathing water requirement of the inmates. As per the information received from the jail, there was a common water tank inside both the male and female sections which catered to the bathing water requirements. While no inmate

¹⁴⁷ Rule 815, Punjab Jail Manual, 1996

complained about the shortage of bathing water, most of the inmates complained about the quality of bathing water. It was alleged that the bathing water inside the jail was causing rashes and skin infections. It was overwhelmingly stated by inmates that they were not satisfied with the bathing water inside the jail.

3. Contact with outside world

There were two primary means through which an inmate was maintaining contact with the outside world:

a. *Mulaqaat*:

There was a *Mulaqaat* room available inside the district jail. The room was located inside the *deory*/administrative building of the jail. The room was similar to most of the jails in the State of Punjab wherein there was an iron mesh fencing and bars separating the inmate from the visitors.

Further, as per the information received from the district jail, *mulaqaat* was happening for six days a week, wherein four days are allotted in a week for under-trial inmates and two days are allotted for convicts. The timings for *mulaqaat* were from 9:00AM in the morning to 2:00PM in the afternoon. Out of these allocated days, a particular convict was allowed to meet twice a week and a convict was allowed to meet once a week. It was further informed by officials that the provision of inter-personal meeting was allowed inside the jail, but only on special occasions like festivals. For this, a formal request was required to be made by the inmate which may/may not be granted by the jail officials.

In the interaction of the team with inmates, it was informed that a minimum of 15-30 minutes is given for the *mulaqaat* period. While most of the inmates claimed to be satisfied with the *mulaqaat* process, some inmates alleged that food materials from their homes were not being allowed to be given during *mulaqaat*. It was also alleged by some inmates that the *mulaqaat* room had too many people inside, and hence there was a lot of noise and chaos. One inmate also informed that the male and the female *mulaqaat* were being conducted in the same area, and that was not desirable.

b. Telephone system/ PICS

It was informed by the jail officials that there were two PICS machine available inside the male section. Inside the female section, there was no PICS machine available, but only a landline set available. The team was able to confirm this through observations. However, due to the extreme overcrowding inside the male section, it was informed that instead of

the allotted time, inmates were only getting around four minutes every day to use PICS machine. The inmates also informed the team that more PICS machines were required inside the jail. The jail officials were aware of this issue, and it was informed that requests have been made by them to install more PICS machine inside the jail.

In specific regard to the landline inside the female section, it was alleged that instead of the mandated Rs. 1 per/minute, Rs. 2.5 per/minute was being charged for the usage of landline. This highlights that the jail was not following the rules regarding the prescribed charges for the phone calls made from the jail, and was in fact, charging extra money per minute.

Overall, the inmates were not satisfied with the phone facilities available inside the jail.

4. Medical facilities and healthcare

The district jail had a robust medical infrastructure housed in a single complex inside the jail. It consisted of 1) Medical record room; 2) dispensary; 3) dental clinic; 4) barrack for DDTC (tuberculosis control) and other patients; 5) day care ward; 6) treatment room for patients transferred from other jails; 7) patients under observation room; 8) isolation room and 9) an ambulance. The jail did not have an OOATS or de-addiction center and the inmates who were drug addicts or had symptoms of drug withdrawals and need of de-addiction were being sent to Central Jail, Patiala.

The jail had a single medical officer and a pharmacist working in shifts. As one of them was required to be present inside the jail at all times, they had divided the shifts between them and on their convenience. Both of them were also available on call, if required. There was no operation theatre available inside the jail.

As per the information received from the jail for the period of last year,¹⁴⁸ 28,800 inmates were treated in the OPD of the jail. Amongst these, around 150 inmates were admitted to the hospital inside the jail and 3500 inmates were referred to specialists outside. The hospitals to which inmates were being referred are Civil Hospital, Ropar, GMCH, Chandigarh, PGI, Chandigarh and other private hospitals. As per the Medical Officer, specialists were also regularly visiting the jail, with a Psychiatrist visiting the jail at least once in two weeks. The team was also able to observe medical vans visiting the jail to carry out medical tests of inmates. This was confirmed by inmates in their interaction with the team, who stated that medical camps were happening inside the jail on a regular basis.

The team got an opportunity to have a detailed interaction with the medical officer working inside the jail. He raised multiple issues in regard to medical and health care

¹⁴⁸ The time period for the data refers to 1st September 2017 to 31st August 2018.

facilities which are as follows:

- a) At the outset, the Medical officer highlighted that one medical officer and one pharmacist were not enough to deal with the population of the district jail. He indicated that the overcrowded population of inmates inside the jail makes it difficult for them to perform their duties effectively. He further highlighted that one ambulance was also not able to cater to the jail population
- b) It was highlighted by the Medical officer that the jail needs to have its own medical staff, rather than have medical staff deputed from Punjab Civil Medical Services (PCMS) (Under the Health Department of State of Punjab). He highlighted that there was a shortage of medical officers in PCMS itself, and hence, deputation of medical officers inside jail was always difficult.
- c) In regard to financial constraints of health services inside the jail, it was highlighted that the budget regarding the same was always short, and hence, the budget was being compensated from the district jail welfare fund. He highlighted that there was a requirement of higher budget regarding medical and health services.
- d) One peculiar problem with District Jail, Ropar was also highlighted. As per the medical officer, District Jail, Ropar had become a hub of medical tourism, wherein he alleged that inmates from various other jails in the State of Punjab were seeking transfers to the district jail to avail the medical facilities that were available inside this jail. According to him, this needed to stop as soon as possible.
- e) Outdated medicines for the treatment of fungal skin infections was also highlighted. As per the Medical Officer, the medicines supplied by government to treat skin infections were outdated. The name of the outdated medicine is *Flucanazole*. There was an urgent requirement of updating the medicines to treat fungal infections inside the jail. The medical officer suggested that medicines such as *Itraconazole* capsules and *Lulider-Luliconazole* cream were required.

In the interaction of the team with the inmates regarding medical facilities inside the jail, several issues were highlighted. At the outset, the inmates highlighted that going to OPD and getting medical treatment was really difficult due huge number of inmates going for the same every day. As a result, even after standing in queue the entire day, the inmates would not be able to get treatment. This issue highlighted was also observed by the team during visit.

Further, in particular regard to the problems of female inmates inside the jail, they highlighted that there was an urgent need to have a female medical officer inside the jail to carry out daily OPD. Although a lady gynaecologist was visiting the jail on weekly basis, some female inmates alleged problematic behaviour (including harassment with sexual innuendos) and favourable treatment towards certain female inmates by the male medical officer working on a daily basis inside the jail.

5. Education & recreational activities

As per the information received from the jail, for the period of last year, no inmate was enrolled in any kind of formal educational programmes.¹⁴⁹ Also, no vocational training was being conducted inside the jail. In regard to recreational activities inside the jail, it was observed by the team that television sets inside the barracks, and playground suitable for sports like football and volleyball were the only recreational activities being undertaken inside the jail. Recreational activities also included visiting religious places like Gurudwara and temple inside the jail as well.

6. Prison labour & wages

There was no factory unit available inside the district jail. Other than that, the work being undertaken by the inmates inside the jail included:

- Working in *langar*/kitchen;
- Operating the PICS machine;
- Working in tailoring and ironing section;
- Working as assistants to the prison administration (as *munshis*);
- Working as assistant in the hospital.
- Working as *Nigrans/lambardaars*.

In the team's **interaction with the convicts engaged in work inside the jail, it was observed that some of the convicts were not aware of the wages that they were entitled to as a part of their rigorous imprisonment. Although some inmates were getting wages, the others were not.** This issue was brought to the attention of the Superintendent in a letter dated 6th March 2019 directing him to organise awareness camps and disburse the wages owed to the convicts working inside the jail. However, **no response for the same has been received from the jail.**

C. About the Prison Administration

1. Staff vacancies

As per the information received from the jail, as on 31st August 2018, there was a major shortage in guarding staff, specifically the strength of Warders inside the jail. As on the date of visit (15th & 16th February 2019), the information given to the team continued to show a vacancy in the post of warders inside the jail. This situation is a cause of concern, specifically keeping in mind the % of overcrowding inside the jail.

¹⁴⁹ The time period for the data refers to 1st September 2017 to 31st August 2018.

PRISON STAFF															
Executive Unit		Guarding Staff		Medical Personnel		Welfare Unit		Educational Personnel		Technical Personnel		Agricultural Personnel		Ministerial Personnel	
S	AS	S	AS	S	AS	A	AS	S	AS	S	AS	S	AS	S	AS
6	5	107	84	2	2	1	1	Nil	Nil	Nil	Nil	Nil	Nil	14	12

Table 2: Prison Staff Strength

2. Experiences of prison administrators

Multiple issues regarding prison administration were highlighted by the prison officials. They are as follows:

- Security Threats and lack of upgraded weapons for Senior Punjab Prison Officials:** In the conversation of the team with the Deputy Superintendent, it was highlighted that senior jail officials received constant threats from gangsters as well as inmates inside the jail. They also emphasised that this threat was not just limited to them personally, but also extended to their families. Additionally, the lack of proper boundary wall around the accommodation of senior prison officials added to the security threat. Further, the Deputy highlighted that the weapons given to senior Punjab Prisons officials needed to be upgraded.
- Lack of adequate budget for Medical Facilities inside the jail:** In the interaction of the team with the Welfare Officer inside the jail, problems regarding lack of adequate medical budget was highlighted. As has been mentioned before, the medical officer also brought out the same issue. The welfare officer in particular highlighted that due to the lack of adequate budget for medical facilities, the jail welfare fund was being used to compensate for the requirement inside the jail. Special medical treatments and tests were also being done through the welfare fund. This situation as per him, needed to change at the earliest.
- Problem of Promotions & Multiplicity of Roles:** In the team's interaction with prison officials, the lack of promotions (for Warders & Head Warders) was highlighted. Some of the warders working in the service for 28-30 years, had not got any promotion. They highlighted that there was a high possibility that they would retire as warders. Some head warders highlighted that it took at least 10-15 years for them to become Head Warders. However, they were unsure about whether they will be promoted to the post of Assistant Superintendent during the remaining tenure of their service.

The Deputy Superintendent also highlighted that the jail officials, including senior jail officials were employed to perform multiple roles, which as per him was an hindrance to the effective functioning of a jail official.

- d) **Problems with Sniffer Dog Squad:** The district jail also had a sniffer dog squad available. In the interaction of the team with the handler, it was informed that the standard operating procedure for sniffer dogs and their handlers was not being properly followed. As per the standard procedure of the working of the dog, it was meant to carry out surprise visits inside the jail and only work for 30 minutes at stretch. Instead the dog was being made to work regularly throughout the day and was tied and staying inside the prison. This, as per the handler, was affecting the dog's sniffing ability. Also, while the trainer was supposed to be exclusively working with the dog and perform no other duty inside the prison, he was being substituted by the jail department for other guarding work. The reason behind the same was the lack of adequate number of guarding staff inside the jail coupled with severe overcrowding of inmates.
- e) **Lack of prioritising Prisons and its Issues:** As per the jail officials, it was highlighted that the reason behind the inadequate functioning of the jails in Punjab were due to the extremely low priority given to the Prison Department by the State Government. This in the opinion of the officials, needed to change drastically so as to make them "correctional institutions" in real sense.

3. Prison Oversight Mechanism

As per the information received from the district jail, for the period of September 2017 to August 2018, no Board of Visitors have been appointed by the State Government for prison oversight. However, around 31 visits were made by the official visitors inside the jail. Additionally, one non-official visitor (NOV) was also appointed in 2016. However, the NOV as per the jail, has made no visits to the jail as of 31st August, 2018.

Although the information received from the jail suggests that there has been a template developed for visitors to record their observations, despite visits made by official visitors, no reporting or follow up has taken place.

D. Role of Legal Services Institutions

1. Access to legal aid

District Jail, Ropar had a functional legal aid infrastructure inside the jail, which consisted of the following components:

- a) Jail Legal Aid Clinic (JLAC): The JLAC was operational inside the jail and was established on 18th April 2013.¹⁵⁰ As per the information received by the DLSA, the JLAC was working all days in a week. Overall, for the period of September 2017 to August 2018, a total of 90 legal aid applications were filed for appointment of legal aid lawyers and all of them were also provided with the name and contact details of the legal aid lawyer appointed with the concerned inmate. The team observed that the JLAC was located in an area which had good visibility and access for the inmates.
- b) Convict and community para-legal volunteers (PLVs): Based on the information received from the DLSA, two convict PLVs were working inside the jail. However, on the date of visit (15th & 16th February 2019), the team was informed that the convict PLVs working in the male section were out on parole. The team got an opportunity to interact with a convict who was working as a PLV temporarily, but without the knowledge of DLSA, Ropar regarding the same. Further, it was informed that no convict PLV was appointed in the female section.

Additionally, the team got a chance to interact with two Community PLVs, who were visiting the district jail as and when the DLSA directed them to visit. The PLVs informed the team that they were given no training apart from a two hour orientation workshop that happened after their recruitment. Although they were being paid an honorarium of Rs. 400 per day (including travel allowance), they were not being paid monthly, but were given lumpsum money after 3-4 months. The PLVs highlighted that they needed more training workshops to be conducted for them and also highlighted that there was a requirement of standard guidelines of Duties for PLVs for them to efficiently perform their functions. They also highlighted that there was a need of payment of travel allowance apart from the honorarium being paid to them.

- c) Jail Visiting Lawyers: The jail visiting lawyers were visiting the jail four times in a week. However, the PLV (temporary) informed the team that jail visiting lawyers were visiting only twice a week. Jail visiting lawyers perform an important role in the legal aid delivery and are entrusted to help in filling up of legal aid application forms, procure required documents and offer legal advice. However, the team was not able to interview any jail visiting lawyers during the visit.
- d) Legal aid awareness camps: As per the information received, two legal aid awareness camps were being conducted every month by DLSA, Ropar inside the district jail.

¹⁵⁰ As per the information received by District Legal Services Authority, Ropar.

The team also observed huge legal aid awareness posters being put up inside the jail, which was also a part of spreading legal aid awareness inside the jail.

- e) Visits by the Secretary, DLSA: For the period of September 2017 to August 2018, a total of 24 visits (twice a month) were made by the Secretary, DLSA. While the DLSA was monitoring the work registers maintained in the JLAC, no work reports were being submitted to the DLSA by either the jail visiting lawyers or the convict PLVs working inside the jail.

Out of the 28 inmates interviewed inside the jail, just three of them had legal aid lawyers and one of them was not aware of whether they had got a legal aid lawyer yet or not. The inmates having legal aid lawyers pointed to several issues in regard to the work of the legal aid lawyers, including not properly talking to inmates, legal aid lawyers not being trustworthy and jail visiting lawyers not helping the inmates out. These specific issues were highlighted to the DLSA through a letter dated 6th March 2019. DLSA, Ropar responded to the letter on 18th April, 2019, providing a detailed response of the actions that had been taken by them in regard to actions taken.

2. Under-trial Review Committees (UTRCs)

As per the information received from the DLSA for the period of September 2017 to August 2018, the UTRC has been established had met four times during the last year. Additionally, the same information mentions that none of the undertrials were recommended to release by the UTRC during the same period. However, as the District Jail, Ropar has not provided information regarding period of detention of its inmates, it is difficult to analyse the effective functioning of the UTRC, or why the UTRC has not recommended undertrial inmates for release.

3. Camp Courts

In the interaction of the team with the Deputy Superintendent, it was informed that camp courts were being conducted by DLSA, Ropar once a month. In his opinion, such a procedure was satisfactory as it helped in reducing the overcrowding inside the prison.

E. About Vulnerable Groups

- a. Women: There was a women's section available inside District Jail, Ropar. The women's section had one barrack and had a total capacity of 25 inmates. The barrack in the observation of the team was well ventilated and hygienic. There were four toilets and two bathing areas available inside the barrack. Apart from the barrack, there were also six cells available inside the women's section. One differently-abled

woman inmate was staying in the cell, due to her special requirements of having immediate access to toilets and washrooms. Although there was no vocational training being conducted amongst the women inmates inside the jail, in their interaction with the team, they expressed desire to undergo vocational training. Additionally, as has been highlighted above, there was no *langar* inside the female section. Also, no convict PLV (female) was working inside the female section.

In regard to the specific needs of female inmates inside the jail, the female inmates informed that they were being given sanitary pads regularly on a monthly basis inside the jail. However, this was not being provided by the jail administration, and was instead being provided by a NGO working inside the jail. Each of them was given a packet, which had around 6-8 pads inside for use. The inmates also informed that they were being frisked by matrons exclusively. The women inmates also informed that a lady gynaecologist was frequently visiting the jail.

However, in regard to medical facilities it has been highlighted above, there was a need of lady medical officer to be working full-time inside the jail. This was in light of allegations of harassment and problematic behaviour of male medical officer (including alleged sexual harassment and preferential treatment).

- b. Foreign National Prisoners: As per the information received by the jail, a total of 29 foreign national prisoners were detained inside district jail, Ropar between 1st September 2017 and 31st August 2018. However, at the time of the visit (15th & 16th February 2019), there were no FNPs present inside district jail, Ropar.
- c. Juveniles: During the team's visit to district jail, it was informed by the officials members of the District Child Welfare Committee that they were regularly visiting to identify cases of juveniles inside the jail. However, the team came across two inmates, who claimed to be juveniles and were being detained in the same barracks as the adult inmates. The same observation was brought to the notice of DLSA, Ropar through a letter dated 6th March 2019. DLSA, Ropar responded to the letter on 18th April, 2019, providing a detailed responses of the actions that had been taken by them in regard to actions taken.

F. Issues of Concern

1. Substance Abuse and Smuggling of Mobile Phones

In the interaction of the team with the inmates inside the jail, it was informed that some kind of drug consumption was going on inside the jail. In specific, the inmates said that

Addnok tablets (used for treatment of opioid dependence) was being stolen from the hospital/smuggled inside the jail and was sold inside the jail. When enquired about the source of smuggling of drugs inside the jail, it was brought into the notice of the team that both inmates and officials were contributing to it. While primary route of inmates is through smuggling drug inside body cavities, it was also informed that at times, jail officials also engage in selling drugs inside the jail.

Additionally, the Deputy Superintendent showed a miniature mobile set to the team, and informed that these mobile phones were being smuggled inside the jail and were recovered from the body cavities of inmates who have come back after production. However, in the interaction of the team with the inmates, it was also informed that mobile phones were there inside the jail, and at times was being sold by jail officials as well.

2. Instances of custodial violence and torture

a. Violence in Police Custody

Out of the 28 inmates interviewed by the team, 16 inmates claimed to have been subjected to custodial violence including some forms of torture by Punjab Police immediately after arrest. Techniques involved third degree interrogation methods like electric shocks to ears and genitals, water-boarding, rolling, stretching, being stripped naked, tied and beaten with sticks and belts. Amongst these 16 inmates, all of them claimed that they were not produced before the court within the constitutional guarantee of 24 hours after an arrest. Additionally, four of the inmates informed that they were subjected to custodial violence, even before and after the judge allowed extension of their remand to the police station.

b. Violence in Judicial Custody

In the team's interaction with both the jail officials and inmates, a narrative emerged that the officials were using cells for isolating inmates along with beating as a form of discipline inside the prison premises. Out of the 28 inmates interviewed, six of them claimed that beating was used to discipline after fights broke out amongst inmates. Sometimes, after beating an inmate, the officials would send him to the cell to isolate him from other inmates.

3. Corruption

During the team's visit to the jail, the jail officials in particular informed that one of the barracks (Barrack-1) was non-functional temporarily due to construction work undergoing inside the barrack. However, after interacting with the inmates, it was informed that a member of Uttar Pradesh state legislature was confined inside Barrack-1, thus it was off-limits for other prisoners. This was further corroborated by the observations of the team,

wherein they identified two Punjab police officials also being posted outside Barrack-1, despite the barrack being shut down. Further information was received that after the MLA was shifted to the jail, all the inmates were shifted out from the barrack and re-allocated to other barracks. Allegedly, two helpers were also staying with the MLA inside the barrack and facilities such as geyser, television and food being brought from restaurants was also being provided to him. Allegations were also made regarding the wife of the MLA also being allowed to meet him frequently inside the barrack. It needs to be pointed out, that a barrack having capacity of 35-40 inmates was being provided to three people, despite the jail having a severe overcrowding rate.

Additionally, it was also brought to the notice of the team that certain cells (out of the 40 cells available inside the jail), were also being sold as VIP barracks to those who can afford it. Allegedly, these cells, which typically had a capacity of 2-3 inmates, were being sold to inmates so as to avoid the barracks which were severely overcrowded.

DISTRICT JAIL, SANGRUR

District Jail, Sangrur, was established in the year 1954. Located outside the city in an open field, the jail is spread over an area of 32 acres. Open fields surround the outer perimeter wall of the jail from three sides and according to prison officials, this area acts as a buffer zone and hence there were no security issues such as throwing inside the jail, however, that does not rule out the threat for organized attacks on the jail.

A. Prison population and Infrastructure

Table 1.1 PRISON POPULATION ¹⁵¹								
Name of the Prison	Capacity of Prison		Total Prison Population		Number of Undertrials		Number of Convicts	
	Men	Women	Men	Women	Men	Women	Men	Women
District Jail, Sangrur	584	66	835	97	470	71	364	26

1. Prison Population and Overcrowding

Sangrur District prison houses both, male and female inmates (refer to table 1.1). According to the data received from the district prison, for the time period between 1st September, 2017 and 31st August, 2018, the jail had a population of 932 against the sanctioned capacity of 650 inmates. On the day of the team's visit, on 20th February, 2019 there were 737 inmates housed inside the jail. On both these dates, the population of the jail was higher than the sanctioned capacity making it an overcrowded prison. **The jail had an occupancy rate of 126% on the day of the team's visit.**

2. Prison design and physical layout

Surrounded with fields on three sides, the jail had an outer perimeter wall ahead of which lay the inner boundary wall. These boundary walls had eight guarding towers and all had guards deputed on them. The jail was built in a circular structure resembling a Panopticon (however without a central guard tower). Although it was an old structure but the jail was built in a well-organized manner, quite opposite to other prisoners that were recently constructed in the state. The central area was accessible to all inmates and it was built in a way that it appeared equidistant from most of the barracks. As a good practice, Pre-Mature Release rules were displayed on a board in this area for prisoner's reference.

¹⁵¹ As on August 2018

Data from the jail stated that there are a total of 14 male barracks, three female barracks and 62 high security cells. Five personnel from the Indian Reserve Battalion were deputed to man these high security cells. Overcrowding in the jail was visible at the outset. It also needs to be mentioned that the team did not see any visible segregation between undertrials and convicts inside the jail. Although there were certain barracks which had either UTs or convicts, but most of the barracks were mixed.

The male section was divided into wards which had barracks and cells inside, these two were of different sizes with cells meant for three to four inmates. Barracks had a capacity ranging from eight to ten inmates, 28-30 inmates, 40-45 inmates and the largest one having a capacity to house around 50-60 inmates. Barracks had toilets and bathing areas inside, along with common toilets and bathing areas outside the barracks but in the ward itself. Other than that, there were exhausts, TVs, fans and tube-lights available inside the barracks.

The hygiene of the barracks was unliveable and possibly also a direct result of overcrowding. Most of the toilet and washing areas were clogged and unusable. The Deputy Superintendent, specifically informed us that even after calling people from outside to unclog the toilets, within three days, the toilets get clogged again. The Superintendent specially highlighted that the sewage system inside the jail was supposed to be catering to a capacity of not more than 250-300 people. However, there were more than 700 people inside the jail.

There was a hospital, factory, kitchen (langar), legal aid room, VC room, canteen and mulaqaat room available inside the jail. A X ray machine and a door frame metal detector was also available at the entrance to check contraband articles from being sneaked in. There was a Gurdwara and a temple present inside the jail. There were eight jammers installed all over the prison, with one jammer installed at the central area, making it one of the few jails in the State with mobile phone jammers. There were PICS machines also present inside the jail. A VC room was also there inside with VC facilities available.

B. About the Prisoners

1. Procedures upon admission

The process of admission inside the jail is referred as *Mulaiza*. Mulaiza includes first medical examination of inmates, conducted by the jail Medical Officer (MO). During the interaction with inmates it was informed that first medical examination was being done usually within the first 48 hours of their arrival in the jail. **Out of the total 35 inmates that were interviewed by the team, 32 inmates said that their medical happened at**

mulaiza. Only one inmates said that the medical did not happen and the other two did not remember undergoing the process.

The MO informed that for the medical examination at admission, no specific format was being followed. They fill the medical details in the admission register maintained by the jail. But he said that there is a particular format being followed for convicts who return after parole. The MO said that if custodial violence is witnessed, then referral is being made to civil hospital for the Medico-Legal Report (MLR). **During interviews 19 out of 35 inmates alleged that they have been subjected to some or the other form of custodial violence, even torture, by the Punjab Police when they were in police custody.** 11 of these inmates stated that the doctor did not ask them about custodial violence and torture, either in the civil hospital or in the jail, hence they did not inform the doctor. However, four inmates specifically stated that the jail MO asked them about torture. After which they were given painkillers. In one of the cases, even the Deputy Superintendent enquired about custodial torture and even referred that inmate to the doctor.

Apart from this, soon after admission, convict PLVs enquire about the legal representation from inmates and if they need a legal aid lawyer. In this process inmates are also made aware about the provisions of free legal aid. This information is documented in the admission register. Most of the inmates that were interviewed were aware about free legal aid. Before being sent to the barracks, thorough search is conducted on them by the jail guards. Search on inmates is primarily conducted through frisking, in some cases strip search is also conducted on inmates. As one of the inmates stated that, his “pants were removed in a separate room, to check for (contraband) items”. The superintendent highlighted the need for a full body scanner to conduct search on inmates. Inmates are also being provided with basic essentials like soap, oil, toothpaste and brush, quilt etc.

2. Access to basic amenities

- a) Food: Food is prepared in the jail langar that had around 40 convicted inmates working. These inmates were staying in the langar barrack, situated in the same area. **This was probably the only prison in Punjab that provided protective gear to inmates working inside the langar** especially to people working on one of the hardest parts, roti making. The team saw inmates, who were making rotis, wearing goggles to protect their eyes from the intense heat. Kitchen workers were also seen wearing cloth bandanas to cover their head to prevent hair from falling into the food being prepared. There were fire extinguishers and exhausts available inside the langar.

All inmates that were interviewed stated that they were very much satisfied with the food being provided to them. They shared that *sabzi* is also provided

to them twice or thrice a week. Majority of these inmates credited the improvement in the quality of food to the new Deputy Superintendent, Mr. Harpreet Singh. One of them went ahead to say that “food given to inmates in Sangrur jail is the best (as compared to other jails)”. Apart from the kitchen food, inmates can also buy food items from the canteen which was located at the *chakkar*. For increased transparency, rate card of all canteen products was displayed on a black board outside the canteen.

- b) Water: Central RO machine was installed adjacent to the Gurdwara, in the *chakkar* area. This was accessible to all inmates. For bathing, inmates were using submersible water. Some inmates complained that they got skin allergies to due to bathing water.

3. Contact with the outside world

- a) Mulaqaat: Inmates can meet their family member during mulaqaat in the mulaqaat room. The mulaqaat room had a general fence between the people who have come for mulaqaat and the inmate. The process starts in the morning at 8am and goes on till 2pm. UTs can meet their family twice while convicts can avail this provision, once a week.

It can be presumed that during mulaqaat, there would be a lot of noise and chaos inside the room, as there were no provisions of telephones or glass rooms to talk. The room was also very small in size and would have around 25-30 people at the same time inside. **Majority of the inmates the team interacted with also shared that they face immense disturbance while interacting with their family members in the mulaqaat room.**

Mulaqaatis are also checked before they go in the mulaqaat room to interact with their wards. Metal detector and baggage scanners are installed for this purpose. They can give inmates items brought from the mulaqaat canteen which is situated in the jail compound but outside the entry point of the main complex. CCTV cameras are installed in this canteen as well.

- b) Telephone System/Contact through telephones: **Only four PICS machines were there for a population of more than 700 inmates.** Inmates informed that they are allotted 8 minutes of calling time on the PICS machine, everyday. Due to the limited PICS machines, inmates cannot utilise complete 8 minutes, some of them stated that often they have to wait for 3-4 days till their turn comes up to make a call. At times fights occur between inmates on the issue

of calling time and turns causing the authorities to suspend the service as a punishment.

4. Medical facilities and healthcare

In regard to medical infrastructure, the jail had a hospital which included OPD as well. The hospital could only accommodate 10 inmates at a time, as per the data received from the jail. Although the jail had an ambulance but they were faced with the big issue of shortage of medical escorts (Police escorts for medical emergencies and outside referral of medical cases). Following specialist doctors were visiting Sangrur DJ:

- o Medicine (monthly)
- o Skin (weekly)
- o Psychiatrist (weekly)
- o Dental (weekly)
- o Ortho (weekly)
- o Gynaec (weekly)

However, there was just one MO inside the jail, that too on just six months deputation basis, who was serving for 24 hours. Apart from this there was one regular pharmacist on 24 hours duty. Surprisingly, data from the jail showed no sanctioned post for a medical officer was there between September 2017 and August 2018. In the opinion of the doctor, at least 2 MOs and 4 Pharmacists were required for the jail depending on its capacity. The MO informed that no permanent lady doctor was present, and also there was unavailability of nursing stuff.

The MO also highlighted multiple deficiencies in the infrastructure:

- There was no appropriate medicine being provided by the government. For the purchase of medicines, the jail had to entirely rely on the welfare department of the jail.
- The convicts who help him inside the jail, are not adequately trained to carry out nursing activities. According to him, there was an urgent need of trained medical staff inside the jail.
- He further highlighted that there was no availability of antifungal medicines and creams inside the jail.
- He highlighted that for medical emergencies, it was impossible to get escorts, and hence prison guards would generally accompany the inmate.
- He emphasized that a permanent psychologist needs to be present inside the jail. This would also help in reducing the overt dependence of inmates on medicines, because counselling would help with a lot of it.
- No drug test kits were available inside the jail.

The MO suggested that Jail department needed their own doctors and pharmacists, rather than depending on the PCMS to depute doctors. He also suggested that trained staff such as a record keeper was required, to counter the problem of lack of institutional memory, and also assist doctors who keep being transferred in 6 months to a year. In his opinion, patients who needed nursing and care, weren't suitable to be kept inside jail. However, when referred to civil hospital, they were being sent back to jail within 2-3 days, which was a problem as per him.

5. Education & recreational activities:

Data received from the jail revealed that from 1st September, 2017 till 31st August, 2018, there were no skill development or vocational programmes, education programmes, or even recreational programmes available for inmates inside.

6. Prison labour & wages:

Jail officials informed that four weeks after conviction, rigorous imprisonment is imposed on inmates. Sangrur DJ had a factory inside the jail, which had a flour machine unit, welding unit, a carpentry unit, a handloom unit and a carpet making unit. Convicted inmates undergoing rigorous imprisonment were working in the factory. Work in the factory starts at 8am in the morning and goes on till 4pm. Inmates get Rs.60/day for the factory work.

It is important to note that out of 12 convicts that were interviewed, eight stated that they were not getting wages for the work that they are doing inside. Apart from the factory work, convicted inmates that the team interviewed were also engaged in other forms of labour inside the jail, like:

- Munshi
- Langar work
- Numberdaar/Lambardaar
- Nigraan
- Medical Assistant
- PCO incharge

C. About the Prison Administration

1. Staff vacancies

As per the information received from the jail, as on 31st August 2018, the sanctioned staff strength of Sangrur DJ was, 143 personnel, however, the actual staff strength on this date was of only 86 personnel (refer to table 1.2). **The jail was functioning with an overall staff shortage of approx 40%.**

The Guarding staff unit, which consists of warders and head warders and is also one of the most important units of the system, also had a shortage of 40% personnel with only 57 warders appointed against the sanctioned strength of 112 warders. While there were two and four sanctioned posts for Deputy and Assistant Superintendents, but there were only one and two, Deputy and Assistant Superintendents appointed, respectively. The medical unit had no sanctioned posts for a medical officer, the only sanctioned post in this unit was that of a pharmacist. Although there was no sanctioned posts available in the welfare unit but it was informed that a Welfare Officer is appointed in the jail.

Table 1.2 PRISON STAFF STRENGTH															
Executive Unit		Guarding Staff		Medical Personnel		Welfare Unit		Educational Personnel		Technical Personnel		Agricultural Personnel		Ministerial Personnel	
S	AS	S	AS	S	AS	S	AS	S	AS	S	AS	S	AS	S	AS
7	4	135	81	1	1	Nil	Nil	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil

2. Experiences of prison administrators

In the conversation with both the Superintendent and the Deputy Superintendent, they highlighted a number of problems being faced by the jail:

- As highlighted by the prison officials there is a huge accountability issue when it comes to PESCO and home-guard employees. In their opinion, it was the PESCO employees are the ones who smuggle drugs inside the jail.
- They highlighted that the sanctioned strength of Punjab Prisons have never be re-evaluated. As a result, the ratio of prison inmates to guards is always skewed.
- The last recruitment in Sangrur Jail according to them happened last in 1992. After that, the next recruitment took place in 2017. This 2017 recruitment was a forced recruitment as the average age of guards before 2017 was 50, and all of them were nearing retirement. Hence the new recruitment happened in 2017.
- To stop the inflow of drugs inside the prisons, they believed that body scanners were essential.
- Staff vacancies is another big issue
- They highlighted that there was an urgent requirement of government vehicles for the executive staff.

Apart from the above mentioned issues the officers also shared that they, and even their families, are faced with frequent security threats from gangsters. It was highlighted that the staff quarters around the jail had a perimeter wall with a height of just 2.5 ft., which, as per them, gave easy access to jail and jail quarters. This was a cause for concern for them,

in case any security threats to the jail. One pistol has been provided to the Superintendent and the Deputy but that is not enough and it is not even an advanced weapon. The gunmen that have been given to them are also not well trained and even they do not have sophisticated weapons.

Accommodation for the jail staff was there in the jail compound itself. There were kothis/ bungalow for the Superintendent and Deputy Superintendent and the MO. Apart from that, 32 quarters were there for head warders and warders, who were staying with their families. Halls or dorms were there for warders (who do not have family). Although the research team did not inspect these accommodations but the Superintendent informed that there was enough space inside the halls along with other facilities for a satisfactory living.

3. Prison Oversight Mechanisms:

As per the data from the jail, Board of Visitors (BOVs), including Non-Official, were not appointed for Sangrur district jail, between September, 2017 and August, 2018.

D. Role of Legal Service Institution

1. Access to Legal Aid

The legal aid infrastructure of inside the jail included the Jail Legal Aid Clinic, Convict and Community PLVs and the Legal aid beneficiaries i.e. the inmates.

a) Jail Legal Aid Clinic:

As per information received from DLSA Sangrur, the JLAC in Sangrur district jail was established in 2015 and it was functional on all the days. According to the same information, in total, 23 legal awareness camps were organized for inmates in one year (September 2017-August 2018).

b) Convict PLVs:

Three long term convicts were working as convict PLVs in the JLAC. One of them had been a PLV for the past four years, and the other two were working since the past 4 months (from the day of data collection). Their names were recommended by the jail Superintendent on request from the DLSA. Primary work of the PLVs was to spread awareness about legal aid among new inmates and document cases where inmates had sought legal aid. They were maintaining all records in two registers: 1) Legal Aid Register (during admission, where

record of inmates who want/don't want lawyers is maintained); 2) Legal Aid Lawyer register (For High Court, Sessions Court, Lower Courts and Supreme Court lawyers assigned)..

These convict PLVs had knowledge on filing of appeals in higher courts. One of the convict PLVs who was working in the JLAC since 2015 learnt most of the things while working in the warrant office of the jail. Each of these PLVs have divided the month into three. Each of them working for 10 days in a month for which they are being paid Rs.400/day. If one of them is out on parole then the days are divided between the other two. The PLV said that at times the payment is delayed, but ultimately they would get paid. According to them it is also not an issue since they only get paid once they are out on parole. It was also informed that no training is provided to convict PLVs from the DLSAs side.

The Convict PLV who has been working for four years said that, he also helps in filing SLPs for inmates. In regard to panel lawyers, the convict PLVs informed that they were visiting almost daily. In regard to appointment time of legal aid lawyers, he said that at sub-divisional level, it takes 15-20 days for a lawyer to get appointed; at districts and session level, it takes 7-8 days, at High Court level- it takes 10-15 days and at the Supreme Court level- it would generally take 2-3 months for a lawyer to get appointed. As per him, the HC lawyers were working well, who have helped in getting acquittals to inmates. However, the quality of District and Sessions and Sub-Divisional level lawyers were poor.

It is important to note that Sangrur was one of the few jails in Punjab where female convict PLVs were also appointed. The team interviewed one of the two female convict PLVs. She was a graduate and has been working as a convict PLV since September, 2018. She was appointed by DLSA Sangrur through a formal appointment letter. Both PLVs had divided the month equally as working days. There was a difference in their pay structure as compared to the male convict PLVs. These two women were getting paid Rs.400 per legal aid form that they fill. This money is deposited in their account that has been opened by jail authorities.

Primary work of female convict PLVs include awareness about legal aid among inmates and writing of legal aid and general applications on behalf of women inmates (stationary for this is provided by the DLSA). This information is documented by them in the legal aid register, it has details of legal aid beneficiaries, warrant and appeal cases. Although they have not received any formal training but they said that they haven't faced any issues yet. They also stated that the jail authorities and even male convict PLVs help them with the legal aid work.

c) Legal aid beneficiaries:

Information received from DLSA Sangrur for September, 2017 till August, 2018, stated that overall, the DLSA received 660 legal aid applications from the district jail and that legal

aid was provided in all these cases. Out of the 35 inmates interviewed from inside the jail, only 10 had legal aid lawyers¹⁵². **Apart from two of these inmates, all others stated that they have no interaction with their lawyers, neither has the lawyer ever met them. The interviews show that legal aid beneficiaries are not satisfied with the quality of services being provided to them with the biggest issue being communication between them and their legal aid lawyers.**

2. Under-trial Review Committee

As per the information received from the DLSA, for the period of September 2017 to August 2018, the UTRC was in place and had met four times. Additionally, the same information mentions that none of the undertrials were recommended for release by the UTRC during the same period. This was despite the fact that 209 inmates have been detained as undertrials for a period between one to five years and 13 inmates were detained as undertrial for even more than five years.

3. Camp Courts

Camp Courts were happening in DJ Sangrur, once a month and the procedure was the same as followed in other jails in Punjab. The team had the opportunity to witness the ongoing camp court on the day the jail visit. The Camp Court was conducted by Mr. Randhawa, CJM cum DLSA Secretary, in the presence of the jail Superintendent. A good practice that was being followed here was that inmates who were being produced in the camp court were being informed about the procedures of pleading guilty and the repercussions of committing a crime again, to the inmates. Minimal fine of Rs. 400 was being given to them. CJM first asked the inmates whether or not they want to plead guilty.

The Superintendent and the Judge asking the inmate to not become a repeat offender. While the Superintendent said “Dobara mat galti karna”, the judge specifically said that “You only get called to camp court once- and not multiple times”. One of the inmates who was being produced looked young so the Superintendent enquired whether he was a juvenile. He further asked whether anyone in the jail was harassing him keeping in view the vulnerability of his age.

During the discussion with the CJM, he informed that in each camp court, 4-6 cases are disposed off, which is the average per camp court proceeding. However, the number can increase if the jail faces overcrowding with a high number of UTs.

¹⁵² Including both undertrials and convicts who have opted for jail appeal and legal aid counsels at higher courts.

He also criticized the attitude of everyone wanting the judiciary to dispose of cases in a fast manner. As per him, the scheme of “Action Planned Cases”- where the oldest 200-250 cases are identified and they are asked to be disposed off in one year- actually does more harm than good. Not only does it put pressure on judges, but justice gets affected overall, and the rights of the victims also get affected as a result.

E. About Vulnerable Groups

1. Women prisoners & their children

As it has been already mentioned, Sangrur district jail is predominantly occupied by male inmates. A separate section has been allotted to women inmates. Although this section has a capacity to house 66 women but the data from jail shows that 97 women along with seven children were occupying the space, making it one of the only overcrowded female sections in Punjab prisons. No segregation was being observed as such between undertrial and convicted women inmates.

The women’s enclosure was built in a cramped manner with three barracks. There were no marble slabs for women to sleep on hence they were sleeping on the floor itself. Although the barracks were well ventilated with exhaust fans installed inside, but they were very cramped and unclean. Each barrack had two toilets and two bathing rooms inside, most of the doors of which were broken. Barrack one was found to be relatively cleaner than the other two. A small room was also provided to the night duty warder here. There was negligible open area for these women to sit outside. A canteen was being built inside the female enclosure. There was a small area where clay stoves were placed for heating or preparing of food.

The female convict PLVs who was working here, were also maintaining a health register on which they were maintaining records of the medical needs of inmates, documentation of the number of sanitary pads given to women and details of other kinds of requests and applications that they write on behalf of women inmates. The PLV also complained that women inmates fight a lot among themselves.

Women inmates were also getting essentials like soap, oil, toothpaste and brush and sanitary napkins (per month) etc. Children of inmates are being provided with a special diet of ½ litre milk, rice and fruits like apples and bananas. A lady doctor visits the jail twice in a month. Similar to the male section, even the female section does not have any vocational or recreational facilities available.

2. Prisoners with mental illness

Data from the jail mentioned that between September, 2017 and August, 2018, one male inmate was suffering from mental illness and his treatment was ongoing in the prison itself, after which he was transferred to Central jail, Amritsar.

3. Foreign national prisoners

The jail data mentions that there are no FNPs in the jail. The team interacted with two inmates who belonged to Punjab but now had citizenships of Canada and the United states. Since they were native Punjabis, they did not face any form of language barrier nor were they facing any kind of discrimination inside the jail. Since ISD calls are not allowed, they were not in touch with their families living abroad but they were in touch with their relatives living in Punjab.

4. Young Offenders or Juveniles?

The team interviewed an inmate who was an alleged juvenile at the time of arrest. Though he is a major now (18+). He had been inside the jail for about seven months (from the day of the jail visit). He stated that his age proof had been submitted in the court.

F. Issues of Concern

1. Drugs related cases and substance abuse

Interaction with inmates revealed that drug circulation was going on inside the jail and that inmates sneak it in while coming back from court production. These drugs are then sold inside the jail. For instance, inmates claimed that “tablets” were being sold for Rs.250 each. Some stated that these are the OOATS tablets which are also given to drug addicts to cure their addiction. However, inmates also stated that drug circulation has reduced considerable from the past and that inmates who are caught indulging in these activities are transferred to other jails. Apart from this, mobile phones are not being used inside as per these inmates.

2. Instances of custodial violence and torture

Out of the 35 inmates interviewed by the team, 19 alleged that they have been subjected to all some or the other form of custodial violence including torture, by the Punjab Police when they were in police custody. Apart from beating with sticks and slapping, these inmates shared that the police used specific torture techniques on them. These include stripping naked and then beating with belts and baton; hanging the accused upside down

with hand and legs tied up; hitting palms and soles with a baton repeatedly; giving electric shocks on private parts and other parts of the body; waterboarding; hitting head with slippers.

One of the inmates stated that he was given third degree torture including electric shocks, being hit with slippers, he said that he “was made to lie down on my back naked then a baton was rolled on my body. I had great difficulty in walking for days following the severe torture”. Another inmate added that CIA Sangrur staff arrested him and they did not show his arrest for 6 days. He too said that he was given third degree torture with “electric shocks given on private parts and ears”. Four women inmates also shared stories of severe forms of torture by male police officers. All of them were tortured by male officers.

17 of these 19 inmates further stated that they were not produced before a magistrate within the stipulated 24 hours. One of them was produced as late as after two months from the time he was picked up. He stated that his uncle bribed the police to put up a false case on him. He was taken from one place to another for these two months. Throughout this period he alleged severe form of torture by the Punjab police.

3. Corruption

Inmates were largely satisfied with the jail staff but some also hinted towards the existence of VIP barracks inside. The team, however, did not come across such barracks. One inmate also stated that they “don’t know if money is given for these barracks but references are definitely used to occupy VIP barracks”.

MAXIMUM SECURITY JAIL, NABHA

Maximum Security Jail was established in the year 1923 and is just located on the outskirts of the city. It is situated adjacent to the main highway. Spread over 35 acres (approx.), the jail only catered to Courts established under Special Statutes. The jail mostly held gangsters, people convicted under Terrorist and Disruptive Activities (Prevention) Act, 1987, Prevention of Terrorism Act, 2002, Unlawful Activities (Prevention) Act, 1967, and inmates who create problems in other jails. Known for its famous jailbreak in November 2016,¹⁵³ the jail faces threats due to the nature of the jail and the kind of inmates it keeps in its custody. **It needs to be mentioned at this point, that although the team during its visit (19th March 2019) was allowed to carry out inspection inside the jail, they were not allowed to have in-depth interview with inmates or other jail officials.**

A. About the Prison

PRISON POPULATION ¹⁵⁴								
Name of the Prison	Capacity of Prison		Total Prison Population		Number of Undertrials		Number of Convicts	
	Men	Women	Men	Women	Men	Women	Men	Women
Maximum Security Jail, Nabha, Patiala	462	Nil	202	Nil	65	Nil	137	Nil

Table 1: Prison Population

1. Prison population and overcrowding

As per the information provided by the Maximum Security jail, it is a male only jail and has a sanctioned capacity of 462 inmates. On inspection of the data received from the jail for the period of 1st September, 2017 to 31st August, 2018 and the date of visit, the jail has never had an inmate population more than half of its capacity, with the maximum capacity in the month December, 2017 being 227. As on the date of visit (19th March, 2019), the jail had a population of 172 inmates. **Therefore, overall the jail hasn't been overcrowded over the past year, and continues to be filled with not more than half of its capacity.**

¹⁵³ Vishal Rambani, "Nabha jailbreak: A year later two escapees among 8 accused still on the run", The Hindustan Times, 26th November, 2017, available at: <https://www.hindustantimes.com/punjab/nabha-jailbreak-a-year-later-two-escapees-among-8-accused-still-on-the-run/story-jv7sAskYKFskbQTBW56SdN.html> (last accessed on 27th September, 2019)

¹⁵⁴ These figures do not include the number of detainees inside the prison. Also, the table reflects the population statement for the last population on the last date of August 2018.

It can also be observed that the jail has less number of under-trials, and generally houses more convicts comparatively.

2. Prison design and physical layout

The Maximum Security Jail was a male only jail and had an outer perimeter wall, followed by multiple boundary walls around the main jail area. The inside of the jail was designed in circular panopticon architecture and had a lot of greenery. The main administrative building or *deory* housed the prison control room as well as offices for the jail officials. At the entrance, there were door frame metal detectors as well as three X-ray machines available. Although the team was informed that there was a Video Conferencing (VC) room inside the jail, a physical inspection of the VC room was not conducted by the team.

The main section inside the jail housed the barracks and the cells, the *langar*, a canteen, a legal aid clinic, a hospital, a PICS machine and mobile phone jammers. However, it was informed by officials that some of the mobile phone jammers were not functional. There were also places of religious worship inside the jail in the form of a *gurudwara* and a *mandir*. There was also a playground available inside.

The Deputy Superintendent also informed that out of the 35 acres (approx..) of the jail area, 13 acres were for the official accommodations. There were *kothis* available for the Superintendent, Deputy Superintendents, Assistant Superintendents and the Medical Officers. For the warders, there were hostels, and in each hostel room, three warders were staying. The inmate accommodations were spread over nine acres, and the rest 13 acres was of gardening and kitchen gardening. No issues were highlighted in regard to the accommodations of the officials.

In total, the jail had five barracks and 64 cells present inside the jail. The officials informed that segregation was being maintained between the convicts, undertrials and gangsters inside the jail. Out of the five barracks, the team was only able to visit four barracks. Out of the four barracks, three of them had a sanctioned capacity of around 70 inmates. These barracks had two toilets and general bathing area inside. They also had six toilets and six bathrooms outside. However, the outside area in one of the barracks was not usable and non-functional. The other barrack had a capacity of 50 inmates, and also had four cells inside. The barrack had two toilets and common washing area inside, and six toilets and six washing area outside. This indicates that in the barracks having capacity of 70 inmates, the ratio of prisoner is to toilet was 1:8 and the ratio of bathing rooms and inmates was 1:11. This is mostly in line line with the prescribed ratio in the Model Prison Manual, 2016.¹⁵⁵ The general hygiene of the barracks was well maintained.

¹⁵⁵ Section 2.10.1 of MPM 2016, prescribes ratio of one western commode (WC) unit, with day time ratio for usage being one unit for 6 inmates; and Section 2.11.1 prescribes a ratio of one bathing are for 10 inmates.

B. About the Prisoners

1. Procedures upon admission

Generally across the jails of Punjab, the admission procedure roughly include the stages of: 1) Medical Examination at prison during admission; 2) Search (frisking and material possession); 3) Providing basic essentials 4) Making of history ticket; and 5) Admission to the prison (New admission Barrack).¹⁵⁶ However, the team was not able to gather information regarding the admission procedures inside the jail, due to lack of detailed interaction with the inmates inside the jail.

2. Access to basic amenities:

a. Food:

The Jail had an area allotted for *langar*/kitchen. The officials informed that this was being operated and maintained by convicts and the food was being prepared on the basis of the diet chart provided in the Punjab Jail Manual, 1996.¹⁵⁷ Food and tea were being served twice a day: once in the morning, and once in the evening. However, due to lack of detailed interaction with the inmates inside the jail, the team could not gather information regarding the quality of food being provided in the *langar*, as well as the kind of materials available inside the canteen and their costs.

b. Drinking & Bathing Water:

As per the information provided by the jail, there are 58 water tanks which cater to the water requirement of the jail. However, due to lack of detailed interaction with inmates, the team was not able to gather any information regarding the quality of drinking and bathing water inside the jail.

3. Contact with outside world

There were two primary means through which an inmate was maintaining contact with the outside world:

a. *Mulaqaat*:

The officials informed the team that there was a *Mulaqaat* room available inside the jail. However, the team were not allowed to physically inspect the same. Further, as per the

¹⁵⁶ The particular order of these stages has not been enquired into during the interviews.

¹⁵⁷ Rule 815, Punjab Jail Manual, 1996

information received from the district jail, *mulaqaat* was happening for six days a week, wherein an under-trial inmates was allowed to meet twice a week, and a convict was allowed to meet once a week. The timings for *mulaqaat* were from 9:00AM in the morning to 2:00PM in the afternoon. The team were not able to interact with the inmates in regard to whether they were satisfied with the *mulaqaat* process.

b. PICS/ Telephone system/Contact through telephones:

As informed by the officials, there was one PICS machine which was catering to the entire population of the jail. The team was able to confirm this through their observation. Further, Re. 1 was being charged for one minute of phone call as per the officials. However, the team was not able to confirm this due to lack of interaction with the inmates.

4. Medical facilities and healthcare

In regard to the medical facilities inside the jail, there was an OPD room and a hospital available inside the jail. The jail also had an ambulance, and as informed by the officials, a permanent medical escort comprising of four officials from Punjab Police. Although the team met the medical officer on duty during the visit, they were not able to have a detailed conversation with the Medical Officer or the pharmacist inside the jail. Additionally, as the team was not allowed to have a detailed interaction with inmates, the functionality and efficacy of medical infrastructure and facilities was not enquired into.

5. Education & recreational activities

As per the information received from the jail, for the period of last year, no inmate was enrolled in any kind of formal educational programmes.¹⁵⁸ Although the jail had a position for teacher, the same was vacant. Also, no vocational training was being conducted inside the jail. In regard to recreational activities inside the jail, it was observed by the team that television sets inside the barracks, and the availability of playground for sports were the only recreational activities being undertaken inside the jail. Recreational activities also included visiting religious places like Gurudwara and temple inside the jail as well.

6. Prison labour & wages

There was no factory unit available inside the district jail. Other than that, the team is only aware of inmates working for the following:

- Working in *langar*/kitchen;
- Operating the PICS machine;

¹⁵⁸ The time period for the data refers to 1st September 2017 to 31st August 2018.

- Working as assistants to the prison administration (as *munshis*);
- Working as assistant in the hospital.
- Working as *Nigrans/lambardaars*.

Due to lack of team's interaction with the inmates (convicts), they were not able to enquire into whether the inmates were aware of the wages they were entitled for the rigorous imprisonment, and whether they were getting paid for the same.

C. About the Prison Administration

1. Staff vacancies

As per the information received from the jail, as on 31st August 2018, the jail did not have any major shortage in the staff across the different areas. However, in particular regard to the Executive Staff, the Jail was short of four Assistant Superintendents.

PRISON STAFF															
Executive Unit		Guarding Staff		Medical Personnel		Welfare Unit		Educational Personnel		Technical Personnel		Agricultural Personnel		Ministerial Personnel	
S	AS	S	AS	S	AS	A	AS	S	AS	S	AS	S	AS	S	AS
11	7	197	194	2	2	Nil	Nil	1	0	1	0	Nil	Nil	6	3

Table 2: Prison Staff Strength

2. Experiences of prison administrators

In the interaction of the team with the Deputy Superintendent, certain issues regarding prison administration were highlighted. They are as follows:

- Security Threats:** In the conversation of the team with the Deputy Superintendent, it was highlighted that senior jail officials received constant threats from gangsters as well as inmates inside the jail. They also emphasised that this threat was not just limited to them personally, but also extended to their families. In the words of the Deputy Superintendent, threats to himself and his family were a routine part of his job profile.
- Lack of Accountability for non-Punjab prisons personnel:** The Deputy Superintendent during his interaction of the team highlighted the need for staff belonging entirely to Punjab Prison Services. At present, apart from officers of

Punjab Prisons, there were other different forces working inside the jail such as Punjab Police, Punjab Ex-Servicemen Corporation (PESCO) employees and Home Guard. These forces were mostly entrusted with maintaining the security of the jail. In the experience of the Deputy Superintendent, PESCO employees were allegedly responsible for smuggling mobile phones and drugs inside the jail. He also informed that more recently, one PESCO employee was also arrested for supplying mobile phones and drugs inside the jail.

- c. **Limited Number of Police Escorts:** The Deputy Superintendent informed that adequate number of Police Escorts were not available to deal with the number of productions happening daily. This situation in his opinion needed to improve.

3. Prison Oversight Mechanism

As per the information received from the district jail, for the period of September 2017 to August 2018, no Board of Visitors have been appointed by the State Government for prison oversight. However, around 32 visits were made by the official visitors inside the jail. Although there have been visits by official visitors, no training or reporting and follow up had been conducted in regard to the visits by official visitors.

D. Role of Legal Services Institutions

1. Access to legal aid

The legal aid infrastructure inside the jail comprised of the following: 1) Jail Legal Aid Clinic; 2) Convict Para-Legal Volunteers; 3) Jail Visiting Lawyers; 4) Organising Legal Aid awareness camps; and 5) Monitoring by Secretary DLSA, Patiala. The following observations were made regarding these components:-

- a. **Jail Legal Aid Clinic:** As per the information provided by DLSA, Patiala, JLAC was operational inside the jail. This was corroborated by the prison officials who confirmed the existence of the JLAC. However, the team was not able to physically inspect the JLAC. Also, the JLAC was working six days in a week. Overall, for the period of September 2017 to August 2018, a total of 61 legal aid applications were filled. However, only 48 of them were provided with legal aid. Due to no interaction with DLSA authorities or convict PLVs, the reason behind 13 people not being provided with legal aid is unknown. Also, as per the information provided by DLSA, the inmates were also provided with the name and contact details of the legal aid lawyer appointed with the concerned inmate.

- b. Convict and community para-legal volunteers (PLVs): Based on the information received from the DLSA, Patiala, one convict PLV was working inside the jail. However, on the date of visit (19th March, 2019), the team was not able to interview the convict PLV, and hence detailed information about his working could not be enquired into. Additionally, the team was not made aware about any Community PLVs working inside the Maximum Security Jail.
- c. Jail Visiting Lawyers: Further, between September, 2017 and August, 2018, 11 visits were made by jail visiting lawyers inside the jail. However, the team was not able to interview any jail visiting lawyers during the visit.
- d. Legal aid awareness camps: As per the information received, two legal aid awareness camps were held by DLSA, Patiala inside the jail between September, 2017 and August, 2018.
- e. Visits by the Secretary, DLSA: For the period of September 2017 to August 2018, a total of nine visits were made by the Secretary, DLSA. While the DLSA was monitoring the work registers maintained in the JLAC, 12 work reports were also submitted to the DLSA by the convict PLV working inside the jail.

While inspecting the jail, some of the inmates in passing did mention that they were facing issues with legal aid lawyers who were appointed to their case. However, due to lack of in-depth interaction with inmates inside the jail, the team was not able to enquire into the quality of legal aid services and the issues regarding the same.

2. Under-trial Review Committees (UTRCs)

As per the information received from the DLSA for the period of September 2017 to August 2018, the UTRC has been established had met four times during the last year. Additionally, the same information mentions that none of the undertrials were recommended to release or released on bail by the UTRC during the same period. This is despite the fact that for the same period, the jail had around 15 under-trials who were detained for a period of 1-3 years.

3. Camp Courts

The team was not able to enquire about functionality of Camp Courts inside the Maximum Security Jail.

E. About Vulnerable Groups

The Maximum Security Jail didn't have any population of vulnerable categories such as female prisoners, foreign national prisoners, mentally ill prisoners or alleged juveniles.

F. Issues of Concern

1. Smuggling of Mobile Phones

In the interaction of the team with Deputy Superintendent informed that despite the high security nature of the jail, around 12 mobile phones were seized by the Punjab police from eight inmates of this jail. This, as per the Deputy remained a cause for concern inside the jail.

NEW DISTRICT JAIL, NABHA

New District Jail, Nabha was established in the year 2011 and is located on the outskirts of Nabha town. This was the third jail to be built in the small town of Nabha. Open Air Prison and Maximum Security prison were already in existence from before. As per officials, Punjab government built this jail as they had spare land available in Nabha. New DJ Nabha caters to the police stations of Fatehgarh Sahib and Nabha and the courts of Mohali, Patiala and Fatehgarh Sahib. Inmates with substance abuse issues are sent to Patiala Central Jail for OOATS and De-addiction treatment.

The jail was surrounded by farmlands as buffer zones around it. Despite being located at quite a distance from the main city premises, there was a highway passing beside it. As a result, senior prison officials shared, that throwing issues are prevalent. Throwing from farmlands was easy enough according to them.

A. Prison population and Infrastructure

Table 1.1 PRISON POPULATION (AS ON AUGUST 2018)								
Name of the Prison	Capacity of Prison		Total Prison Population		Number of Undertrials		Number of Convicts	
	Men	Women	Men	Women	Men	Women	Men	Women
New District Jail, Nabha	750	100	792	61	413	25	371	36

1. Prison Population and Overcrowding

As per the data received from the jail for the time period from 1st September, 2017 till 31st August, 2018, New District Jail, Nabha had a capacity to house a total of 850 inmates. During this time period the jail had an overall inmate population of 853 (refer to Table 1.1), these include, both male and female, undertrials, convicts and civil prisoners. **The male section of the jail had an overall overcrowding of 5.6%.** Apart from the population breakdown given below, the jail also housed 8 male civil inmates. Officials of the jail also informed that there is a huge NDPS population inside.

2. Prison design and physical layout

The name of the jail is self-explanatory that this is a relatively new jail as compared to other jails in Punjab. New District Jail, Nabha was established in the year in 2011 and is spread over an area of 28 acres of land. The jail is surrounded with fields from outside and they also have farmland available inside which is being used for wheat cultivation. The jail had an outer boundary wall, but lacked an overall perimeter wall. This was a reason behind throwing incidents as per the jail officials and a request for the construction of this wall has been made to the headquarters. The boundary wall of the jail had 8 guard towers. At night, all the 8 were functional, while during the day, only 6 were functional.

There were both male and female sections available inside the jail, with a makeshift High Security section also being maintained. Wherever possible, segregation was being maintained between UTs and Convicts. In total, the male section had 4 Blocks and 90 cells. Ward number 4 was the biggest with 16 barracks and had a capacity to house 70 inmates. Second biggest, Ward number 3, had eight barracks and could house 40-50 inmates. The remaining two wards were similar in size with four barracks each and had a capacity to house 10 to 30 inmates. The male section had a total of 32 barracks and all these barracks were different in size.

Ward number 4 barracks did not have cement beds. There were four urinals and same number of toilets, bathing rooms and wash basins. Ward 3 had cement beds and had one WC and one toilet inside the barrack. Outside the barracks, there were 10 bathing areas and 10 toilets. The barracks having 30 capacity (Ward-2) too had no cement beds. Inmates had two bathing areas and two toilets available to them. The team was informed that the sewage removal unit inside the district jail was closed, and hence they had an open drainage system inside the jail.

Among the top issues that are faced by the authorities of this jail were with regard to the of barracks. Since this is jail is built on the lines of new architectural design of jails in Punjab, this, like Amritsar Central jail, too has double story barracks. The double story nature of barracks creates issues during jail inspections. By the time inspection (by officials) reaches the jail complex, inmates get alerted as they can see the inspection party from the first floor of these buildings. It was shared that the Punjab Police Housing Corporation undertakes the designing and construction for jails in the state. **Jail officials are not consulted while these jails are being designed, hence the problematic designs.**

In regard to facilities inside, there was a Mulaqaat room, a hospital, an amphitheater (AC hall), canteen, a legal aid room which was also being used as the computer lab and jail library. Along with computers, the room also had a projector. The library mostly had

religious books. There was also a cricket ground and volleyball court. The FNP inside the prison were segregated and were being kept in a separate section. At the entry, there was an X-ray baggage machine and a door frame metal detector available. There was an ambulance inside the jail as well. Five PICS machines were available for telephonic requirements of the inmates. **Religious buildings for Hindus, Muslims, Christians and Sikhs were also there inside the jail.** There was VC facilities available as well. Both Hard and soft VC was being conducted as per the directions of the courts.

B. About the Prisoners

1. Procedures upon admission

Procedure during the admission of new inmates in the jail is known as *mulaiza*. It includes a) Medical examination; b) Legal documentation; c) Search; d) Allotment of barracks and handing over of basic essentials. Search on body and material of inmates is always conducted before they are sent inside the main prison complex but with regard to the other processes, they might not flow in the above mentioned chronological order.

During the interaction with inmates, it was found out that first medical examination was being conducted inside the jail by the jail medical officer within the first 48 hours of the inmate's entry in the jail. It was informed that for admission of new inmates, there was a specific medical proforma which was being filled by the MO, following which a health card would be made. The proforma recorded old scar marks, addiction, injuries, and fresh complaints. Blood sample of inmates to check drug addiction was also being done during *mulaiza*.

Out of the 33 inmates that were interviewed by the team, 17 alleged to have been subjected to custodial violence including severe torture by the Punjab police during police custody. With regard to the documentation of these allegations by the MO, the team got mixed responses from inmates. **Seven of them stated that they did not share details of torture with the MO as they were not asked about the same.** One of them went ahead to say that, "the doctor did not ask but I did inform him. However, the same was not documented. The jail MOs do not do anything with regard to custodial torture. Many a times there are visible torture marks on people's bodies but doctors do not document that". However, there were six others who did share details of torture with the jail MO as they required pain killers. **Out of all the 17 just three inmates specifically mentioned jail doctors themselves enquiring about custodial violence.** These interactions show that there is a lack of uniformity among jail medical officers with regard to the documentation of cases of alleged custodial violence.

Before entering the main prison complex, thorough search is conducted on inmates. As shared by inmates, apart from frisking by guards/warders, at times inmates are also strip searched. One of the inmates shared that his pants were removed to check contraband articles from being smuggled inside. Women inmates are searched by female warders. Inmates are also provided with essential items like soap, toothpaste and brush, oil, quilt etc.

2. Access to basic amenities

- a) Food: The kitchen inside the district prison was well lit and also had exhaust fans and fire extinguishers. During the time of data collection, 42 convicted inmates were working in the langar and they were staying in an attached barrack. The langar also had a flour kneading machine available.

Day starts with serving of tea at 6am, followed by food which is served at 8 in the morning. Another round of tea is served at 2:30pm followed by dinner which is served at 5 in the evening. Interaction with inmates showed that they are largely satisfied with the food that they are being provided. Apart from the langar food, inmates can also avail the canteen facility. Inmates who get money from home, usually during mulaqaat, buy items from the canteen. All items in the canteen are being sold on MRP, as per inmates.

- b) Water: Although water purifiers are installed in all wards but many of these are not functional, especially in convict wards, as per inmates. Which is why inmates were using tap water for both, bathing and consumption.

3. Contact with the outside world

- a) Mulaqaat: The mulaqaat room was divided into two sections, one for male and another for female inmates. The room had three layers of mesh wire and bars between the people who have come for mulaqaat and the inmates. In the absence of cubical or individual separate space, inmates shared that due to intense noise, interaction with family becomes difficult when there are too many people in the room at a time. Family members are allowed to give inmates material/items bought from the mulaqaat canteen which is situated in the jail compound itself.
- b) Telephone System/Contact through telephones: There were two PICS machines at the chakkar and two inside wards. Inmates are given 8 minutes in a day to make the call. One minute costs one rupee.

4. Medical facilities and healthcare

In regard to the medical infrastructure, there was a hospital, a dental clinic, an OPD, a laboratory, a patient ward, a pharmacist room and an ambulance available inside the jail. Although, the laboratory did not have any lab technician working inside the jail. The patient ward had a capacity to house seven patients, as per the data received from the jail. The MO was on six months deputation but the pharmacist was there on a permanent position. Apart from that, a Dental surgeon and a Gynecologist was visiting twice a month. ENT and medicine specialist were visiting weekly. Ortho and Skin specialists were also visiting but had no specific time of visit.

The team got an opportunity to interact with the medical officer and the pharmacist in-charge on the day of the visit. They were single handedly working inside the jail, round the clock. The MO informed that there is a shortage of Psychiatrist and Skin specialist's coming inside the jail, where they have not visited since 2014. However, the MO also informed that these specialists have been recently appointed and will start visiting. **The MO appreciated the presence of permanent medical escort and said that taking out inmates for referral was not a big issue.** There was a lab inside the jail, however, without any lab technician being appointed.

The MO also highlighted the following problems:

- a. Lack of adequate number of oxygen cylinders inside the jail.
- b. Inmates frequently asking for additional dosages, which the MO shouldn't and did not give. However, this led to discontentment amongst the inmates.
- c. Shortage of medicine supply
- d. Shortage of Dope test kits and Urine test kits
- e. Lack of nursing staff
- f. Skin infection medicine (Flucanazole) is not effective, as the fungal infections have grown resistant to it.
- g. Lack of Psychologists, which as per MO, was essential for NDPS inmates
- h. Need for permanent posting of doctor, and not deputation.

The MO highlighted that nobody wants to be permanently posted inside jail as the inmates threaten doctors and it's a very difficult environment to work in. Hence the government took decision of 6 months deputation. But deputed doctors are not suitable for jails as more regular doctors are required. In regard to deaths inside jail, the MO said that since 2014, one suicide has happened¹⁵⁹. He also informed that milk and eggs were being given to HCV and HIV patients on their recommendation.

¹⁵⁹ Data from the jail for 1st September, 2017 till 31st August, 2018 states that one suicide happened inside the jail during this period.

The District Jail also had a permanent medical escort available to them. While talking to the Welfare Officer (Assist Superintendent), he informed, that there is some arrangement between them and Punjab Police who have permanently kept a group of 5-6 Punjab police personnel with New District Jail, who are always available to take out inmates for medical requirements. However, there was NO de-addiction or OOATS Centre inside the jail and as already mentioned above, substance abuse cases were being transferred to Patiala Central Jail. It is important to note here that inmates shared that by the time they reach the civil hospital, OPD timings there are already over.

5. Education & recreational activities:

As per the data received from the district jail, from September, 2017 till August, 2018, no form of vocational/skill development training and educational programmes were available for inmates. But during interaction with inmates it was shared by them that till last year ITI training was being provided by the prison authorities. Officials informed that they were also planning to start tailoring classes for women through the help of a Patiala based NGO. With regard to recreational activities inside the jail, a volley ball court and a cricket ground were in place. However, information on whether they are being used by inmates or not is not available.

6. Prison labour & wages:

Convicted inmates under rigorous imprisonment were engaged in following areas of work:

- Langar
- * *Numberdaar/lambardaar*
- Farming
- Library
- Cleaning duty
- Store
- Nigraan
- Hospital
- Canteen

In the data from the jail for September, 2017 till August, 2018, it was stated that rigorous imprisonment convicts who work in the prison are entitled to wages. These wages are divided based on Skilled, Semi-Skilled and Unskilled labour (Rs.60, Rs.50 and Rs.40 per day, respectively). However, out of a total of 15 convicted inmates who were interviewed by the team, 13 were working but nine of these stated that they are not getting any wages for the kind of work that they are doing. One of them even stated that he has been working ever since 2014 and he has not got wages ever since. This issue was brought to the notice of the Jail Superintendent in a letter dated 6th March, 2019.

It is important to note that there was a factory inside New DJ Nabha. Jail officials even stated that factories is a neglected area across jails in Punjab and that there is an absence of raw material in these jail factories. According to them the factories were on the verge of shutting down. Another issue that was highlighted by one of the inmates working in langar was that for a population of more than 800 inmates only 45 convicts are working in the factory. And they too are not paid.

C. About the Prison Administration

1. Staff vacancies

As per the data received from the jail for September, 2017 and August, 2018, along with the data from the day of the visit indicate that the overall staff strength of New DJ Nabha is 96 and the actual staff strength is at 74 personnel (refer to table 1.2). The jail is short of one Assistant Superintendent and 21 guarding staff, specifically 19 warders and two matrons.

Table 1.2 PRISON STAFF STRENGTH															
Executive Unit		Guarding Staff ¹⁶⁰		Medical Personnel		Welfare Unit		Educational Personnel		Technical Personnel		Agricultural Personnel		Ministerial Personnel	
S	AS	S	AS	S	AS	A	AS	S	AS	S	AS	S	AS	S	AS
6	5	85	64	2	2	1	1	Nil	Nil	Nil	Nil	Nil	Nil	2	2

With regard to accommodation of officials, there are two houses available for gazette officers, four for Assistant Superintendent level officers and 18 for Head Warders- who were allowed to reside with their families. Unmarried officials were staying in hostels/ dormitories.

2. Experiences of prison administrators

The team did not get an opportunity to interact with the jail Superintendent, Mr. Balkar Singh as he was on leave but they did interact with the Deputy Superintendent, Mr. Ramandeep Singh and the young Welfare Officer, Mr. Harpreet Singh. These officers shared multiple issues that are being faced by the jail.

With regard to the security of the prison, due to the lack of outer perimeter wall, there were throwing incidents. Since there is a limited number of sanctioned posts for guards,

¹⁶⁰ The figures for guarding staff has been taken from the jail on the day of the visit as the data received for September, 2017-August, 2018, had some discrepancies.

this jail too had to employee PESCO and Home Guard personnel with whom there was an issue of accountability as they were not under the prison cadre. As it has already been shared above, double stored barracks were also a major issue as inmates managed to get prior information on approaching official inspections. These are some major security threats from for the jail administration.

Apart from this, they also faced personal security threats from gangsters and notorious inmates inside. This, coupled with, no armed guards and government vehicle for officials, increased the security issue. The Deputy Superintendent highlighted that he has faced many threats from gangsters in the past. Twice they even reached his house in Patiala.

3. Prison Oversight Mechanisms:

As per the data from the jail, Board of Visitors (BOVs), including Non-Official, were not appointed for New District Jail, Nabha between September, 2017 and August, 2018.

D. Role of Legal Service Institution

1. Access to Legal Aid

Legal aid infrastructure inside the district jail consists of a) Jail Legal Aid Clinic; b) Convict paralegal volunteers; c) Legal Aid Beneficiaries: jail inmates; e) Jail visiting lawyers. A separate room, towards the starting of the jail complex, was allocated for the jail legal aid clinic. The room had computer systems as it was also being used as the computer lab. One of the computers and a printer, which was provided by the DLSA (Patiala), was being used for legal aid related work. The team observed that legal aid provisions were displayed all over the jail on boards and banners, there were some 22-25 such boards over the jail which increased the visibility of information on legal aid.

a) Convict PLV:

Two male convict PLVs, Jaskaran and Abhishek, were manning the JLAC. Abhishek was a B.Sc and was working as a PLV since 2015, while Jaskaran had recently started working as the PLV, he was yet to receive his appointment letter from the DLSA. Convict PLVs were getting a honorarium of Rs.5000/month by DLSA Patiala, for their work as convict PLVs. This money is deposited in private accounts of the PLVs. However, they also informed that the said honorarium payment was pending since the past 5-6 months.

Their primary work involved spreading legal awareness at mulaiza, writing of general applications on behalf of inmates, filing of appeals for convicts, providing warrant

certificates among other things. Stationary for the letters and applications is provided by the jail. For legal aid related documentation, a register was being maintained by the PLVs but the format of that register was not very comprehensive. It is important to note that no training had been provided to them for the work that they are doing as PLVs, as per them they learnt the work from the previous PLVs.

PLVs also shared some of the issues that are being faced with regard to legal aid delivery inside the jail. These include communication issues with legal aid lawyers at the High Court level, most of these lawyers do not communicate with inmates and are not following up their cases well. They suggested that for this, there should be a grievance redressal contact number so that convict PLVs can directly call them with the issues of inmates. At the local level, they shared that, DLSA Fatehgarh sahib takes a long time (mostly two months) to appoint a legal aid lawyer. They further shared that inmates too at times don't provide the judgment copy which delays the process of filing appeals. Apart from that, pending honorarium is also an issue for them. A female convict PLV is also there and even she is not getting paid for her work.

b) Legal Aid Beneficiaries:

New DJ Nabha falls under the jurisdiction of DLSA Patiala and as per the information shared by DLSA Patiala, from 1st September, 2017 till 31st August, 2018, they received 63 legal application from the jail and 60 of these were provided a legal aid lawyer. It was shared by convict PLVs that they just get one copy of appointment letter of the legal aid lawyer from the DLSA's side. No copy is provided for inmates. Further, out of the 33 inmates that were interviewed inside the jail, nine inmates said that they have legal aid lawyers. Seven of these are convicted inmates and have a legal aid lawyer at the High Court level and half of them were not in touch with the HC lawyer.

2. Under-trial Review Committee

As per the information from the DLSA, UTRC was in place in the jail and had met four times from 1st September, 2017 till 31st August, 2018. However, the DLSA did not provide information on the number of recommendations it received for the release of undertrial inmates. This was despite the fact that 91 inmates have been detained as undertrials for a period between one to five years and 16 of these inmates were detained as undertrial for even more than five years.

E. About Vulnerable Groups

1. Women prisoners & their children

The female section had two big, well ventilated and clean barracks that were housing 61 women inmates. Women were living in almost equal numbers in both the barracks (30 in one and 31 in the other one). A transgender woman was also staying in the female section. The barracks had marble slabs which were being used as beds. There was no division between these beds, the structure was more like a dormitory. Each barrack had a TV set as well. The female section had a food cooking area, commonly called *pathi*. There was no separate langar and food for women was coming from the langar situated in the male section. But a separate PICS machine was installed for women inmates in this section. Apart from that there were three sewing machines installed for their use.

Although the barracks were clean but the washrooms inside were very dirty. There were two toilets which were very small in size and a bathing area which was open as the door had broken off. Gates of the toilet were very low in height. 12 toilets and equal number of bathing rooms were there outside the barracks and they were being commonly used by women inmates from both the barracks. Women were cleaning the toilets themselves, turn wise. During an interaction with one of the women inmates said that she was paying other women to clean the toilets. **This statement reflects on the prevalent class division inside New DJ Nabha where, in the absence of a permanent sweeper, women from lower socio-economic backgrounds were being compelled to clean toilets inside.**

A lady doctor (Gynecologist), Dr. Rekha, was visiting the women's section on every second and fourth Friday of the month. She had been visiting the prison since 2016 and has been deputed from the Punjab Health Department. She was spending some one-one and half hours in the women's section and on an average 4-5 women were visiting her on each of these days. She shared that she does not receive any kind of security issues from the inmate's side.

Dr. Rekha shared that there is an issue of shortage of medicines in the jail. To keep track of distribution of medicines to women inmates, a register is being maintained. Women come to her for gynec related issues, she recently advised ultrasound for two women. Dr. Rekha also shared that a women centric health camp was organized in the jail with the help of DLSA Patiala.

Seven children of women inmates were also staying inside with their mothers. They were getting a special diet of milk powder, fruits (banana and apple), rice and sugar. Women inmates specifically shared that jail matron, Ms. Dalwant Kaur, gets toys for their children.

One of the inmates said that, “Dalwant madam is very nice. She celebrates with us, mingles with us..she makes the jail seem like a hostel”. Like male inmates, women were also getting items like soap, oil, toothpaste, toothbrush and a pack of biscuits, every week. **However, another basic necessity, sanitary napkins, were not being provided. Women had to buy sanitary napkins from the jail canteen.**

2. Foreign national prisoners

“we are targeted because there is no one to speak for us. Indians doing the same with their brothers who are in jail”

Jail data of September, 2017-August, 2018, states that there were only seven FNPs in the jail. However on the day of the team’s visit there were 31 FNPs in New DJ Nabha, including four women FNPs. Majority of these are undertrials. The above statement was made by one of the eight FNPs that the team interacted with in this jail. This statement is reflective of this inmate’s, and of many others like him, experiences with the Indian criminal justice system.

FNP inmates shared a range of issues they faced starting from the time of arrest. According to them the police put false cases on them, and at times even shows false recovery. For instance if a certain small quantity drug is caught on them but the police instead will show a heavy recovery. According to them, this is also done to get larger amount of bribes. Interview with FNPs showed a specific and similar pattern of arrest. The agency which was doing the arrests was most often than not, the Punjab Special Task Force. The FNPs that were interviewed reiterated that they were targeted because they are black. One of them came to Delhi as a tourist, after watching Hindi movies and then one day he was arrested by STF. Another inmate narrating his arrest shared that he was picked up by Punjab police but from Delhi, he said that,

“the way I was picked up by the police, I thought that I am being kidnapped. The police officers came in civil clothes and at that time I had no idea who these people are and why have they picked me up. When I was being brought to Mohali from Delhi (after he was picked up), at every checkpoint, police officers in the car asked me to bend my head and hide.

Before being taken to Mohali, I was kept in a house in Vikaspuri, Delhi (near pillar no.3). I could hear babies crying in the same house which meant that a family was already living there. Police threatened to kill me and did not even allow me to make a single call. Police put a case of 850 grams heroin on me. I only found out about this from inside the jail”.

Another inmates had a similar story to share;

“One morning when I was going to the church (near Tilak Nagar in Delhi, where he was staying), STF police stopped a van in front of me, grabbed me and took me to my house. They searched the entire house and stole expensive things like laptop, cash, clothes etc. After this, when the Punjab STF officers were taking me to Mohali I was asked to bend my head and hide at every checkpoint, from Delhi to Mohali. Now even if I get bail, when I will go back to the place where I was staying I will be on the streets outside as I am left with nothing now. Indian Police made me hopelessly broke”

Although, information from the jail mentioned that video conferencing is being used for FNPs to contact their families however, the FNPs who were interviewed denied the existence of this provision. They were only allowed to make local or STD calls from the PICS machine. As their dietary requirements were different, none of them were consuming the langar food. They were preparing their own food made of items either brought from the canteen or from the raw material given to them during mulaqaat.

It was shared by the jail officials that almost all of these FNPs are from different countries in Africa as Pakistani and Bangladeshi citizens are transferred to Amritsar Central jail. FNPs from African countries are mostly under NDPS as per the officials. In this jail they are being kept separately from other inmates as they are into drug peddling, as per officials. Interaction with them revealed that they see this separate confinement as an atmosphere of isolation. As per them they are given limited time to go out in the rest of the jail, they were not even aware that there is a church inside the male section that other inmates have access to. As seen by the team, there were barbed wires segregating FNP section with the cells where high profile Indian inmates are kept. According to FNP inmates, this created a sense of intimidation. They also claimed to be facing issues with regard to language barrier and racial discrimination inside the jail.

E. Issues of Concern

1. Drugs related cases and substance abuse

Although, majority of the inmates that were interviewed stated that no drugs or mobile phones are being used inside but some also stated otherwise. According to some, inmates are selling OOATS tablets for Rs.200-250 and that these are procured when inmates go out for court production. One of these inmates even alleged that “jail guards on night duty used to get tablets inside but those who were involved have even got suspended when this issue was highlighted. If an inmate is caught then they might even get transferred to other jails in the State”. Another inmate alleged that, “Addnock tablet being smuggled by prison guards. There is a setting between some prisoners and some guards. But if senior officials get to know then they take action”.

2. Instances of custodial violence and torture

a) Violence in Police Custody:

17 of the 33 inmates interviewed, alleged that they had been subjected to some or the other form of custodial violence including torture by Punjab police when they were in police custody. Along with beating, slapping and hitting head with slippers, these 18 inmates alleged that severe forms of third degree torture was also used on many of them. Techniques of torture include: waterboarding; stripping naked and hanging upside down; hitting sole with a baton; electric shocks on body parts especially ears and private parts. One of the inmate shared that his torture was so severe that he sustained injuries on his tongue. He alleged that,

“The police passed electric shocks in my mouth and on my private parts. A heating instrument was put on my head due to which I sustained injury on my head. Initially when the police picked me up, they kept him in some residential flat for three days without food or water. After this I was taken to a police station in Mohali where I was kept for another 3-4 days. They then made to sign papers in Punjabi, which I did not even understand.”

Amongst these 17 inmates, 14 of them claimed that they were not produced before the court within the constitutional guarantee of 24 hours after an arrest.

b) Violence in Judicial Custody:

It was shared by inmates that in-fighting among inmates is common in this jail and as a method of disciplining fighting inmates, the jail officials use force on them and at times shift them to chakkis (cells). Even in the women’s section, infighting among inmates is common. One of the women shared that, “Women are not scared of the female matrons. Yesterday a Bihari inmate was beaten with a slipper by some other inmate”.

OPEN AIR JAIL, NABHA

Open Air Jail, Nabha was established in the year 1976 and is the only Open Air Jail in the State of Punjab. It is located just outside the city premises and is spread over an area of 100 acres (approx.). The jail only catered to male convicts who satisfied the criteria of being eligible to be confined in the Open Air Jail in accordance with the Punjab Open Air Jail Rules, 1978. However, the Deputy Superintendent in-charge stated that one essential criteria to be confined in the open air jail was for the inmate to have an aptitude for agriculture, and the possibility of resettling on agricultural land after released.¹⁶¹ **It is important to point out at the outset that during its visit, the team was only able to interact with jail officials and not the inmates as a majority of inmates were released on parole/furlough during the visit (18th March 2019).** The other inmates were working out in the fields and hence were not available.

A. About the Prison

PRISON POPULATION ¹⁶²								
Name of the Prison	Capacity of Prison		Total Prison Population		Number of Undertrials		Number of Convicts	
	Men	Women	Men	Women	Men	Women	Men	Women
Open Air Jail, Nabha, Patiala	75	Nil	63	Nil	Nil	Nil	63	Nil

Table 1: Prison Population

1. Prison population and overcrowding

As per the information provided by Open Air Jail, the jail had a sanctioned capacity of 75 convicted inmates. On inspection of the data received from the jail, as on 31st August 2018, the jail had a total population of 63 inmates. As on the date of visit (18th March, 2019), the jail only had a population of 58 inmates, out of which 31 were on parole/furlough. Thus,, **the jail did not have any overcrowding issues.**

2. Prison design and physical layout

The Open Air Jail resembled the design and infrastructure of a gated community. It did not have any concrete walls and only had fences around the perimeter. Out of the 100 acres of

¹⁶¹ The other eligibility criteria are laid down under Section 3 of the Punjab Open Air Jail Rules, 1978.

¹⁶² The table reflects the population statement for the last population on the last date of August 2018.

jail land, the housing of inmates and official buildings were only spread over an area of 5 acres. All the convicts inside the jail were engaged in work and had to report back to their barracks at the end of the day. There was administrative building, which had a couple of offices at the entrance of the jail. There were no instruments such as X-ray machines or metal detectors for checking. In the words of the Deputy Superintendent, the jail was not a jail, but one “peaceful big family” living together.

The jail had a total of three barracks, a building for dispensary, a canteen, a *gurudwara*, a *langar*/kitchen area and sheds for tractors. The visiting team did not see any PICS machine or Jail legal Aid Clinic.

In the inspection of the barracks by the team, it was observed that they were very old. However, they resembled the structure of a dormitory which can hold a sanctioned strength of 15-25 inmates. Elevated concrete slabs were there, which were being used as beds. Each barrack had three bathrooms and three toilets inside the barrack, which was mostly in line with the the prescribed ratio for inmates to toilets and inmates to bathrooms as per the Model Prison Manual, 2016.¹⁶³

On inspection, the general hygiene of the barracks, toilets and bathrooms were observed to be well maintained.

B. About the Prisoners

A. Procedures for admission

In the interaction of the team with the Deputy Superintendent, he informed that Section 3 of Punjab Open Air Jail Rules, 1978 was being followed, which listed 12 eligibility requirement for being admitted to the Open Air Jail. However, in general, he stated that the convicts detained in open air jail are ones who are fit to do manual labour in the form of farming. Also, these convicts were mostly long-term convicts who were nearing the completion of their jail sentences. He stated that long-term convicts from states other than Punjab, were not being detained in the open air jail. The selection for inmates to be sent to the Open Air Jail from other jails of Punjab happened through the office of Director General of Prisons, Punjab.

¹⁶³ Section 2.10.1 of MPM 2016, prescribes ratio of one western commode (WC) unit, with day time ratio for usage being one unit for 6 inmates; and Section 2.11.1 prescribes a ratio of one bathing are for 10 inmates.

B. Access to basic amenities

c. Food:

The Jail had a small area allotted for *langar*/kitchen. Additionally, a canteen was also available inside the jail. The officials informed that this was being operated and maintained by convicts and the food was being prepared on the basis of the diet chart provided in the Punjab Jail Manual, 1996.¹⁶⁴ In similar practice to other jails in Punjab, food and tea were being served twice a day: once in the morning, and once in the evening.

On the inspection of the *langar* area by the team, they observed that it was an old construction, and had its own flour making machine. A brief interaction with some of the inmates, in presence of the jail officials, conveyed that the *langar* was sufficient to cater to the jail population. However, due to lack of detailed interaction with the inmates inside the jail, the team could not confirm this, or gather information regarding the quality of food or the kind of materials available inside the canteen and their costs.

d. Drinking & Bathing Water:

As per the information provided by the jail, there were five water tanks which cater to the water requirement of the jail. In the observation of the team, they did not observe any water filters or R/O filters inside the jail. However, due to lack of detailed interaction with inmates, the team was not able to gather any information regarding the quality of drinking and bathing water inside the jail.

C. Contact with outside world

There were two primary means through which an inmate was maintaining contact with the outside world:

c. *Mulaqaat*:

In the observation of the team, no *mulaqaat* room was available inside the jail. The officials informed that *mulaqaat* was happening in the *gurudwara* inside the jail. As per the information provided by the jail, *mulaqaat* was allowed for six days a week and was being conducted between 9:00AM to 12:00PM in the morning and between 3:00PM to 5:00PM in the evening. However, the officials informed that in distinction from other jails in Punjab, there were no restrictions in the *mulaqaat* process, and inmates could have inter-personal interactions with their family members.

¹⁶⁴ Rule 815, Punjab Jail Manual, 1996

d. PICS/ Telephone system/Contact through telephones

The Prison Inmate Calling System (PICS) allows inmates to be in touch with the outside world through phones. Although the information received from the jail mentions telephone facility was available inside the jail, the visiting team did not physically see any PICS machines or telephones inside the jail. Further, due to no detailed interaction with the inmates, other details regarding telephone facilities was not enquired into.

D. Medical facilities and healthcare

In regard to the medical facilities inside the jail, there was a small dispensary inside that had the capacity to conduct OPD. A pharmacist was available who would conduct OPD from 8:00AM to 2:00PM every day, and otherwise be available on call 24 hours. It was further informed by officials that in case of emergencies, inmates were being referred to Civil Hospital, Nabha, Rajindra Hospital, Patiala and PGI, Chandigarh. On the day of visit by the team (18th March, 2019), the pharmacist was not available, and hence the team could not have a detailed interaction in regard to issues being faced by the jail for medical and healthcare facilities, if any.

E. Education & recreational activities

As per the information received from the jail, for the period of last year, no inmate was enrolled in any kind of formal educational programmes.¹⁶⁵ Although the jail had a position for teacher, the same was vacant. Also, no vocational training was being conducted inside the jail. In regard to recreational activities, it was observed by the team that there were television sets inside the barracks. Also, there was access to religious places like a Gurudwara (no other places of worship pertaining to other faiths/religions were there inside the jail).

F. Prison labour & wages

In the open air jail, all the inmates were involved in manual labour activities such as farming and gardening. Apart from that, some convicts were also working inside the *langar*/kitchen. However, due to lack of detailed interaction of the team with inmates who were out working in the fields, they were not able to enquire into whether the inmates were aware of the wages they were entitled for the rigorous imprisonment, and whether they were getting paid for the same.

¹⁶⁵ The time period for the data refers to 1st September 2017 to 31st August 2018.

However, the officials informed the team that they were being paid a daily wage of Rs. 40, which was being deposited in the bank accounts of the inmates, which had been opened by the jail in Punjab and Sindh Bank. They also informed that if there were any pending wages of the inmates from their previous jails, the same was being retrieved by the Open Air Jail officials, so that they can deposit it in the bank accounts of the inmates.

C. About the Prison Administration

1. Staff vacancies

As per the information received from the Open jail, as on 31st August 2018, the jail was facing major shortage in regard to the posts of Assistant Superintendents (Executive Staff) and Warders (Guarding Staff). The jail was also facing shortage in regard to technical personnel, specifically tractor drivers, who were required for farming activities.

PRISON STAFF															
Executive Unit		Guarding Staff		Medical Personnel		Welfare Unit		Educational Personnel		Technical Personnel		Agricultural Personnel		Ministerial Personnel	
S	AS	S	AS	S	AS	A	AS	S	AS	S	AS	S	AS	S	AS
3	1	33	14	1	1	Nil	Nil	1	0	6	2	Nil	Nil	2	2

Table 2: Prison Staff Strength

2. Experiences of prison administrators

In the interaction of the team with the Deputy Superintendent, certain issues regarding prison administration were highlighted. They are as follows:

- Problem of Promotions and lack of Government Vehicles: Similar to the complaints received from other jails in Punjab, the officials highlighted the lack of promotions, especially for guarding staff as major demotivating factor and cause of concern. Additionally, the Deputy Superintendent also highlighted that there was a need to provide senior executive staff with government vehicles.
- Need to Streamline the Process of Pre-Mature Release: In specific relation to the type of convicts in detention inside the Open Air Jail, the Deputy highlighted that there was an issue with Pre-mature release of prisoners. He highlighted that the approval of Pre-mature release involved a lot of bureaucratic delays, because of which inmates from the open air jail were not being released. He suggested that the

whole process of pre-mature release needed to be digitised which would increase the efficiency of the process.

3. Prison Oversight Mechanism

As per the information received from the Open Air Jail, no Board of visitors were constituted for the jail.

D. Role of Legal Services Institutions

1. Access to legal aid

As per the information provided by DLSA, Patiala, the following were the components of free legal aid inside the jail: 1) Jail Legal Aid Clinic (JLAC); 2) Convict PLVs and Community PLVs; 3) Jail Visiting Lawyers and 4) Visits by Secretary, DLSA, Patiala.

- a) Jail Legal Aid Clinic (JLAC): As per the information received by the DLSA, Patiala, a JLAC was constituted inside the jail, which was working six days in a week. However, there was no separate room allocated for the JLAC, which was confirmed by the team during its visit to the jail.
- b) Convict para-legal volunteers (PLVs) and Community PLVs: As per the DLSA, Patiala, there was one convict PLV working inside the jail. However, the team was not able to interact with him, and could not confirm the same. Additionally, the information by DLSA also mentions that one community PLV was also visiting the jail. However, during the team's visit, the team did not come across the PLV and could not confirm the same.
- c) Jail Visiting Lawyers: One jail visiting lawyer was also visiting the jail as per the information received by the DLSA, Patiala. However, during its visit, the team was not able to interact with the jail visiting lawyer.
- d) Visits by the Secretary, DLSA: For the period of September 2017 to August 2018, only one visit was made by the Secretary, DLSA, Patiala inside the Open Air Jail, Nabha.

2. Under-trial Review Committees (UTRCs)

As per the information provided by the DLSA, Patiala, for the period of September 2017 to August 2018, the UTRC had been established had met four times during the last year. However, the DLSA has not provided any information regarding convicts recommended for release or released for Open Air Jail, Nabha.

3. Camp Courts

There was no need of conducting camp courts inside the jail, as the jail had no under-trial population.

E. About Vulnerable Groups

The Open Air Jail didn't have any population of vulnerable categories such as female prisoners, foreign national prisoners, mentally ill prisoners or alleged juveniles.

F. Issues of Concern

In the observation and interaction of the team with officials, no issues of concerns were highlighted.

WOMEN'S JAIL, LUDHIANA

As the name suggests, Women's Jail, Ludhiana is the only exclusive prison for women in the whole of Punjab. This jail was established in the year 1989 and as per senior prison officials here, it is a District Level prison. Women's jail has individual area of about two acres. The jail was catering to four courts i.e. Sub-Divisional courts of Khanna, Jagraon, Nawanshehar and District and Sessions Court, Ludhiana.

A. Prison population and Infrastructure

Table 1.1 PRISON POPULATION ¹⁶⁶								
Name of the Prison	Capacity of Prison		Total Prison Population		Number of Undertrials ¹⁶⁷		Number of Convicts	
	Men	Women	Men	Women	Men	Women	Men	Women
Women's Jail, Ludhiana	Nil	350	Nil	195	Nil	NP	Nil	NP

1. Prison Population and Overcrowding

As per the data received from the jail for a period between 1st September, 2017 till 31st August, 2018, Women's jail Ludhiana had a capacity to house a total of 350 women inmates. During this period the jail had a total population of 195 women, including undertrials and convicted women inmates. This was much less than its actual capacity. On the day of the team's visit (15th March, 2019), there were 142 women and 10 children of inmates, housed in this jail. In specific regard to the children of women inmates, the superintendent and the deputy highlighted that the procedure of procuring the custody of children inside the jail, is through the courts.

2. Prison design and physical layout

Women's Jail, Ludhiana was located within the city premises. It was in the same campus as the Central Jail and Borstal Jail and was situated between these two jails. All the three jails were located in an area of the city which was surrounded by winter hosiery factories all around it. It was highlighted that due to the presence of factories around the jail, health hazards were an issue inside the jail as well. Just ahead of the main entrance gate was the administrative block of the jail (also known as deory across the jails of Punjab). This area housed the offices of the Superintendent and the Deputy Superintendent.

¹⁶⁶ As on August 2018

¹⁶⁷ Women's jail did not provide data on the number of undertrials and convicted women housed inside

Overall prison structure seemed quite old. From inside, the prison was divided into two sections: old and new. The new structure had three barracks that housed majority of the women inmates. The older structure, which was more dark and dingy, was built as a circular structure with quite a big lawn and a small amphitheatre in the middle. Whether inmates have access to this lawn area could not be found out. This double storey structure had cells on the first floor, while the ground floor consisted of the OPD room, legal aid room, kitchen/langar, a tailoring unit and a section where the PICS machine were placed. The jail also had a crèche for children of women inmates that was being maintained by NGO Sarbat Da Bhala. However, the team could not visit the crèche. A VC room was also there inside and the same was being utilized regularly. There was also a mandir and Gurudwara inside the jail.

As informed by the female matrons and a convict nigran, most of the inmates in barrack one were undertrials along with a few convicts who were also working as barrack nigraans. Barrack number two housed 37 convicts but a few under-trials were also staying there. Lastly, barrack number three only housed women under NDPS cases, at the time of the team's visit, there were 43 women staying in this particular barrack.

All three barracks were clean and looked more or less the same, these had been built in a dormitory manner, barrack number three being slightly bigger than the other two. In the absence of marble slabs (used as beds), inmates were sleeping on the floor in all three barracks. Each barrack had a television set installed. There was also a complaint box inside barrack number three.

There were six toilets and six bathing rooms/area in each of the barracks. It seemed like the bathing area and toilets had just been cleaned but still these were quite smelly. It was observed that most of the doors here were broken.

There were no high security section, as it was not required (because there are no women gangsters). There was no separate accommodation for transgenders. As informed by jail officials, transgenders were made to undergo sex-determination, after which they would be either put in male only Central jail, or in the women's jail.

B. About the Prisoners

1. Procedures upon admission

Procedure of admission of new inmates in the Women's jail, involves a) First medical examination; b) Awareness and documentation on legal aid; c) Search procedure; d) Handover of essential items and allotment of barracks.

During the interaction with inmates, they shared that first medical examination was being conducted inside the jail by the lady medical officer within the first 48 hours of the inmate's entry in the jail. Few times the medical was conducted even after 48 hours of entry. On this aspect, the lady MO informed that the medical examination of inmates is first done at the Civil hospital. At the jail, only the basic vitals are checked. **She also said that there was no admission form being maintained. There was just an admission register, where the information was being recorded.**

Out of the 11 women interviewed in Women's jail, six alleged to have faced custodial violence, even torture, in police custody by the Punjab Police. These women however, did not inform the jail medical officer as the MO too, did not enquire about custodial violence and torture. The team got a different response from the jail MO. She said that when any new admission with fresh injuries come, she does not allow their admission to the jail, and they are referred back again to Civil hospital for the injuries to be noted. The team did not come across any such case during interaction with inmates.

During admission or mulaiza, inmates are also enquired about the legal representation that they have and if they require a legal aid lawyer. In this process, legal aid awareness is also given to inmates. This process is done by the female community PLV deputed in Women's jail by DLSA Ludhiana. Inmates too, informed the team that they were given legal awareness at mulaiza. Like most of the jails in the state, here too, inmates were being provided basic essentials from the jail authorities, like soap, toothpaste, toothbrush, biscuit and oil.

Before being sent to the barracks, inmates are searched for any contraband articles that they might be possessing. For material search X-ray machine and door frame metal detector is also installed at the admin block. However, bodily search on inmates is conducted manually by warders/guarding women staff of the jail. This is either done through frisking or at times strip search is also used on women suspected of carrying contraband items inside. Women inmates shared that strip search is done in a separate room and women warders wear gloves for this form of search. With specific regard to strip search one of the interviewed women shared, "we are searched in a way that seems like rape, women guards put their hands inside our vagina as a part of the search process". Apart from first admission, search is conducted every time women go and come back from peshi or hospital visits.

2. Access to basic amenities

a) Food: The food inmates were getting from the jail's side was being prepared in the jail kitchen or langar. The kitchen, situated in the older structure, was very dark and dingy. On

inspecting the langar, it was found that there were no fire extinguishers inside. However, there were tube lights and exhaust fans inside the langar. Lunch was served to inmates by 10am in the morning and dinner was being served by 6pm in the evening. Apart from this, tea was also being served twice a day, in the morning around 7am and then around 3pm. Children of inmates are getting a special diet of eggs, fruits, milk etc. once a week.

Although, inmates were largely satisfied with the food that they were getting but some also reported that many a times, the rotis are brunt. There is a provision for inmates to cook their own food with items bought from the canteen. In the absence of a jail canteen, items were being bought from the mulaqaat canteen. Women hand over the list of items they want to the jail authorities and they then buy that stuff from mulaqaat canteen situated outside the women's jail but inside the larger jail compound.

b) Water: Two filters were installed in the older structure of the jail. All the inmates had access to these water filters. However, as informed by the inmates, one of the water filters was not working. Inmates also shared that they regularly get skin allergies due to bad bathing water.

3. Contact with the outside world

a) Mulaqaat: There was a mulaqaat room available inside the jail. However, the team did not visit the mulaqaat room. As per data shared from the jail, apart from Sunday, mulaqaat process runs on all other days of the week from 9am till 2pm. Undertrials can meet their family twice in a week, while convicts can meet once a week.

Women inmates shared that there is no provision under which they can meet their blood relatives (sons, husband, father, brother) who are lodged in the Ludhiana Central Jail. These women expressed the desire to meet them at least once a week as it is allowed in other jails where female enclosures are present. They have made this request to the DG (prisons) as well, when he was visiting the Women's jail on an official visit.

b) Telephone System/Contact through telephones: Just one PICS machine is installed inside for inmates to call their family members or lawyers. Call charges were same as other jails, Re.1/min.

4. Medical facilities and healthcare

In regard to medical facilities, the jail had a 1) Female MO; 2) 1 female pharmacist; 3) Dispensary; and 4) Dental chair. The jail did not have any kind of nursing staff. A dispensary was there inside which was being used as the OPD room. The lady MO, who was on

deputation basis used to sit in this room itself. Specialist doctors like, Pediatrician, Ortho and a Dentist were also visiting the jail. The MO, however, informed that no Gynecologist was visiting the jail and the reason behind this was that there is dearth of Gynecologists in PCMS. With regard to specialist doctors, jail officials shared that they have been requesting for the appointment of psychologists and psychiatrists to visit the jail but no such appointments have happened yet.

The MO also highlighted that medical escorts were a big issue, and it was much bigger right now (at the time of the team's visit) due to the elections. The MO was doing OPD from 9AM to 3 PM in the morning. She highlighted that just 1 MO and 1 pharmacist were not enough, as there is no reliever for them when they want to take leaves. She also highlighted specific problems such as:

- There was a lack of medicines inside the jail as there was less stock with the government. Even the jail had difficulty in funds to get medicines.
- Water filter inside the jail has not been serviced for a long time
- Lack of fans inside the dispensary
- Lack of a proper register to maintain medical records
- She said that a sanitary pad vending machine was installed inside the jail by a NGO. But that has not been working for a long time. She also said that a lot of women just use cotton cloth as sanitary pads.
- Lack of injections inside the jail, where she has to ask for injections from borstal jail or central jail.
- No ambulance to transport women inmates to the civil hospital

She suggested to resolve the medical problems inside the jail, a permanent MO needs to be recruited by the jail, with funds available for the MO to use. Otherwise the Medical infrastructure will continue to suffer.

5. Education & recreational activities

According to the data received from the jail for September, 2017 till August, 2018, no educational programmes were being run inside the women's jail. However, 21 convicts and 13 undertrial women were provided vocational training inside. It was not known as to what were these training courses.

6. Prison labour & wages

The factory inside the women jail had a sewing and knitting unit from which stitching and embroidery work was going on. The deputy informed that soon a sanitary pad making unit along with a pickle making unit, will also be installed inside the jail with the help of an NGO to produce work for convicted women.

During the jail visit, the team saw, both undertrials and convicted women inmates engaged in working on sewing machines. The team was informed that they even get private orders to make products in bulk and at times the products are also displayed in exhibitions across the state. Undertrial inmates were working on a voluntary basis as also informed by one UT who was working on the tailoring machine. Apart from that convicts were getting wages for the work that they were doing inside, including work in the jail langar.

However, the team also came across women UTs who were being compelled to work for other inmates for money. They were doing daily chores like washing clothes, utensils etc. and were getting Rs.150 for such work. **Another UT shared that she was forcefully made to do intense cleaning work (mopping, cleaning of terrace etc.), despite of being pregnant, by one of the female Matrons. The inmate also informed that after a few days of coming to this jail, she was beaten up by the matron. She alleged that the matron told her “itna maarungi ke teri laash bhi baahar nahi jane dunga”.**

C. About the Prison Administration

1. Staff vacancies

As per the information received from the jail, as on 31st August 2018, the sanctioned staff strength of Women’s prison was, 63 personnel. However, the actual staff strength on this date was of only 47 personnel (refer to table 1.2). **The jail was functioning with an overall staff shortage of almost 25%.** However, with limited number of inmates (much less than the actual capacity of inmates), the jail was not facing issues with regard to the present staff strength. In the executive staff unit, there were two sanctioned posts of Assistant Superintendent but both these posts were vacant. There jail was further short of 13 female warder/matrons.

Table 1.2 PRISON STAFF STRENGTH															
Executive Unit		Guarding Staff ¹⁶⁸		Medical Personnel		Welfare Unit		Educational Personnel		Technical Personnel		Agricultural Personnel		Ministerial Personnel	
S	AS	S	AS	S	AS	A	AS	S	AS	S	AS	S	AS	S	AS
4	2	46	33	2	2	Nil	Nil	1	1	1	1	1	1	8	7

¹⁶⁸ The figures for guarding staff has been taken from the jail on the day of the visit as the data received for September, 2017-August, 2018, had some discrepancies.

2. Experiences of prison administrators

The jail had an all women staff, including senior officials. The Superintendent, Ms. Damanjeet Walia, joined the prison services in 1989 and was promoted to the post of Superintendent in 2015. She was the only female Superintendent in the whole of Punjab.

Both, the Superintendent and the Deputy Superintendent shared that since the very beginning of their service they have stayed in this jail. This, they feel, has limited their exposure as they have never got the opportunity to serve in the male prisons, which has also led to **the stagnation of these posts as they have just been restricted to one prison**. As shared by them, despite repeated requests from their side to senior authorities, they had never been posted in any other prison of the State. **According to them this is reflective of the prevalent gender discrimination in Punjab prison service as this issue is specific to Punjab where women officers are not being exposed to an array of duties and responsibilities.**

They also shared that in other jails, female officers are only appointed up till the level of Assistant Superintendent. They however, felt that female officers should also be appointed to the level of Deputy and even Superintendent level. They further suggested that instead of building more exclusive female jails, there should be a section in men's jails for women, with women officers being posted there. They indicated that Haryana already has such a system in place.

Apart from this important issue raised by them, they also shared that they have long duty hours with no weekly offs. Another specific issue that they were facing was that they were not posted in their home districts, unlike other male officers in other jails of Punjab, as they had to be posted in the Women's jail which is situated in Ludhiana. The jail was also facing fund crunch, as shared by the officials in this jail. Women officials also highlighted the dilapidated condition of their accommodations which were situated in the prison compound itself. Although, accommodation was available for all level staff, however, the living conditions of these accommodations were "horrible and not livable".

3. Prison Oversight Mechanisms

As per the data from the jail, Board of Visitors (BOVs), including Non-Official, were not appointed for Women's jail Ludhiana, between September, 2017 and August, 2018.

D. Role of Legal Service Institution

1. Access to Legal Aid

As observed by the team, legal aid infrastructure inside the Women's jail consisted of a) the Jail Legal Aid Clinic; b) Community PLV, c) Jail Visiting Lawyers and d) Legal Aid Beneficiaries i.e. women inmates. Deputy Superintendent, Chanchal Kumari, shared that the Ludhiana DLSA secretary, Ms. Gurpreet Kaur is very supportive, "Jail officials feel very comfortable in sharing their issues with Gurpreet ma'am. She also conveys our issues to the District and Sessions Judge".

a) Jail Legal Aid Clinic:

The JLAC in the Women's jail was established in the year, 2012 and was functional for six days in a week. A separate room in the older section of the jail was allocated for the clinic.

b) Community PLV:

A lady community PLV, Ms. Ramandeep Kaur, appointed by DLSA Ludhiana was manning the clinic. She was working as the community PLV since 15th July, 2018. Simultaneously she was also pursuing Phd. Her duty was earlier for 5 days in a week but since a month, the duty has been increased to 6 days in a week, Sundays are off. Same as the community PLV in Ludhiana CJ, even she was getting paid Rs. 400/per day as honorarium by the Ludhiana DLSA. However, she informed that she was only getting Rs. 360 in hand. She was told by the DLSA that the rest Rs.40 will be given together in March.

Throughout the team's inmate-interview process, Ms. Ramdeep was present in the clinic. She helped the team with information on specific legal aid lawyers, applications sent written by her and the dispatch numbers of individual applications. She had in fact maintained a list of all legal aid lawyers with their contact numbers and the courts in which they practice. The same was displayed on a wall in the clinic for anyone to see in case they want information on any lawyer. Apart from this, all legal aid records maintained by her were up-to-date. **The community PLV was seen to be working very well.**

Primary work of the community PLV in the jail involved: giving legal aid advice to all new inmates on the next day of their admission; writing applications, not just legal aid application but also on other issues like contact with family, custody of children etc. Since the inmates come to her for all kinds of advice and counselling, they even share issues being faced by them inside the jail be it on the quality of food or in-fighting among inmates. At times she even acts as a messenger between the inmates and the jail authorities. Whenever required, she passes on requests to the authorities on behalf of the inmates.

The PLV further mentioned that they receive regular trainings from the DLSA, once in one or two months, on important rules and laws. The most recent training workshop was on all children specific laws. Specialists from the child welfare department were also a part of this training.

The team received an overall positive feedback from all inmates (that were interviewed) about the community PLV. Her only suggestion was that the honorarium should be increased as a lot of money is spent on daily travel to the jail (Rs.90 everyday).

a) Convict PLV:

The team did not find any convict PLV working in the jail on the day of their visit.

b) Legal Aid Beneficiaries:

DLSA Ludhiana, under whose jurisdiction Women's jail lies, provided a compiled data for all three jails in the district. Therefore it could not be determined as to how many specific requests were received for legal aid lawyers from the Women's jail. Out of the total 11 women interviewed, five had legal aid lawyers. And only one of these were in touch with the legal aid lawyer. Majority of the inmates who had legal aid lawyers had no communication with the lawyer and were hence, not satisfied with the services being provided to them.

2. Under-trial Review Committee

As per the information from the DLSA, UTRC was in place in the jail and had met four times from 1st September, 2017 till 31st August, 2018. However, the DLSA did not provide information on the number of recommendations it received for the release of undertrial inmates. This was despite the fact that out of the total 195 women inmates in the jail, 24 of these have been detained as undertrials for a period between one to five years and three of these inmates were detained as undertrial for even more than five years.

E. About Vulnerable Groups

The team did not come across any alleged juveniles or inmates suffering from mental illness. However, the team did interact with two FNP women who were housed in the jail.

1. Foreign national prisoners

Female foreign national inmates and one inmate from a North Eastern state were staying in one of the seven cells. The Superintendent informed the team that in verbal communication

with higher authorities, it was decided that FNPs will be kept separately inside the jails. In the women's jail, there were being kept in cells, away from the barracks of other Indian inmates. As mentioned above, all the cells were situated in the older section.

Upon asking the Indian national as to why was she staying with FNPs, she informed us that since all three of them speak English it is easier to communicate with each other. Despite of three people, along with a toddler of one of the FNPs, staying in a single cell, it was clean and well organised. Toilet and bathing area was inside the cell itself and both seemed clean.

Interaction with FNPs shared a range of issues being shared by them inside the jail. Some of these are mentioned below:

- They were not eating the food given in the jail. They either have to buy food from the canteen or have to rely on the food that is given by their friends and relatives during Mulaqaat. One of the FNPs shared that, many a times, the food that their friends get during Mulaqaat is not allowed inside by the jail officials.
- They were not allowed to make ISD calls to relatives back in their home country
- Both FNP women in this jail do not have contact with their respective embassies
- Just one PICS machine creates a lot of chaos often leading to inmate in-fighting over turns to make phone calls. If they want to change the number then it takes a week for the number to be changed. Requests that the same should not take more than three days. Given only 5 mins per call per day. They requested for the time to be increased.
- Language barrier is an issues as warders and matron, along with inmates, do not understand English
- Firewood for cooking is not available hence they have to use dried rotis/chapatis as firewood to cook food like rice etc.
- They also shared their reservations with strip search that was being conducted on them, one of them said “we are stripped naked and two fingers inserted inside our vagina. This form of search process is humiliating”. Shared that a proper machine should be installed for conducting bodily search on inmates.
- They claimed that the TV that is there in the FNP cell was brought by them for Rs.9000; on Sundays TV viewing is allowed only in the evening. The TV was brought through official permission. Every month recharge of Rs. 360 is done by the FNPs.
- They also alleged that pads are not being given by the jail authorities; “we either have to buy these from the canteen or use cloth as pads”.

E. Issues of Concern

1. Instances of custodial violence and torture

a) Violence in Police Custody

As mentioned above, out of the 11 inmates interviewed, six claimed that they were allegedly tortured in police custody by Punjab Police. As shared by these inmates, several torture techniques and methods were used on them. These included: being stripped naked, hands tied and slapped multiple times by lady police officers; pulling of hair and being hit repeatedly with slippers. One of the inmates stated that, "I was tortured by male police officers. They hit me with slippers repeatedly and even put electric shock on my body. Male police threatened me with rape. I and my co-accused were forced to confess for something that we didn't commit". Additionally, all these six inmates also claimed that they were not produced before the court within the first 24 hours of their arrest.

Another inmate specifically shared her detailed account of torture by CIA staff (Sannewal Thana). Charged with 407 and 302, she was kept in police custody for 10 days. Methods on torture inflicted on her involved pulling of her nails, water boarding, electric shocks on her ears and private parts. She was tied to a table and injected with some substance she was not aware of, she became unconscious because of this. When she regained her senses, her clothes were wet and she felt like she has been raped. The police made a video of her when she was naked in order to threaten her to not disclose anything against the people who have implicated her in this case.

SUBSIDIARY JAILS



SUBSIDIARY JAIL, FAZILKA

Sub-jail, Fazilka was the smallest jail operating in the State of Punjab. It was a male only jail and was located inside the city premises. It was housed adjacent to the old district court premises and faces a high number of security issues due to its proximity to residential areas and for being next to major roadways in the district. The sub-jail catered to around 10 police stations in the district and was spread over an approx. area of 2 acres. It had total sanctioned strength 48 inmates.

A. About the Prison

PRISON POPULATION								
Name of the Prison	Capacity of Prison		Total Prison Population		Number of Undertrials		Number of Convicts	
	Men	Women	Men	Women	Men	Women	Men	Women
Sub-jail, Fazilka	48	0	57	0	42	0	10	0

Table 1: Prison Population

1. Prison population and overcrowding

Sub-jail, Fazilka had a negligible rate of overcrowding. While the total capacity was 48 inmates, on the date of visit,¹⁶⁹ the sub-jail had a total population of 56 inmates. Amongst them, 43 were under-trials, nine convicts were serving rigorous imprisonment and one convict was serving simple imprisonment. The sub-jail also had 3 civil prisoners.

2. Prison design and physical layout

At the outset, the sub-jail lacked a proper outer perimeter wall. It was operating through structures resembling sentry outposts on a makeshift wall. Inside the main gate, the jail was divided into three sections: prison control room, office of the Deputy Superintendent and staff quarters and the inmate residential section. Due to the lack of the perimeter wall, absence of street and flood lights, and adjacency to main roads, the prison experienced a lot of security issues. Although the team was informed that installation of CCTV cameras and frequent patrolling of guards helped in improving the security, as per the Deputy Superintendent, security concerns still persisted.

¹⁶⁹ The team visited Sub-Jail, Fazilka on 9th November 2018

The sub-jail had a total of four barracks. Two of them had a design resembling a dormitory, while the remaining two were small cells. The small cells were being used to confine new inmates, whose admission to the prison was under-way. As the jail had a predominant under-trial population, segregation was not practical. There were no slabs available for sleeping, and inmates mostly slept on the floor with beddings and mattresses. Television sets, fans and lights were available in all the barracks. The barracks were also well ventilated and had enough light.

In total, there were eight toilets and five bathing rooms available inside the sub-jail. This indicates that the ratio of one unit of toilet to inmate is 1:7, while the ratio for bathing rooms and inmates is 1: 11; and is in line with the prescribed ratio in the Model Prison Manual, 2016.¹⁷⁰ However, the bathing units were in the open. This according to the observation of the team, might have resulted in discomfort and lack of privacy amongst the inmates. The toilets and the bathing area seemed to be in hygienic condition.

B. About the Prisoners

1. Procedures upon admission

The admission procedure roughly included 5 stages: a) medical examination at civil hospital; b) Search (frisking and material possession); c) Making of history ticket (including information of right to free legal aid) d) Providing basic materials (bedding, blanket, washing and bathing soap, toothpaste, blanket, oil, shampoo etc); and e) allotment of barrack. Search of a person and material possession was being conducted multiple times for an inmate (including the admission stage). Allotment of prison work to convicts was done by the Deputy Superintendent himself.

The sub-jail lacked a basic medical infrastructure, and hence, no medical examination was being done inside the sub-jail. The medical examination at admission was being at times done by the pharmacist as and when he was available inside the prison. Other than that, the routine medical examination was being conducted prior to the admission in the sub-jail and was mostly being conducted at civil hospital in Fazilka, or at the civil hospital in the district where the inmate was being produced.

One important aspect of medical examination during admission to the jail is documenting custodial violence. The medical officer examining the inmate becomes a primary witness and also helps document torture or custodial violence, which can be further used as evidence. However, in interaction of the team with inmates, out of the five inmates who

¹⁷⁰ Section 2.10.1 of MPM 2016, prescribes ratio of one western commode (WC) unit, with day time ratio for usage being one unit for 6 inmates; and Section 2.11.1 prescribes a ratio of one bathing are for 10 inmates.

alleged custodial violence committed by Punjab Police after arrest, none of them informed the doctor about the same during examination. While some did not inform as the doctor did not ask, others shared that they were asked by the police to not reveal the custodial violence to the doctor.

In regard to search procedure, the team was informed that thorough frisking of body as well as material possessions takes place. The jail also provided basic essential materials during the time of admission to the inmates. These included materials like bedding and a blanket. Soap, brush, toothpaste and oil were also being provided during admission and continued to be provided to the inmates on a monthly basis

2. Access to basic amenities

a. Food:

The sub-jail had a *langar*, which was being operated and maintained by the convicts. The food was being prepared on the basis of the diet chart provided in the Punjab Jail Manual, 1996.¹⁷¹ Food was being served twice a day: once in the morning, and once in the evening. Tea was also being served twice a day. However, there was no separate room for langar and it was housed in the open area of the jail. On observation, it appeared to be in unhygienic condition.

As the sub-jail did not house women, children as well as sick and infirm inmates, there was no requirement of providing any special diet as per the jail manual.¹⁷² Additionally, on interaction with inmates, it was informed to the team that there was a food inspection committee in place comprising of 10 members (four undertrials and six convicts) which was functional. Overall, the inmates were satisfied with the quality of food being provided.

b. Drinking & Bathing Water:

There was a central RO system installed inside the sub-jail which catered to the drinking water requirement of the inmates. For bathing water, there were eight tanks installed inside the prison premises. However, some of the inmates informed us about water-borne diseases being caused both by drinking and bathing water.

3. Contact with outside world

There were two primary means through which an inmate was maintaining contact with the outside world:

¹⁷¹ Rule 815, Punjab Jail Manual, 1996

¹⁷² Rules 819, 820 & 821, Punjab Jail Manual, 1996

- a. Mulaqaat: *Mulaqaat* allowed inmates to interact with family members and friends. The *mulaqaat* room was a small space located near the entry of the sub-jail. It had the capacity to hold just two inmates at a particular time. *Mulaqaat* was allowed between 9:00am to 2:00pm for six days a week (except Sundays). Four days were allotted to under-trials and two days were allotted to convicts. Out of these allotted days, a particular under-trial was allowed to meet twice a week while a convict was allowed to meet once a week. As per the Deputy Superintendent, the underlying principle behind this distribution was based on the prison population where the ratio between under-trials and convicts was generally 2:1. As per the inmates, they were usually being allowed 15-20 minutes for *mulaqaat*.

The *mulaqaat* room had no glass boxes or telephones to talk. Although, due to the small size of the room and the holding capacity of two inmates at a particular time, the inmates expressed that they were satisfied with the *mulaqaat* process. However, **the Deputy Superintendent informed us that the provision of inter-personal meeting, where the inmate can touch or hug their family members, was not available.**

- b. Prison Inmate Calling System (PICS): The Prison Inmate Calling System (PICS) allowed inmates to be in touch with the outside world through phones. Under PICS, each inmate was entitled to five minutes of calling in a day, which cost Rs. 1 per minute. The inmate was allowed to feed up to three contact numbers in the PICS system.

The sub-jail had one PICS machine which catered to the entire inmate population. All the inmates unanimously expressed that five minutes of calling in a day was not enough for them to converse with family members as well as lawyers. In their opinion, the time period for calling needed to be increased up to 10 minutes for each inmate.¹⁷³

4. Medical facilities and healthcare

The sub-jail lacked a basic medical infrastructure. It had no medical officer visiting the prison. The daily check-up of inmates was being carried out by a pharmacist, who was deployed by civil hospital, Khui Khera, Fazilka. The pharmacist was visiting twice a week and spent four hours per day inside the prison. Medical examination required at the time of admission was primarily done at the civil hospital as well. If there was a requirement of a doctor in emergency situation, the prison officials had to specifically call for one. However, the team was informed that the medical staff at the civil hospital were also inept in responding to medical emergencies. As a result, most the inmate patients were being sent to Medical College, Faridkot located at a distance of 130+ kms from the sub-jail.

¹⁷³ The information regarding increase of time was documented by the team in November 2018. However, from March 2019, the time limit has been increased up to a period of 10 minutes per day.

Another issue which was highlighted by the pharmacist visiting the jail, was in regard to the lack of an ambulance in the prison premises. Additionally, he informed that obtaining medical escorts was an issue, where at times, the jail officials had to use their own means of transport to respond to a medical emergency inside the prison. However, as per the official data received from the jail, six police escorts were provided on a daily basis for medical purposes to the sub-jail. This information is in contradiction to the observations made by the team through their interaction with the jail officials and pharmacist during the prison visit.

Overall, it can be assumed that the lack of basic medical infrastructure had been primarily affecting the capacity of the jail officials to provide basic healthcare to inmates and respond to daily healthcare as well as medical emergencies of inmates.

5. Education & recreational activities

As per the information received from the jail, there was no vocational training or education programs being conducted. Recreational activities inside the jail included the availability of television sets inside barracks, indoor games, farming activity around the prison premises along with religious *bhajans* being played on speakers inside the prison.

6. Prison labour & wages

The prison labour inside the sub-jail included:

- Working in *langar*/kitchen;
- Working on the farms adjacent to the prison premises;
- Operating the PICS machine;
- Working as assistants to the prison administration (as *munshis*); and
- Working as *Nigrans/lambardaars*.

In the team's interaction with convicts who were engaged in some kind of work inside the jail, it was informed that that they were unaware about the prison labour and wages.

This issue was brought to the attention of the Deputy Superintendent in a letter dated 28th November 2018. However, no action or response has been received from the jail.

C. About the Prison Administration

1. Staff vacancies

As per the information received from the jail, there existed no staff vacancies for sub-jail, Fazilka. However, in the interaction of the team with the Deputy Superintendent, it was informed that there was an urgent need for the creation of sanctioned posts for technical personnel such as Data Operator, an electrician as well as a plumber.

PRISON STAFF															
Executive Unit		Guarding Staff		Medical Personnel		Welfare Unit		Educational Personnel		Technical Personnel		Agricultural Personnel		Ministerial Personnel	
S	AS	S	AS	S	AS	A	AS	S	AS	S	AS	S	AS	S	AS
1	1	22	22	Nil	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	3	3

Table 2: Prison Staff Strength

2. Experiences of prison administrators

Administration and management of sub-jail was comparatively easier in the viewpoint of the Deputy Superintendent. Sub-Jail, Fazilka, being the smallest jail in Punjab, the Deputy Superintendent stated that he had the possibility of one-to-one interaction with all the inmates. This helped him in addressing concerns raised by inmates. Additionally, in his opinion, lack of overcrowding coupled with full sanctioned strength resulted in less pressure on the prison management.

However, he highlighted the need of personal security required by him. Being the head of the jail and coming in daily contact with alleged criminals, the Deputy Superintendent highlighted the continuous nature of threats made by criminals against him and his family. He also highlighted the urgent need of an official vehicle for the posts of Superintendent and Deputy Superintendent.

Additionally, the Deputy Superintendent expressed his dissatisfaction with the concept of large jails. In his opinion, for effective and efficient management and the well-being of both prisoners and jail officials, a jail as matter of policy, should not hold more than 1000 inmates at a particular point of time. In regard to administration, he suggested that such a jail can be efficiently managed by a management staff of one Superintendent, one Deputy Superintendent and two/three Assistant Superintendents.

3. Prison Oversight Mechanism

As per the information received from the sub-jail, for the period of September 2017 to August 2018, no Board of Visitors had been appointed by the State Government for prison oversight. In the observation of the team, this might be one of the primary reason for the existence of poor infrastructure and the neglected state of affairs in sub-jail, Fazilka.

D. Role of Legal Services Institutions

1. Access to legal aid

The legal aid infrastructure consisted of the following components:

- a) Jail Legal Aid Clinic (JLAC): There existed legal aid room inside the sub-jail which was operational. As per the information received, the JLAC was working on all working days, with empanelled lawyers of the DLSA visiting 4 days a week. Overall, for period of September 2017 to August 2018, 291 applications were filled and were provided with legal aid. **Based on the population of inmates admitted during the same period, only 20% (approx.) of the inmates availed legal services.**¹⁷⁴ The team was also informed by the jail officials that an inmate was informed about the eligibility to procure free legal aid services at the time of admission
- b) Convict and community para-legal volunteers (PLVs): As on the date of visit, there was one convict PLV working inside the sub-jail. However, after consulting both the convict PLV and the DLSA, the team was informed that the convict PLV was not being paid for the work he was doing inside the prison.
- c) Jail visiting lawyer: The team was unable to interview any jail visiting lawyers during the visit.
- d) Legal aid awareness camps: Based on the information received, six legal aid awareness camps were held for the period of September 2017 to August 2018. The team also observed the existence of a huge legal aid awareness poster inside the sub-jail.
- e) Visits by the Secretary, DLSA: For the period of September 2017 to August 2018, Secretary DLSA made six visits to the sub-jail. There also existed a complain box inside the jail premises, which was locked. The key was in the possession of the Chairman, DLSA. However, the team was not informed about the frequency for the inspection of these complaint boxes

Lack of frequent awareness camps and monitoring by the DLSA might be a reason behind such low population of inmates availing legal aid services. **This observation was corroborated by us during the visit, where out of the 13 inmates interviewed,**

¹⁷⁴ From September 2017 to August 2018, 1467 were admitted in sub-jail, Fazilka (1310 UTs and 157 Convicts)

only one had a legal aid lawyer, while the other 12 had private lawyers. We were also informed that delay in appointment of lawyers, and lack of basic trust on legal aid lawyers also contributed to the less % of inmates availing free legal aid services.

2. Under-trial Review Committees (UTRCs)

As per the information received for the period of September 2017 to August 2018, the UTRC had only met once in the district of Fazilka. Further, the information suggests that none of the total UTs released on bail during the same period¹⁷⁵ were recommended by the UTRC. This is despite the fact that the information received from the jail suggests that it had a total of six inmates who were detained as undertrials for a period ranging between 1-5 years. Amongst the six inmates, there were two inmates who had been detained as undertrial for the period ranging between 3-5 years. Despite the existence of such long detentions for certain under-trials, it remains unclear on the reasons behind the non-recommendations of the names under S. 436A by the UTRC.

E. About Vulnerable Groups

The sub-jail was a male only jail with no housing provision for women prisoners & their children. It did not house foreign national prisoners (FNPs) as well. High security prisoners, prisoners with serious medical issues (including prisoners undergoing de-addiction or OOATs treatment) were being sent to Central Jail, Faridkot.

However, the team did encounter a juvenile inside the prison, who had the required identification document (AADHAAR & Ration Card) to prove that he was a juvenile. The same was brought to the attention of the Secretary, DLSA via a letter dated 28th November 2018. However, no response has been received regarding actions taken by the DLSA for the same.

F. Issues of Concern

1. Instances of custodial violence and torture

a. Violence in Police Custody

Out of the 13 inmates interviewed, five inmates informed the team about custodial violence which included third degree interrogation techniques like being stripped naked, tied and beaten with sticks and belts. Amongst these five inmates, four of them were produced

¹⁷⁵ Out of the 1310 UTs admitted during the year, 1029 were released on bail.

before a magistrate after 24 hours had already elapsed from the time of arrest. The other, although produced before a magistrate within 48 hours, was tortured while in remand custody of the Punjab police.

SUBSIDIARY JAIL, MALERKOTLA

Sub Jail Malerkotla, established in the year 1954 is also one of the oldest prisons in Punjab. It is spread over an area of more than four acres. It is a male only prison and was situated in a residential area. The jail catered to eight police stations and three courts which include District and Sessions Court, Sangrur and Sub-Divisional Courts of Dhuri and Malerkotla.

A. Prison population and Infrastructure

Table 1.1 PRISON POPULATION ¹⁷⁶								
Name of the Prison	Capacity of Prison		Total Prison Population		Number of Undertrials		Number of Convicts	
	Men	Women	Men	Women	Men	Women	Men	Women
Sub-Jail Malerkotla	170	NIL	146	NIL	111	NIL	35	NIL

Table 1: Prison Population

1. Prison Population and Overcrowding

As per the information received from Sub-Jail, Malerkotla, as on 31st August 2018, the jail housed around 146 inmates against the sanctioned strength of 170 inmates. Out of these 111 were under-trials and 35 were convicted inmates. On the day of the research team's visit, on 14th February, 2019 the jail had just 118 inmates indicating to the fact that the jail is generally under crowded. It was informed that inmates with serious medical conditions are transferred to Sangrur District Prison.

2. Prison design and physical layout

Despite of being a sub-jail, Malerkotla jail was spread in a fairly big area. Quite impressively overall cleanliness inside the prison was very high. General area along with the barracks were very clean. At the outset, the jail had an outer boundary wall with Sentry Posts. Due to the very location of the jail, there has been some incidents of throwing, as shared by the Deputy Superintendent, Mr. Balbir Singh. He said that jails should be outside the main city area for security reasons. However, he also mentioned that you cannot put Jails completely outside the city limits as well. He highlighted that Police Stations and Civil hospitals need to be closer to jails for effective and better administration, which will not be there if jails are located outside city premises.

¹⁷⁶ As on 31st August, 2018

The male only jail had a total of six barracks, including one barrack which was inside the langar. This barrack was accommodating inmates working in the langar. Barrack 1 was the new admission barrack. Each barrack had a maximum capacity of 30 inmates and had four toilets and four washrooms. A separate washbasin was also attached to each of these washrooms. Barrack 5 was larger in size than the other barracks and had a capacity of holding 50 inmates. It had one extra toilet, washroom and washbasin as compared to the other barracks.

There were also TVs with cables available inside each barrack along with fans, exhausts and tube lights. On inspection, the barracks still did not look properly ventilated. All barracks, except for barrack 5, had marble slabs that were used as beds. In barrack 5, however, inmates were sleeping on the floor. A good practice that was being followed inside was that every Wednesday clothes and bedding of inmates is put out in the sun to avoid the spreading of skin diseases.

There were three complaint boxes kept inside the jail, all of which were locked. Apart from this, there was VC facility available inside and the jail also had a PICS machine and a canteen. There was a dargah in the central area of the jail, the jail legal aid clinic, a store and an OPD room were also situated in this central area. CCTV cameras and door frame metal detector were also available in Malerkotla sub-jail.

B. About the Prisoners

1. Procedures upon admission

It was informed that on an average the jail gets four new entrants every day. These new entrants are medically examined at the civil hospital before coming to the jail. **Most of the times, their medical does not happen inside the jail as there is no permanent medical officer¹⁷⁷ appointed here.** However, prison officials informed that medical report of the civil hospital is cross checked by the pharmacist upon the inmate's admission to the jail. Additionally, physical examination and information on addiction is also asked during admission. **Out of the 23 inmates interviewed by the team, only seven inmates were medically examined inside the jail.**

Search procedure is also conducted on inmates during the admission process. Thorough frisking is done on them by the jail guards. Hand held metal and door frame metal detectors are also used for this purpose. Upon admission of new inmates, the convict PLV provides them basic information on free legal aid and in this process he also documents whether or not these inmates have a legal representation and if they want to be represented by a legal

¹⁷⁷ No sanctioned post

aid counsel. When this procedure is completed, new entrants are sent to barrack number one. All inmates are provided with basic utensils, a quilt (*razai*) and basic essentials like toothpaste, oil, soap, tooth brush etc.

2. Access to basic amenities

a) Food:

The jail langar appeared to be hygienic, clean and well lit up. There was an exhaust fan fitted inside and a fire extinguishers was also there, this was however, outdated which was brought in the notice of the Deputy. He informed that new requisitions for the same have already been ordered and they would be installed soon. The langar also had a barrack, which had a capacity of ten people. There were two washrooms, two toilets and two wash basins in the langar barrack.

At the time of the team's visit, 12 inmates were working in the langar taking care of the dietary needs of inmates. All inmates unanimously stated that the food that was being provided to them was satisfactory, some even stating that it has become better ever since the new Deputy has been appointed here. Rotis were thin and of good quality. Containers are there for each barrack to keep the rotis warm.

Apart from the kitchen food which was provided free of cost, inmates also had the provision of buying food (or any other items) from the canteen situated inside. Upon enquiring, inmates shared that all stuff is being sold on MRP in the canteen. Most bought stuff included spices, vegetables, oil/ghee and milk products.

b) Water:

While majority of the inmates were fine with the water that they were using but some stated that bathing water causes skin allergy at times. With respect to the drinking water, though, they were satisfied as a water filter was installed for drinking water. A small area with earthen clay stoves was being used to heat water during winters.

3. Contact with outside world

a) Mulaqaat:

There was a mulaqaat room available inside the prison and, as per the Deputy Superintendent, at a time up to ten family members are allowed to meet their ward who is inside. The Mulaqaat room was similar to all other mulaqaat rooms in Punjab jails, with an iron fence and iron mesh wiring as a barrier between visitors and the inmate. The Deputy

also informed that he has stopped food materials from being allowed inside the jail during mulaqaat in reaction to smuggling of contrabands inside the jail. The only thing allowed inside during mulaqaat are clothes and bedding. Visitors were also being checked through frisking and metal detectors.

b) Telephone System/Contact through telephones:

One PICS machine is installed in the jail. The machine is opened for use of inmates from 8 in the morning. Eight minutes given to each inmate and Re.1 is charged per minute. Minutes have been recently increased from five to eight.

4. Medical facilities and healthcare

As it was a sub-jail, Malerkotla prison lacked internal medical facilities. As it had been mentioned above, there was no permanent medical officer inside. The Deputy Superintendent stated that according to the jail manual a doctor is to be deputed inside a jail on 500 inmates but since this jail has a sanctioned capacity of 170 inmates, a permanent MO is not appointed here. Medical needs of inmates were being taken care of by the three pharmacists deputed inside who were working 24 hours per day in three shifts (each working for eight hours every day). The jail did not even have an ambulance to transport inmates to the civil hospital, in the absence of which jail officials were using their private vehicles to transport medical emergency cases.

Absence of a full time MO inside the jail is problematic for several reasons. Transition of custody, from police to judicial, happens when the inmate enters the jail. At this juncture a thorough medical examination from the prison's side is absolutely necessary. Jail medical examination is also important for the documentation of complaints of custodial violence on the accused in police custody. Simply relying on the civil hospital medical report, prepared in the presence of police personnel, cannot be the norm for the prison administration. But this was a practice being followed in Malerkotla sub-jail.

One of the inmates interviewed stated that when he was taken for medical at the civil hospital, his ear was bleeding due to alleged police torture but the doctor did not document the same as the police personnel were also present there. Another inmates, who also alleged torture (electric shocks) in police custody, stated that his medical was conducted inside the prison and the doctor did ask him about custodial torture. He was given medicines for the pain by the jail doctor.

During the discussion with the pharmacist, he too highlighted that there was an urgent need for a full-time doctor inside the prison. The pharmacist highlighted that in case

of emergency, they were referring patients to civil hospital, but after referral it was the responsibility of the jail staff to take them to hospital. If they weren't able to, the doctors/pharmacists could not do anything about it. The pharmacist stated that Specialist doctors like orthopedics, dermatologists etc. were visiting on specially allotted days and were also available on call. Whether or not psychologists and psychiatrists were also visiting couldn't be found out. It was also not clear whether inmates were receiving any kind of counselling inside the prison. These healthcare related aspects are important to mention here since the jail data states that two undertrial inmates had committed suicide inside between 1st September 2017 and 31st August 2018.

Another issue that was highlighted by the pharmacist was on the shortage in supply of medicine, because of which they had to personally go to District Jail Sangrur to resupply their stock. The pharmacist also highlighted that the new Deputy after his appointment has completely stopped any kind of drug circulation inside the jail, and also made strict the giving of medicines like tramadol or any other sleeping medicines. When asked about medical equipment, the pharmacist highlighted that there was shortage, and if a permanent doctor is posted inside the jail, then the medical equipment will also be provided.

5. Education & recreational activities

The jail did not have any form of vocational training, educational training or recreational facilities available for inmates. One of the inmates interviewed stated that they pass their time by playing games like volleyball and badminton.

6. Prison labour & wages

The jail did not provide data on the number of convict working inside the prison from 1st September, 2017 till 31st August, 2018. However, all the 11 convicted inmates interviewed by the team, stated that they were working inside the jail and were also getting wages for the work that they are doing. All of them were aware of the wages they were entitled to and all had accounts opened for the same from the jail's side. The kind of work they were engaged in ranged from working in the langar; assisting in the store, mulaqaat room, canteen and admin block; working as *numberdaar*, gardener, cleaners, electrician and *panja*.

The Deputy Superintendent, Mr. Balbir Singh informed that 75% of the labour wages are deposited in Punjab National Bank account of inmates. The remaining 25% is given to them in the form of coupons that can be used by them inside the jail. **Interaction with inmates showed that they were well aware about the whole wages procedure and related details.**

C. About the Prison Administration

1. Staff vacancies

According to the data received from the jail, between September 2017 and August 2018, Malerkotla sub-jail had a sanctioned staff strength of only 22 personnel. This includes just one sanctioned post in the executive unit, that of Deputy Superintendent. Surprisingly, there is no sanctioned post in the medical unit and the welfare unit of the prison. **This includes no sanctioned post of a jail medical officer.** The three pharmacists seemed to have been appointed additionally as no sanctioned post exists for them as well. Sanctioned posts for guarding staff is 21 and in the period mentioned above, this post had no vacancy.

Table 1.2 PRISON STAFF STRENGTH															
Executive Unit		Guarding Staff		Medical Personnel		Welfare Unit		Educational Personnel		Technical Personnel		Agricultural Personnel		Ministerial Personnel	
S	AS	S	AS	S	AS	A	AS	S	AS	S	AS	S	AS	S	AS
1	1	21	21	0	3	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

Table 2: Prison Staff Strength

2. Experiences of prison administrators

Malerkotla was one of the rare jails among all the 24 jails of the state, where all inmates that were interviewed were highly satisfied with the jail staff. They especially appreciated the efforts being made by Mr. Balbir Singh in improving living conditions of the jail. It was informed by inmates that overall prison conditions, especially the food, has become better after his deployment here. One of inmates said that, “jail staff comes every morning to enquire about our well-being”. According to many inmates, inflow of contraband articles like mobile and drugs inside the jail has also stopped because of the efforts of Mr. Balbir Singh. Another inmate shared that he was an addict earlier but now he had been able to get rid of his addiction and no availability of drugs inside the jail has helped him getting over substance abuse.

The Deputy shared some of the issues that they were faced with. One of these was related to the limited sanctioned post in the guarding unit because of which, like other jails of the state, Malerkotla sub-jail too had to appoint PESCO and Home Guard employees. Although, watchtowers are there in the jail but home guards are deployed on those and their services are not satisfactory especially when it comes to the night duty.

Highlighting issues with these appointments, Mr. Balbir Singh, stated that since these personnel are not from the prison cadre, it creates issues of accountability. He said that there was a dire need to have Punjab Prison employees, instead of these outside companies, so as to make it easy to take disciplinary actions.

The Deputy confirmed that personal weapon is allowed only for Deputy level post and above. However, training on the usage of these arms is not provided. He said that the personal weapon training was not a problem, but fire-arm training was a big problem. He suggested that quarterly arms training needs to happen. Additionally, for bodyguards (of executive unit officers), fire-arms were not allowed, which was also required.

3. Prison Oversight Mechanisms:

As per the information received from the sub-jail, for the period of September 2017 to August 2018, no Board of Visitors (including non-official visitors) had been appointed by the State Government for prison oversight. However the Deputy informed that official visitors like the District and Sessions Judge and the DLSA secretary were visiting on a monthly basis.

D. Role of Legal Service Institution

1. Access to Legal Aid

As per the information received from DLSA, Sangrur¹⁷⁸, the jail legal aid clinic that was operational inside the sub-jail was established in 2012 and it is functional on all the days. The JLAC was located in the central area and had good visibility and access for inmates. Overall, for the period of September 2017 till August 2018, a total of 67 legal aid applications were received from the sub-jail, out of which 61 were provided legal aid. Data from DLSA also mentions that a total of 12 legal awareness camps were organized inside the jail in the one year time period. The following observations were made regarding the functioning of these clinics:-

a) Convict Para-Legal Volunteer:

The present Convict PLV who was manning the JLAC has been appointed in the absence of the last convict PLV, since the past two months. He is a matric pass. Although, he was not yet paid but he was informed by the DLSA that he will be getting an honorarium of Rs.600/month. His bank account details were also taken for the same. He was working every day, during lockout timings. Apart from doing the PLV work, he was also assisting the pharmacists in the OPD room, was also doing the counting of inmates during lock in.

¹⁷⁸ Sub-Jail Malerkotla lies under the jurisdiction of DLSA Sangrur

With regard to the legal aid work, his primary tasks were to enquire and document about legal representation of new entrants. He was documenting this in a register which had columns for all basic information (Date of entry—Name—Father's name—Case Details—Lawyer—Signature—Court). Although the register was neatly maintained but was not very comprehensive as it did not have a column for remarks. The other important task was of informing inmates about the provisions of free legal aid.

He was also writing legal aid applications, on behalf of inmates, for the appointment of legal aid lawyer. He said that till now he had not faced any kind of issues in executing his PLV work despite not being provided any training for the same. Although he does feel that some training should be provided as this work includes specific types of tasks. He said that though he will be released soon but the next convict PLV who gets appointed should be trained.

c) Community Para-Legal Volunteer:

The Community PLV, who was also interviewed by the team, was actively working in the jail legal aid clinic. He was involved in the work as he remembered most of the case details and issues (especially with regard to legal aid) of inmates. The community PLV was working for two days a week and was getting Rs. 450 per day. The honorarium included the travel allowance. The PLV highlighted that regular pay was an issue and daily remuneration needed to be increased.

As a part of his induction process, he underwent one week of training. Here also he highlighted that there was a much-required need of rigorous training in comparison to what it is now. The reason behind this, he highlighted, was that a large section of PLVs are actually unaware of the work they are supposed to do. He suggested that PLVs should be young as they have the zeal to work. He further suggested that PLVs should be rewarded, in the form of awards, and required recognition should be given to their work in order to keep them motivated.

Out of the 23 inmates that were interviewed, only four inmates had a legal aid lawyer appointed. Three of them were undertrials and they were in touch with their lawyer and were satisfied with the services being provided. Apart from this, two inmates (of the 23) required a legal aid lawyer, request for which was forwarded to the DLSA in a letter dated 5th March, 2019.

2. Under-trial Review Committee:

As per the information received from the DLSA for the period of September 2017 to August 2018, the UTRC has been established and had met four times during the last

year. Additionally, the same information mentions that none of the undertrials were recommended for release by the UTRC during the same period. This was despite the fact that 11 inmates have been detained as undertrials for a period between one to three years.

3. Camp Courts:

Camp courts were being conducted by CJM cum DLSA Secretary once a month. Petty offences are dealt with at during the camp court. Mr. DPS Randhawa, DLSA Secretary, Sangrur, conducted camp court in the research team's presence.

E. About Vulnerable Groups

Since the sub-jail was a male only prison, it did not house any women inmates and their children. It does not even house foreign national inmates. All inmates with serious medical conditions, including inmates with mental illness, were sent to Sangrur district prison. The team did interview young offenders but did not come across any alleged juveniles inside Malerkotla sub-jail.

F. Issues of Concern

1. Instances of custodial violence and torture

a) Violence in Police Custody:

Out of the 23 inmates that were interviewed, 12 alleged custodial violence committed by Punjab Police when they were in police custody after their arrest. The violence ranged from slapping, hitting with baton to more severe forms of torture like being given electric shocks; hanged upside down, legs tied up and then being hit with a baton on naked body; and sole hit with a baton; forceful stretching of legs. One of the inmates stated that he was made to lie on his back after which a police officer sat on him and beat him up with sticks.

It is important to note that ten of these inmates stated that they were not produced before a magistrate within the stipulated 24 hours' time period (from the time of arrest). In some cases inmates were only produced after 10-12 days of being in police custody. According to them police did not show these days under the arrested period.

SUBSIDIARY JAIL, MOGA

Sub-Jail, Moga, is one of the smallest jails in the State of Punjab. Established around 1950, the jail is spread across an area of 0.5 acres (approx.). The jail was located adjacent to the main highway, and had some residential areas as well as shops around it. Sub Jail Moga is a male-only jail and caters to around 11 Police stations in the District.

A. About the Prison

PRISON POPULATION ¹⁷⁹								
Name of the Prison	Capacity of Prison		Total Prison Population		Number of Undertrials		Number of Convicts	
	Men	Women	Men	Women	Men	Women	Men	Women
Sub-jail, Moga	75	0	85	0	45	0	25	0

Table 1: Prison Population

1. Prison population and overcrowding

As per the information received from the sub-jail, it has a sanctioned capacity of 75 inmates. On the date of visit (13th February 2019), the sub-jail had a population of 92 inmates in comparison to its capacity strength of 75 inmates. **Therefore, the jail had an overcrowding rate of 22.6% (approx.).** In the interaction of the team with the Superintendent, it was informed that the sub-jail was frequently over-crowded. It was further informed that whenever the overcrowding of the jail goes over 25 inmates/reaches 100 inmates (from the sanctioned capacity), the officials as an administrative measure would transfer inmates to Central Jail Faridkot to control overcrowding. When enquired by the team regarding the process of selecting inmates who would get transferred in case of overcrowding, the Superintendent informed that inmates who were drug addicts or required any medical treatment, were the ones that would get transferred. Amongst the 90 inmates inside the jail on the date of visit, 74 of them were under-trials, 16 were convicts serving rigorous imprisonment, and two were convicts who were serving simple imprisonment.

¹⁷⁹ The figures in the table do not include the number of detainees or civil prisoners. Also, the table reflects the population statement for the period of 1st September 2017 to 31st August 2018.

2. Prison design and physical layout

At the outset, the jail had an outer perimeter wall with sentry posts on it. But due to lack of adequate space, the jail boundary wall and the outer perimeter wall had no buffer area between them. Inside the jail compound, there was the main administrative building/*deory* which had the prison control room and offices for jail officials. The *mulaqaat* room was also housed in the main administrative building. For admission security check, there was a door frame metal detector inside the *deory*. The team did not observe any X-Ray machine inside the jail. The main control room at the *deory*, also housed the video conferencing (VC) facilities.

The main section of the jail housed the *langar*, the accommodation for inmates, the jail canteen, the legal aid room and a common toilet and washing area. There was a R/O system installed inside the *langar*, which as per the prison officials, was functional. In total, the sub-jail had a five barracks. Three of them had a design resembling a dormitory, while the remaining two were small cells. The sanctioned capacity of the three dormitory shaped barracks was between 15-20 inmates. For the cell barracks, not more than four inmates could be lodged in it. One of the small cells was being used as new admission barrack.

The jail officials informed us that the jail always has a predominant under-trial population, because of which segregation was not practical. There were no slabs available for sleeping, and inmates mostly slept on the floor with beddings and mattresses. It was informed by the prison officials, that bedsheets were being provided to the inmates to be used as bedding. Television sets, fans and lights were available in all the barracks. However, the team observed that the barracks were not well ventilated and did not have enough sunlight.

In total, there was one washroom and one toilet available inside each barrack. Outside the barracks, there was a common open washing area and six toilets. In total, there are five bathing areas and 11 toilets divided amongst five barracks. Compared with the population of the inmates on the day of the visit, the ratio of one unit of toilet to inmate is 1:8, while the ratio for bathing rooms and inmates is 1: 11; and is in line with the prescribed ratio in the Model Prison Manual, 2016.¹⁸⁰ However, the bathing units were in the open. This according to the observation of the team, might have resulted in discomfort and lack of privacy amongst the inmates. Additionally, the team observed that there was an open drainage system inside the jail, which contributes to the overall unhygienic conditions inside the jail.

¹⁸⁰ Section 2.10.1 of MPM 2016, prescribes ratio of one western commode (WC) unit, with day time ratio for usage being one unit for 6 inmates; and Section 2.11.1 prescribes a ratio of one bathing are for 10 inmates.

B. About the Prisoners

1. Procedures upon admission

The admission procedure roughly included 5 stages: a) medical examination at civil hospital followed by medical examination at admission ; b) Search (frisking and material possession); c) Making of history ticket (including information of right to free legal aid) and d) Placing the inmate in New Admission barrack. Search of a person and material possession was being conducted multiple times for an inmate (including the admission stage).

Although the sub-jail did not have a hospital or an out-patient department (OPD), they did have a full-time medical officer working inside the jail. It was confirmed to the team by the officials and the pharmacist working inside the jail, that the Medical Officer was present during the admission procedure on a daily basis. It was also further informed that routine medical examination was being conducted prior to the admission in the sub-jail and was mostly being conducted at Civil hospital, Moga.

One important aspect of medical examination during admission to the jail is documenting custodial violence. The medical officer examining the inmate becomes a primary witness and also helps document torture or custodial violence, which can be further used as evidence. However, in interaction of the team with inmates, out of the five inmates who alleged custodial violence committed by Punjab Police after arrest, four of the stated that they did not inform the doctor as the doctor did not ask about custodial violence. One inmate alleged that prior to his medical examination inside prison, during his medical examination at Civil Hospital, he was not even presented in front of the doctor. While one inmate stated that the doctor did ask him about custodial violence and he did not inform as he was scared, another inmate alleged that he did inform the doctor about custodial violence, but the doctor refused from documenting the same.

In regard to search procedure, the team was informed that thorough frisking of body as well as material possessions takes place during the admission, as well as after production and *mulaqaat*. In some instances, the inmates informed that strip search happens if the officials have suspicion.

Following the admission to the jail, it was informed by both inmates and officials that inmates were kept inside the new admission cell for a few days, before being shifted to other barracks. However, all the inmates informed that no basic essentials/materials were being provided to the inmates after being admitted to the jail.

2. Access to basic amenities

a. Food:

The sub-jail had a langar, which was being operated and maintained by the under-trials and convicts. On asking the reason behind making under-trials work inside the jail, the Superintendent highlighted two reasons behind the same: 1) The sub-jail always had a very low convict population (18 on the day of visit), because of which there was no option other than to make the under-trials work; and 2) Making the under-trials work was one of the major reasons behind maintenance of adequate discipline inside the jail, as it kept the under-trials busy.

The food was being prepared on the basis of the diet chart provided in the Punjab Jail Manual, 1996.¹⁸¹ There was a R/O system and a filter installed inside the langar. There were exhausts and functional fire-extinguishers also available inside the langar. The langar seemed to be in hygienic condition. Food was being served twice a day: once in the morning, and once in the evening. Tea was also being served twice a day. However, in the interaction of the team with the inmates, it was informed that no snacks such as biscuits were being provided along with tea.

As the sub-jail did not house women, children as well as sick and infirm inmates, there was no requirement of providing any special diet as per the jail manual.¹⁸² However, the inmates did complain about the quality of food and stated that the food was not edible, without adding *tadka*. Inmates also informed that only *dal* was being provided to them regularly along with six *chappatis*, and no kind of vegetable formed part of their diet. It was further informed that vegetables were only available on special occasions.

b. Drinking & Bathing Water:

There was RO system installed inside the *langar* section of the sub-jail which catered to the drinking water requirement of the inmates. Additionally, there were two water coolers inside the jail, out of which only one was functional. For bathing water, there were three water tanks installed inside the prison premises. Overall, inmates did not highlight any concern with drinking or bathing water, apart from the fact that there was no facility for hot water available for bathing in winters.

3. Contact with outside world

There were two primary means through which an inmate was maintaining contact with the outside world:

¹⁸¹ Rule 815, Punjab Jail Manual, 1996

¹⁸² Rules 819, 820 & 821, Punjab Jail Manual, 1996

- a. *Mulaqaat*: *Mulaqaat* allowed inmates to interact with family members and friends. The *mulaqaat* room was a small space located near the entry of the sub-jail. It had the capacity to hold just four to five inmates at a particular time. *Mulaqaat* was allowed between 9:00am to 2:00pm for six days a week (except Sundays). Four days were allotted to under-trials and two days were allotted to convicts. Out of these allotted days, a particular under-trial was allowed to meet twice a week while a convict was allowed to meet once a week. This is similar to all the jails across the State of Punjab. The *mulaqaat* room had no glass boxes or telephones to talk.

In the interaction of the team with the inmates, it was informed that a person was allowed to do *mulaqaat* for up to 30 minutes. While almost all the inmates were satisfied with the *mulaqaat* process, there was a particular allegation regarding the practice of allowing *mulaqaat* in the *deory* if money was paid to the officials. There was also an allegation from the inmate that money was being charged for extended time of *mulaqaat* and to allow materials from home to be received inside the jail.

However, **the Deputy Superintendent informed us that the provision of inter-personal meeting, where the inmate can touch or hug their family members, was not available.**

- b. Prison Inmate Calling System (PICS): The Prison Inmate Calling System (PICS) allowed inmates to be in touch with the outside world through phones. As per the information received from the jail, under PICS, each inmate was entitled to five minutes of calling in a day, which cost Rs. 1 per minute. However, in the subsequent visits of the team to other jails in Punjab, the team were informed that the Punjab Government had increased the call duration of Prison Call System from five minutes to eight minutes in the month of November, 2018.¹⁸³ This time limit has been further increased to a period of 10 minutes in the month of March, 2019.¹⁸⁴ The Sub-jail had one PICS machine which catered to the entire jail population.

In the interaction of the team with the inmates, it was informed that overall, all the inmates were satisfied with the PICS facility available inside the jail. **However, one particular inmate alleged that the convict inmate in-charge of managing the PICS facility was not allowing certain inmates to use the facilities as per his whims and fancies.**

¹⁸³ Additional Director General of Police (Prisons), Memo No. 1/276/2015-3J (4J)/ 1357922/1, dated: 21/11/2018.

¹⁸⁴ Additional Director General of Police (Prisons), Memo No. 1/276/1439474/1, dated: 14/03/2019

4. Medical facilities and healthcare

The sub-jail lacks proper medical infrastructure. Although there is no hospital inside the jail, it was observed by the team that there was no separate medical room inside the sub-jail as well. A table and chair was kept in the open area of the jail, which was being used to distribute medicines to the inmates.

However, as per the information received from the jail, there was a medical officer appointed to the jail, and had been working inside the jail since August 2018. This is corroborated by the information provided to the team by the pharmacist, who was present inside the jail during the team's visit. In the interaction with the pharmacist, it was informed that the Medical Officer was regularly visiting the jail in the morning, and was always present during *mulaiza*/admission process. He further informed that medical escorts were not an issue inside the jail, and were available as per requirement.

However, the pharmacist highlighted certain issues in regard to medical facilities and health care of prison inmates which are as follows:

- a) No specialists doctor were visiting the jail.
- b) Due to the lack of specialist doctors, special cases were being referred to Civil Hospital, Moga. However, it was not possible to send all cases at a particular time, due to which medical attention in certain cases was getting neglected.

In the interaction of the team with the inmates, no particular issue regarding medical facilities was highlighted.

5. Education & recreational activities

As per the information received from the jail, there was no vocational training or education programs being conducted. Recreational activities inside the jail included the availability of television sets inside barracks. Additionally, in the interaction of the team with the Superintendent during visit, it was informed that yoga camps were being organised inside the jail frequently, and in collaboration with *Art of Living Foundation* and *Anmol Yog Samiti*.¹⁸⁵ However, the team did not cross-check the same with the inmates during their interaction.

6. Prison labour & wages

The prison labour inside the sub-jail included:

- Working in *langar*/kitchen;
- Operating the PICS machine;

¹⁸⁵ As per the information received from the jail, it mentions that no NGOs have been working inside the jail between 1st September 2017 and 31st August 2018.

- Working as assistants to the prison administration (as *munshis*); and
- Working as *Nigrans/lambardaars*.

In the team's interaction with convicts who were engaged in some kind of work inside the jail, it was informed that that they were unaware about the prison labour and wages. This issue was brought to the attention of the Superintendent in a letter dated 5th March 2019. However, no action or response has been received from the jail.

Further, it was informed by the Superintendent of the sub-jail, that under-trials were also working inside the jail on a voluntary basis. As per him, the reason for making under-trials work was the shortage in number of convicts residing inside the jail. However, the Superintendent suggested that there should be a provision made for making under-trials work inside the jail, as that would keep them busy, and thereby help in maintaining the discipline inside the jail premises.

C. About the Prison Administration

1. Staff vacancies

As per the information received from the jail, there existed some vacancies in regard to the guarding staff, where the sub-jail was short of four warders.

PRISON STAFF															
Executive Unit		Guarding Staff		Medical Personnel		Welfare Unit		Educational Personnel		Technical Personnel		Agricultural Personnel		Ministerial Personnel	
S	AS	S	AS	S	AS	A	AS	S	AS	S	AS	S	AS	S	AS
1	1	31	27	Nil	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	1	1

Table 2: Prison Staff Strength

2. Experiences of prison administrators

At the outset, the Superintendent highlighted that as the sub-jail was small, it was much easier for him to maintain the jail. However, multiple other issues regarding prison administration were highlighted by him and other prison officials. They are as follows:

- Lack of Accountability for non-Punjab prisons personnel: In the interaction of the team with the Superintendent, the need for staff belonging entirely to Punjab Prison Services was required. At present, apart from officers of Punjab Prisons,

there were other different forces working inside the jail such as Punjab Police, Punjab Ex-Servicemen Corporation (PESCO) employees and Home Guard. These forces were mostly entrusted with maintaining the security of the jail and were entrusted guarding duties.

It was highlighted that there was a lack of accountability of non-Punjab prison forces in case there was a lapse of duty by their personnel. While the process to hold them accountable had many bureaucratic hurdles, such a system was affecting the normal day to day functioning of the prisons. In his opinion, it was essential that the Punjab prisons be administered only by personnel belonging to Punjab prisons and no other forces be allowed to operate inside prisons

- b. Problem of Promotions: In the team's interaction with prison officials, the lack of promotions (for Warders & Head Warders) was highlighted. Some of the warders working in the service for 28-30 years, had not got any promotion.
- c. Accommodation for Prison officials: In the interaction of the team with both Superintendents and guarding staff (warders and head warders), issues regarding official accommodations were highlighted. While the Superintendent highlighted that there was no accommodation provided to him, for the warders, the accommodations were not adequate as three to five warders were staying together in congested official accommodations.

3. Prison Oversight Mechanism

As per the information received from the sub-jail, for the period of September 2017 to August 2018, no Board of Visitors had been appointed by the State Government for prison oversight. However, the Superintendent informed the team on the day of visit that the SSP, DC, Sessions Judge and CJM were doing frequent visits and were visiting in 1-2 months. While some would make individual visits, joint visits comprising of multiple above-mentioned officials was also happening. Further, the Superintendent informed that one non-official visitor had been appointed and did visit the jail. The last visit made by officials was on 25th January 2019. **However, it is important to note that the information provided by the Superintendent on the day of visit, contradicted the information provided by the jail for the period of 1st September 2017 to 31st August 2018.**

D. Role of Legal Services Institutions

1. Access to legal aid

The legal aid infrastructure inside the jail consisted of the following:

- a) Jail Legal Aid Clinic: There existed legal aid room inside the sub-jail which was operational. As per the information received by the DLSA, the JLAC was working six days a week (excluding Sunday). In the interaction of the team with the inmates, some inmates informed that the convict PLVs were informing inmates about free legal aid services during the time of admission. Overall, for period of September 2017 to August 2018, 68 applications were filled and were provided with legal aid. As per the information by the DLSA, the inmates were also provided with the name and contact details of the legal aid lawyer appointed for the concerned inmate. **However, based on the population of inmates admitted during the same period, only 3% (approx.) of the inmates availed legal services.**¹⁸⁶
- b) Convict and community para-legal volunteers (PLVs): As on the date of visit, there were two convict PLVs working inside the sub-jail. Based on the interaction of the team with the PLVs, it was informed by them that they were appointed by DLSA, Moga, and the DLSA had verbally confirmed their appointment. Following the appointment, they had also undergone three days of training which was conducted by a judge and a lawyer. However, both the convict PLVs informed that they were not getting paid any honorarium for the services they were rendering. Additionally, The convict PLVs confirmed the number, where in their estimation, they had filled around 75 forms.

Additionally, as per the information received from the DLSA, no reports were being submitted by the PLVs to the DLSA. However, the DLSA had directed the PLVs to maintain registers, which as observed by the team, were being maintained. Three types of registers were being maintained: 1) Lawyer entry form; 2) Jail Register (mentioning Police station, FIR, offences etc), and 3) Form filled register.

- c) Jail Visiting Lawyers: The jail visiting lawyers were also visiting the jail six days a week. Although no monthly report was being submitted by jail visiting lawyers, they were directed by the DLSA to maintain a register wherein they maintain a record regarding legal advice/aid provided to the jail inmates. However, the team was not able to interview any jail visiting lawyers during the visit.

¹⁸⁶ From September 2017 to August 2018, 1987 entered sub-jail, Moga (1750 UTs and 237 Convicts)

- d) Legal aid awareness camps: Based on the information received, eleven legal aid awareness camps were held for the period of September 2017 to August 2018. The team also observed the existence of a huge legal aid awareness poster inside the sub-jail.
- e) Visits by the Secretary, DLSA: For the period of September 2017 to August 2018, Secretary DLSA made eleven visits to the sub-jail.

Out of the 12 inmates interviewed inside the jail, only one had a legal aid lawyer. However, no issues were highlighted by him regarding the services provided by the legal aid lawyer.

2. Under-trial Review Committees (UTRCs)

However, as per the information received for the period of September 2017 to August 2018, the UTRC had only met twice in the district of Moga. Further, the information suggests that none of the total UTs released on bail during the same period¹⁸⁷ were recommended by the UTRC. While the UTRC has not been functioning as per its mandate, it is difficult to analyse their functioning, as the sub-jail has not provided any information on the detention period of its under-trials, despite having a high undertrial population.

3. Camp Courts:

In the interaction of the team with the Superintendent, he informed that camp courts were also being conducted regularly (Once a month). The procedure involved in Camp Courts were as follows: 1) The prison administration would shortlist names of inmates who are UTs for petty offences. The list was made on the basis of UTs who were almost nearing completion of the term as punishment. 2) The list was sent to the CJM for consideration. 3) The CJM would revert back with the names he would take up for hearing on a particular day. 4) Following the arrival of the CJM, the reader would ask, whether the UT pleads guilty. 5) Following the plea, the reader would hand over a copy of pre-made judgment, take the thumb impression of the inmate, and tell him that he would be released in few months. As per the Superintendent, he was satisfied with the camp court process as it helped in reducing the over-crowding inside the jails.

E. About Vulnerable Groups

The sub-jail was a male only jail with no housing provision for women prisoners & their children. It did not house foreign national prisoners (FNPs). High security prisoners, prisoners with serious medical issues (including prisoners undergoing de-addiction or OOATs treatment) were being sent to Central Jail, Faridkot.

¹⁸⁷ Out of the 1750 UTs admitted during the year, 870 were released on bail.

F. Issues of Concern

1. Instances of custodial violence and torture

a. Violence in Police Custody

Out of the 12 inmates interviewed, five inmates alleged custodial violence committed by Punjab Police after arrest which included third degree interrogation techniques like being stripped naked, tied and beaten with sticks and belts. Amongst these five inmates, all of them were produced before a magistrate after 24 hours had already elapsed from the time of arrest. Four of the inmates stated that they did not inform the doctor as the doctor did not ask about custodial violence. One inmate alleged that prior to his medical examination inside prison, during his medical examination at Civil Hospital, he was not even presented in front of the doctor. While one inmate stated that the doctor did ask him about custodial violence and he did not inform as he was scared, another inmate alleged that he did inform the doctor about custodial violence, but the doctor refused to document the same.

b. Corruption

In the interaction of the team with inmates, multiple issues of corruption were brought forward. One of the forms of corruption was the charging of money from inmates to stay inside Sub-Jail, Moga. If the inmates did not pay that money, the officials would threaten them with transfer to other jails including Central Jail, Faridkot. Some inmates also informed that barrack no 1 was specifically being used as a VIP barrack, for which inmates were paying money to stay in the same. Corruption in the form of asking money for extended period of *mulaqaat* or being allowed *mulaqaat* in *deory* was also informed by some inmates.

SUBSIDIARY JAIL, PATHANKOT

Sub-jail, Pathankot was established in the year 2011 and spreads over an area of around 1.7 acres. It is located in a residential premises in the main city-center. Although the prison has high walls and watchtower overlooking the premises, the Deputy Superintendent, Mr. Balwinder Singh informed us that due to the prison being located in a residential area, authorities faced security issues. However, after directing round-the-clock guarding by prison guards around the prison premises and the installation of CCTV cameras, security threats and related incidents have reduced. Apart from this, a metal detector was also being used on inmates by guards to keep a check on contraband items being smuggled inside.

A. About the Prison

Table 1.1 PRISON POPULATION								
Name of the Prison	Capacity of Prison		Total Prison Population		Number of Undertrials		Number of Convicts	
	Men	Women	Men	Women	Men	Women	Men	Women
Sub Jail, Pathankot	280	Nil	222 ¹⁸⁸	Nil	89	Nil	115	Nil

Table 1: Prison Population

1. Prison Population and Overcrowding

As per the information received from Pathankot sub-jail, as on 31st August, 2018, it had a sanctioned capacity of 280 male inmates. The data also mentioned that as on this specific date, the jail housed 222 male inmates out of which 115 were convicted and 89 were under-trials. It is important to note that the number of undertrial prisoners and convicts does not add up to the prison population that existed as on 31st August, 2018. The inmate population in the sub-jail is under the actual capacity of the prison. Pathankot sub-jail does not house women prisoners and detainees.

2. Prison Design and Physical Layout

The prison is a double story structure with some barracks on the ground floor while some on the first floor. In total, the sub-jail has five barracks including the one which was

¹⁸⁸ 222 not matching with total number of UTs and convicts. It might include those awaiting repatriation or civil prisoners as well.

inside the langar. There were fans, tube lights, windows in each barrack along with two TVs inside each barrack. Apart from this each barrack had a complaint box attached, the key to which was with the DLSA secretary. The bathing and washing areas were inside the barracks and the same were partially hygienic. We were informed that the Municipal Corporation sweepers were called as per need basis, and the inmates themselves took care of the hygiene inside the barracks. There was a temple inside the jail which was accessible to inmates.

There were a few makeshift cells as well, situated on the ground floor and the first floor. At the time of the team's visit, five political prisoners (belonging to the Shiv Sena) were held in one of these make-shift high security cell. They were being kept separately from other inmates due to the threat of communal tension being spread inside the prison. There was no other form of segregation being observed among inmates as under-trials and convicts inmates were being housed together in other barracks.

B. About the Prisoners:

1. Procedures upon Admission

Upon arriving in the prison for the first time, inmates go through the process of *mulaiza*. This process includes medical examination of the inmate upon admission in the jail by the jail medical officer (MO). However, in the absence of a MO, first medical examination was hardly being conducted in Pathankot sub-jail. The team's interaction with 20 inmates revealed that only four of them had been medically examined inside the prison. Even among them two were examined after three and seven days of admission to the jail. Rest **14 stated that their medical happened only at the civil hospital** which is undertaken by the police before the accused person is sent for judicial custody. The remaining two inmates stated that their medical did not happen at all.

During *mulaiza* inmates are asked to provide information on whether or not they have legal representation and if they require a legal aid counsel. This information is documented by the convict para legal volunteers (PLV). The Deputy Superintendent informed that he too interacts with new inmates during *mualiza*. He shared that there was a requirement of a reception centre for new inmates and this center could be used to appraise them of the prison regime and even the rights of inmates.

Before sending the new entrants to the barracks, a thorough search is conducted on them to check on contraband articles being smuggled inside the prison, especially drugs. In Pathankot sub-jail, frisking was being done manually by warders. The officials informed that in case of suspicion on any inmate then, even strip search is conducted in the washroom located in the admin block.

2. Access to Basic Amenities

- Food: The jail *langar* or kitchen was a dark and dingy room where food was being prepared for all the inmates. Tea and food is served to them twice in a day. First round of tea is served early in the morning around 7am and the next serving takes place between 3-4pm. Similarly, food for lunch is served in the morning at 10am then in the evening somewhere between 5-6pm. **Inmates going for court production are served food as early as 6am.** It was informed that there is a food quality committee consisting of inmate representatives however, further information on this committee could not be found by the team. Interactions with inmates did reveal that food being served to them is largely satisfactory. A small canteen was also available inside the prison premises which was in operation thrice during the day for stipulated hours.
- Water: The team observed that there was only one water cooler inside the entire premises.

3. Contact with Outside World

- a. *Mulaqaat*: Mulaqaat timings inside the prison was from 9am in the morning to 12pm in the afternoon and 3pm to 5pm in the evening. Convicts were given a day in a week to meet their families while under-trial inmates were given two in a week for the same. No Mulaqaat was taking place on Sundays. As per the information given by the jail, Tuesdays and Fridays were for convict Mulaqaat while rest of the days were for UT Mulaqaat. It was informed that at a time, only three family members were allowed to interact with the inmate.
- b. Prison Inmate Calling System (PICS): Only one PICS machine was installed in the sub-jail. At the time of the team's visit on 1st October 2018, five minutes time was being given to each inmate for each day. Each call for priced at Re.1/minute. The machine was being operated under the supervision of a long term convict.

4. Medical Facilities and Healthcare

In the absence of a jail hospital in Pathankot sub-jail, inmates who need constant medical attention are transferred to Central jail, Gurdaspur. There is no medical officer appointed in the jail¹⁸⁹. The deputy informed the team that a doctor from the civil hospital visits every day for 2-3 hours in the afternoon to conduct OPD. One long term convict was assisting the visiting doctors. In case of any medical emergency in the jail the same doctor is called by the jail authorities and emergency cases are referred to Civil Hospital, Pathankot. As it

¹⁸⁹ As also mentioned in the information received from the jail

has already been discussed in this report above, absence of proper medical infrastructure inside the sub-jail is also leading to lack of uniformity with regard to first medical examination of new inmates after their admission in the jail.

It was informed by the Deputy Superintendent that he was undertaking collaboration with local NGOs for de-addiction programs and health camps inside the jails. Visit India Mission 21 was the NGO which was collaborating for these programs.

5. Education and Recreational Activities

Information received from the jail revealed that educational or recreational activities in any form are not available inside the jail. Small area of the jail was attributed as one of the reasons for this. The Deputy said that it was difficult to conduct and organize recreational activities in the small jail area and this in turn affects the mood of inmates inside. None of the inmates that were interviewed had undergone any kind of vocational or skill development training as the same was also absent from the jail. The Deputy did share that he does plans to start a library inside.

6. Prison Labour and Wages

Data received from the jail shows that between September 2017 and August 2018, 80 convicts were given work inside the jail. Conversations with convicted inmates revealed that, although they were working inside the prison in some capacity or the other including kitchen labour, however, they never got wages for this work. One of the convicts feared that raising the issue of wages with officials might land him in trouble. Since this is a sub-jail, there is no factory set-up inside.

C. About the Prison Administration

1. Staff Vacancies

According to the data received from the jail, between September 2017 and August 2018, Pathankot sub-jail had a sanctioned staff strength of only 36 personnel. This includes just one sanctioned post in the executive unit, that of Deputy Superintendent. Surprisingly, there is **no sanctioned post of a medical officer, the medical unit only has one sanctioned post and that is of a pharmacist**. Sanctioned posts for guarding staff is 34 and in the period mentioned above, 31 personnel were working under this unit making it short of three personnel.

Table 1.3 PRISON STAFF STRENGTH															
Executive Unit		Guarding Staff		Medical Personnel		Welfare Unit		Educational Personnel		Technical Personnel		Agricultural Personnel		Ministerial Personnel	
S	AS	S	AS	S	AS	A	AS	S	AS	S	AS	S	AS	S	AS
1	1	34	31	1	0	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

Table 2: Prison Staff Strength

2. Experiences of Prison Administrators

One of the biggest issues faced by prison officials is of long duty hours, the Deputy shared that even he has to be present on duty for almost 24 hours on all days. He visits the prison at night as well for surprise checks. “Taking an off or a holiday is almost impossible in this service because of which we lead a negligible social life”, he said. Written permission has to be sought from the DGP office if the Deputy Superintendent has to take a leave.

The Deputy Superintendent also highlighted another peculiar issue. He shared that the railway police (GRPF) has been wrongfully implicating people. An example of this is when Arms Act cases are put on individuals travelling without a ticket. False cases of weapon possession are showed by the police. The team also came across a case where an inmate who was returning from Mumbai in a train was picked up by the railway police. He alleged that the police implicated him in a false NDPS case. The inmate said that he was carrying a pack of Tramadol medicine prescribed by the doctor for a spondylitis issue that he had but the police instead showed a recovery of 400 tramadol tablets.

3. Prison Oversight

As per the information received from the sub-jail, for the period of September 2017 to August 2018, Board of Visitors, including Non-Official Visitors, have been appointed by the State Government for prison oversight.

D. Role of Legal Service Institutions

1. Access to Legal Aid

The legal aid clinic in Pathankot sub-jail, situated in a room located in the center of the jail, was established in the year 2013. As per the information received from the jail, the clinic is functional for four days in a week. Information received from the DLSA revealed

that between, September 2017 and August 2018, a total of 141 legal aid applications were received by the Pathankot DLSA from the sub-jail. Lawyers were appointed in all of these 114 cases. The following observations were made regarding the functioning of these clinics:-

- a. Convict and community PLVs: There were two convict PLVs appointed when the data collection for this report was on. In case any of these two PLVs is out on Parole then there is a third one who takes up the charge on a temporary basis. The PLVs informed that the work related to the documentation of legal aid cases was also being done by them in a legal aid register. These registers did not have separate format, they were same as the jail entry registers. The team spoke to one of the convict PLVs. He was appointed as the convict PLV in 2018 and he has been chosen for this work as he has a BA degree. Apart from filing legal aid applications, appeals against conviction are also being filed by convict PLVs.

However, interaction with the convict PLV revealed that they are getting paid for only two days in a week, even though clinic was functional for four days a week. On top of that, **the honorarium which is fixed at Rs.400/day has not been paid to them since May, 2018 (the team visited Pathankot sub jail in September 2018).** Technically, convict PLVs were working on all days as their primary function is to impart legal aid information to all new inmates coming to the jail on a daily basis.

Honorarium to convict PLVs is paid through cheque that is directly deposited in their respective bank accounts. In the absence of any formal training from the legal services authorities to execute legal aid related work PLVs have to learn tricks of the work through their day-to-day experiences. In case of any specific legal doubt, they seek help from the jail visiting lawyers. From September 2017 and August 2018, no community PLVs were appointed for this jail.

- b. Jail Visiting Lawyers: It was informed that a jail visiting lawyer was visiting twice a month and was being paid Rs. 500/visit, while the community PLV is getting paid Rs.400/visit, however, the frequency of their visit was not informed to the research team.

The applications are sent to Pathankot DLSA through local mail and according to Rajesh the applications are delivered to the DLSA office in an hour or so. Usually legal aid lawyers get appointed in a week's time. **Once the lawyer is appointed, two copies of the appointment letters are sent to the jail from the respective DLSA. One copy is for the prison records and the other one is for the inmate.**

- c. Visits by DLSA: Pathankot DLSA secretary was also visiting the jail at least twice a month, as informed by the Deputy Superintendent. At times, DLSA Secretary, Gurdaspur also pays a visit to the sub-jail.

Out of the 20 inmates that we interviewed, nine inmates had a legal aid lawyer, while eight had a private counsel looking after their cases. All three inmates who did not have a lawyer were undertrials. One of three had already filed a legal aid application but despite of that no lawyer was appointed.

The team got a sense from inmates that largely they are dissatisfied with legal aid services. Most of the inmates interviewed were not even aware about the status of their cases and some had hardly met their legal aid lawyers. More importantly, it was informed that inmates were having trust issues with legal aid lawyers and considered them to be less competent due to the fact that they were working for free.

The Video Conferencing (VC) facility was also available in the prison and the same was housed in the legal aid room itself. VC facilities were being used for remand purposes. Eight inmates shared their experience of VC proceedings. Most of them mentioned that the judges do not interact with inmates and even if they do, it is limited to asking the inmate's name and the father's name. One of the inmates even said that the judge was not present during his VC.

2. Under-trial Review Committee (UTRC)

As per the information received from the DLSA for the period of September 2017 to August 2018, the UTRC has just met once¹⁹⁰. The same information mentions that none of the undertrials were recommended for release or released on bail by the UTRC during the same period. This is despite the fact that the jail had 18¹⁹¹ undertrial inmates for the period ranging between 1-3 years.

E. About Vulnerable Groups

Pathankot sub-jail does not house women inmates or foreign national prisoners. Inmates who require constant medical attention, including inmates with mental illness are sent to Gurdaspur Central jail. However, the team did come across alleged juveniles inside the jail and even interacted with two inmates who claimed to be below the age of 18 years. One of them claimed to be 15 years of age and the other one claimed to be 17 years old. They have been inside the jail for more than six and three months, respectively. Although only one of them had a formal identity cards (Aadhar card and school certificate) to prove that he is a juvenile and these document has already been submitted in the court.

Inmate who is 17 years old shared that he did inform the police about his juvenility upon arrest. During his medical examination at the civil hospital the police did not take him in front of the concerned doctor but got the medical certificate signed on their own before

¹⁹⁰ Sometime in September-November 2017

¹⁹¹ As per information received from the DLSA for September 2017 to August 2018

bringing him to the prison. His medical was not done inside the prison. Despite of being an undertrial, he is made to clean washrooms and toilets inside the sub-jail.

Medical examination of the other alleged juvenile did take place inside the jail but the doctor did not enquire about his juvenility. However, he did inform the prison officials about his age. Despite of this, both these inmates are being kept with adult male inmates.

F. Issues of Concern

1. Instances of Custodial Violence or Torture

a. Violence in Police Custody

The team interviewed 20 inmates inside the Pathankot sub-jail and out of these 11 inmates, including two alleged juveniles, claimed that they were subjected some or the other form of custodial violence or torture during Police remand by the Punjab police. They alleged the use of various techniques that included being hanged upside down with hands and feet tied up, beating on feet and head, severe beating with a belt and being slapped multiple times.

It is important to note that out of these 11 inmates, 10 inmates were not produced in front of the magistrate within the stipulated time of 24 hours¹⁹² (or less) of their arrest. One of them was produced as late as on the 7th day by the police. The fact that this jail lacks proper medical infrastructure inside, medical checkup on admission inside the prison is also not happening. In such a scenario it becomes even more difficult to ascertain claims of torture, access to medical aid for inmates who allege torture and accountability of police officials involved these acts.

¹⁹² Section 57, The Code of Criminal Procedure, 1973

SUBSIDIARY JAIL, PATTI

Patti Sub-Jail situated in the border district of Tarn Taran, was established in the year 1857, making it one of the oldest jails in Punjab. A small jail spread over an area of around 3 acres, Patti sub-jail houses 204 inmates¹⁹³. Located in a residential premises, the jail caters to six police stations of Tarn Taran district, the rest falling under the jurisdiction of Amritsar Central Jail. Apart from that, being a Sub-jail, inmates such as gangsters and addicts were also sent to Amritsar Central jail, due to lack of medical facilities (for de-addiction) as well as lack of high security cells at Patti sub-jail.

A. About the Prison

PRISON POPULATION								
Name of the Prison	Capacity of Prison		Total Prison Population		Number of Undertrials		Number of Convicts	
	Men	Women	Men	Women	Men	Women	Men	Women
Sub-Jail, Patti	204	NA ¹⁹⁴	264	NA	230	NA	34	NA

Table 1: Prison Population

1. Prison population and overcrowding

With an overall overcrowding in prisons of Punjab at a negligible 0.3%¹⁹⁵, Patti Sub jail was an exception being overcrowded by 29.41%. Meant only for male inmates the sub jail housed 264 inmates, as on 31st August 2018. These include 230 under-trial inmates and 34 who have been convicted (refer to Table 1.1).

2. Prison design and physical layout

The Model Prison Manual, 2016, states that “no building or temporary structure or any installation or any electronic towers etc., other than the prison, will be constructed within 50 mtrs of a Sub-Prison”¹⁹⁶. However, Patti sub-jail continues to be functional from the midst of a residential area in Tarn Taran. As shared with the team, location of the jail is a cause of concern for the officials as it has caused security threats in the past. Although,

¹⁹³ Rule 2.05 (vii) of the Model Prison Manual lays down the authorized prisoner population of sub-jails as not more than 200

¹⁹⁴ Not applicable

¹⁹⁵ Refer to the report on Amritsar Central Jail

¹⁹⁶ The Model Prison Manual, 2016, Rule 2.05 (iv), pp. 23

there exists a wire fencing on the outer wall of the jail, there have been incidents of drugs being thrown inside the jail. Installation of 16 CCTV cameras, with the help of a local NGO, has helped minimize the threat, according to the jail officials. However, frequent power cuts act as a hindrance in the functioning of these cameras as the monitors stop working, as also observed by the team.

Entrance of the jail consists of the administrative block which is a small unit having offices of the prison officials. A large iron door further opens up to the residential prison complex where visible efforts at gardening were being made by the jail authorities. The residential complex of the Sub-Jail has six barracks, each having a capacity to house around 50 inmates. There were TVs, fans and tube lights inside every barrack. There were complaint boxes with locks installed outside every barrack, and the key was with the CJM/DLSA people.

Due to the present overcrowding, around 53 inmates were being housed in each barrack according to the prison officials. Inside these barracks, which looked like dormitories, inmates were sleeping on the floor in three rows. The team was informed, and they observed, that there was an effort being made to segregate prisoners on the basis of them being under-trials or convicts. The team did not come across any solitary cells but the data received from Patti sub-jail mentions about the existence of five solitary cells.

While the data received from Patti Sub-jail mentions about 17 bathing units/rooms for inmates, the team only saw common bathing area in the middle of the jail that was being used by all the inmates for bathing purposes. Relying on just one bathing space that is situated in the open can compromise the inmate's health and privacy. Information received from the jail also mentions about 32 toilets, both inside the barracks and outside in the jail premises. This indicates that toilet to inmate ratio is 1:7, much in line with the ratio of 1:10 that is prescribed in the Model Prison Manual, 2016¹⁹⁷. Cleaning of the barracks and the washrooms were undertaken by a sweeper¹⁹⁸ and the inmates themselves. Toilets of the jail were relatively clean.

B. About the Prisoners

1. Procedures upon admission

As informed by the inmates and prison officials, the admission procedure on a new inmate includes six stages: a) Police officials get the accused exanimated at the civil hospital situated in Patti; b) stage (a) is followed by admission, of the accused person, in the jail which is also the beginning of his judicial custody. History ticket is also prepared at this stage; c) Convict PLVs inform the inmate about the provision of free Legal Aid and whether

¹⁹⁷ The Model Prison Manual, 2016, Rule 2.10.1

¹⁹⁸ There was a sanctioned post of a single sweeper.

they require a legal aid counsel; d) Process of search¹⁹⁹ (frisking) conducted on the inmates and their material possession; e) Prison administration provides basic essentials like blankets and utensils to the inmates; f) Allotment of barracks.

It is important to highlight the importance of medical examination carried out inside the prison during admission. Medical examination, when being sent to judicial custody, helps in the documentation of history of illnesses which are communicable in nature (such as HIV/AIDS, TB etc), which helps the prison administration to segregate inmates and contain spread of diseases. Additionally, it also helps in the documentation of violence that might have been inflicted on the inmate during police custody (including remand). The National Human Rights Commission (NHRC), has developed an exclusive proforma to document these two factors. Such recording helps act as an important piece of evidence, if and when, the NHRC is investigating into any alleged complaint against police official regarding use of torture or any other cruel or degrading treatment.

However, **due to the lack of medical infrastructure inside the jail, most of the inmates were not getting medically examined on admission to the prison.** The team was informed by inmates, and prison officials alike, that the police gets their medical examination done at the civil hospital before they are taken to the jail. At this juncture, in the presence of police, inmates get little or no opportunity to share any incidents of custodial torture inflicted during police custody. Out of the 11 inmates who informed the team about custodial violence, 8 did not reveal the same to the doctor. Inmates also shared that police often threatened them not to disclose details of custodial violence to the doctor. Two inmates who stated that their medical examination was conducted inside the jail on admission, managed to disclose details of (police) custodial torture to the doctor.

The basic idea behind medical examination of inmates during admission and the subsequent documentation of custodial violence (in police custody), is not getting fulfilled in the Sub-Jail. Jail officials informed the team that they check the medical report of the new inmate received from the civil hospital. If there are injuries on the inmate's body and the same are not documented in the report of civil hospital, then the jail officials send the inmate back for examination. The Deputy Superintendent informed that bodily injuries on inmates are checked through strip search.

¹⁹⁹ In the absence of technological equipment like X-ray machines or metal detectors, physical frisking was being done on inmates by the jail warders.

2. Access to basic amenities

a) Food

Food for daily consumption of inmates was being prepared in the *Langar*. For this purpose, diet was being fixed in accordance with the rules prescribed in the Punjab Jail Manual²⁰⁰. Food was being served twice a day: once in the morning, and once in the evening. Tea was also being served twice a day.

Maintenance of the *Langar* and food preparation is solely dependent on convicted inmates. At times under-trial inmates voluntarily help in the preparation of food. As it was shared by one such UT, who has been in the Sub-Jail for more than five years, that for him cooking food in *Langar* is like performing '*Seva*'²⁰¹. All the inmates that the team interacted with shared their satisfaction towards the food being served to them. Complaints regarding the quality or quantity of food are placed before the food examination committee that is functional in the sub-jail. The committee has one representative from each barrack.

b) Water:

Data from the jail states that there are a total of 15 water tanks taking care of water related needs of the prison population. For consumption, inmates had access to water filters with RO purifier, installed outside each barrack. While on the other hand water for bathing was being collected in a small well located in the central bathing area. As it was observed by the research team, all the inmates were making use of this water. Although, quality of this water could not be checked by the team, but the usage of collected water by large number of inmates might compromise health and hygiene of inmates.

3. Contact with outside world

a) *Mulaqaat*:

The provision of *Mulaqaat* allows inmates to meet and interact with their family members and friends. In Patti sub-jail *Mulaqaat* takes place six days in a week starting from nine in the morning till two in the afternoon. Under-trials can meet their family and friends twice a week while convicted inmates can meet once a week. Each *Mulaqaat* sessions is around 20 minutes long. Four days in a week are prescribed for under-trials and two are for convicts. Allocation of days has been made keeping in mind the composition of prison population that consists of around 87% under-trials.

²⁰⁰ Punjab Jail Manual, 1996, Chapter XXXII 'Prisoner's Food', pp. 258-264

²⁰¹ Under Sikhism, *Seva* is the idea of voluntary service to fellow being without any expectation of reciprocation.

The team did not get a chance to see the *Mulaqaat* area/room in Patti sub-jail nor did the team get an opportunity to interact with visitors who had come for *Mulaqaat*. There are two canteens, one outside for people coming for *Mulaqaat* and the other one for inmates located inside the prison. Family members were seen buying dry food and other basic essentials for their wards who are inside the jail, from a canteen or pit-shop being run by the jail administration. Other than that visitors can also give clothes, shoes and utensils to inmates.

b) Prison Inmate Calling System (PICS):

The Prison Inmate Calling System (PICS) allows inmates to be in touch with the outside world through phones. In Patti sub-jail, two PICS machines are installed for this purpose. Inmates can avail this service during lock-out period, on all days. Five minutes are granted to each inmate, per call with every minute of the call costing Re 1. PICS is especially useful to keep in touch with family who cannot travel to the jail for *Mulaqaat*.

4. Medical facilities and healthcare

The sub-jail lacks basic medical infrastructure as there is no sanctioned post for a permanent jail Medical Officer (MO), neither does it have a hospital catering to the medical needs to inmates. Prison officials informed the team that in the absence of a full time MO, a doctor and a pharmacist are visiting the jail on alternate days for the purpose of undertaking OPD. However, data received from the jail shows a different picture. **From 1st September 2017 till 31st August 2018, not a single OPD was held inside the jail.** It is important to note that the visiting doctor has made just 18 visits to the jail in this one year time period.

Civil Hospital, located 2kms from the jail premises, is catering to the Sub-jail in case of medical emergencies. Although two police escorts are deputed, however, the jail has not even been provided with an ambulance to transport emergency cases to the hospital. Officials have to use their private vehicle for this purpose, putting themselves in a risky situation. As it has already been discussed in this report, medical examination of inmates at the admission stage is not happening inside the jail, rather it is being conducted at the Civil Hospital in the presence of the police. Apart from this even medical specialists are not visiting the prison because of which, a total of 264 inmates (from 1st September, 2017 till 31st August, 2018) were referred for specialized treatment in the civil hospital. In this one year, the jail also saw death of three inmates. Two deaths were attributed to natural causes, while one under-trial committed suicide.

In the absence of basic medical infrastructure the jail administration has to rely almost completely on the civil hospital. Only emergency cases are referred to the civil hospital as there is a dearth of police escorts. Daily medical needs of inmates are not being met with inside Patti sub-jail.

5. Education & recreational activities

Information received from the jail shows that, as on 31st August 2018, no vocational training or educational programmes for inmates were being run inside the Patti Sub-Jail. However, the Deputy Superintendent informed the team that they are planning to set up a computer room inside the prison premises to provide prisoners with computer training. He has communicated the same to Punjab prison headquarters and is waiting for sanction orders now.

The team was informed that small area of the jail acts as a hindrance for development of recreational activities such as sports. Despite of this, the jail administration is making efforts to keep the inmates involved through sports like short put, tug of war, basketball, volleyball and wrestling. For this purpose, even a play area has been created inside, near the entrance of the jail. Earlier inmates were provided indoor games like ludo, chess etc. There is also a Gurdwara inside the prison. The Deputy Superintendent believes that the construction of Gurdwara has helped inmates come out of negativity (drugs, illegal possession etc.). Apart from this, few inmates are working towards constituting a *Bhangra*²⁰² team.

6. Prison labour & wages

Data from the jail states that none of the convicted inmates have been engaged in any kind of prison labour. However, the team saw inmates working in the *langar* and even as barrack *nigran* and *lambardaar*. **Interaction with these inmates clearly showed that they are not aware of the wages that they are entitled.** This issue was brought to the notice of the Deputy Superintendent in a letter dated 10th October, 2018.

C. About the Prison Administration

1. Staff vacancies

As per data received from the sub-jail, there is a shortage of one staff out of the sanctioned staff strength of 31 personnel. In the executive unit just one post that of Deputy Superintendent, has been sanctioned and filled, however, during the jail visit the team also met with the Assistant Superintendent. It is important to note that the jail does not have sanctioned post for a medical officer and a pharmacist. Patti Sub-Jail is in dire need of permanent medical staff. Apart from this, Deputy Superintendent shared that the jail needs one female matron to conduct search on female visitors coming in for *Mulaqaat*. Presently, in the absence of female warder or matron, the jail officials had to request for the deputation of two women Punjab police personnel.

²⁰² Punjabi dance form

PRISON STAFF															
Executive Unit		Guarding Staff		Medical Personnel		Welfare Unit		Educational Personnel		Technical Personnel		Agricultural Personnel		Ministerial Personnel	
S	AS	S	AS	S	AS	A	AS	S	AS	S	AS	S	AS	S	AS
1	1	26	25	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	4	4

Table 2: Prison Staff Strength

2. Experiences of prison administrators

Prison officials highlighted that the post of Deputy Superintendent is one of the most hectic posts. People posted as Deputy Superintendents find themselves highly overworked as the post does not even have a single rest or holiday. At times, they have to hold multiple posts, like in Patti sub-jail, where the Deputy Superintendent was handling the Superintendent post as well. One important suggestion that was made was that there should not be any Central or large prisons. Prisons should exist at the level of District Jail or Sub-Jail as in these jails, administration is easier, hygiene maintenance is done properly, and medical issues arise less. In such small prisons, overcrowding management is also easier.

3. Prison Oversight Mechanisms

Data received from Patti sub-jail shows that, from 1st August 2017 till 31st September 2018, **Board of Visitors have not been constituted by the State Government for oversight of the sub-jail.** This can be one of the reasons for the issue of lack of medical infrastructure not being resolved in the jail.

D. Role of Legal Services Authority

1. Access to Legal Aid

A small room located in the center of Patti Sub-Jail serves as the Jail Legal Aid Clinic. Data received from the jail states that the clinic is functional for two days in a week. However, in practice it is being run on all days especially for the purpose of informing new inmates about the provisions of legal aid and filing of applications for appointment of legal aid counsels. Functioning of the JLAC lies directly under DLSA, Tarn Taran, which has appointed a total of 46 Jail Visiting Lawyers (JVLs)²⁰³ who are empaneled with the DLSA.

²⁰³ From 1st September 2017 till 31st August 2018

The appointment of JVLs is based on a roster system and the same keeps getting updated on a regular basis. A day after making the jail visit they are supposed to submit a report of the said jail visit. Each JVL was getting Rs. 500 per visit from the DLSA.

Acting as a link between inmates and the DLSA, Convict para-legal volunteers (PLVs) form an important part of the jail legal aid infrastructure. They are primarily responsible for informing the inmates about their right to free legal aid, spreading awareness about the provisions of legal aid and forwarding names and applications of inmates who require a legal aid lawyer. Apart from this, Convict PLVs maintain records of legal aid beneficiaries from the jail and do all necessary documentation in legal aid registers. Appointed by the DLSA, Convict PLVs are supposed to be paid an honorarium (per day of work) as per the NALSA's 2011 Regulations²⁰⁴.

In Patti sub-jail, a long term convict was appointed as PLV in 2017. Along with maintaining all records and informing new entrants about their right to free legal aid, the convict PLV was also maintaining details of jail appeal cases. Convict PLV informed the team that he was getting paid an honorarium of Rs. 400 for each working day of the clinic²⁰⁵. Since, the current convict PLV was about to get released on bail, a new PLV will be appointed by DLSA, Tarn Taran.

The JLAC at Patti also has two community PLVs visiting every week as per the DLSA's order, the team had a positive interaction with them. These were social work professionals working on varied social issues in the district. They highlighted the need and importance of engaging community PLVs in an institution like prison. Community PLVs suggested that they can work on inter-personal interaction with inmates, provide counselling which in turn can help deal with issues like drug dependency among the prison population.

A total of 62 jail appeals have been filed (against conviction from lower courts) with the help of DLSA, from 1st August 2017 till 31st September, 2018. However, all the three convicted inmates that the team interviewed had filed private appeals in the Punjab and Haryana High Court. Although, interviews conducted with 13 under-trials inmates showed that majority of them sought help from a legal aid counsel (refer to figure 3). However, data received from the DLSA stated that in a year's time period, around 106 legal aid applications²⁰⁶ were received from the sub-jail. It is important to note that with a population of more than 250 inmates, less than half are using the provision of legal aid. One of the reasons for this can be dissatisfactory functioning, as informed by jail inmates, of the panel lawyers appointed as legal aid counsels by the DLSA. Out of all the eight

²⁰⁴ Regulations 17, National Legal Services Authority (Legal Aid Clinic) Regulations 2011

²⁰⁵ Patti Jail Legal Aid Clinic is functional for two days in a week

²⁰⁶ From 1st August 2017 till 31st September, 2018

inmates who had legal aid lawyers, only one stated to be satisfied with the services of his lawyer. In all the other cases, either the lawyer does not listen to the inmate or simply does not meet them, not even during court production. These issues were taken up with DLSA, Tarn Taran by the team through a letter dated 10th October, 2018.

Another reason for legal aid not being popular inside the sub-jail can be attributed to the fact that panel lawyers are not allowed to meet their clients inside the jail. Inmates can only meet their lawyers during court production. Inmates who seek legal aid quite often have to stay in direct contact of the lawyer to get updates on the case, this aspect does not seem to be getting fulfilled in jail.

In order to make inmates aware about the provisions of legal aid, awareness camps are supposed to be organized inside jails. In Patti sub-jail, only ten such camps were organized by the DLSA, from 1st September, 2017 till 31st August 2018. With constant inflow and outflow of inmates, less number of awareness camps might be adding to the limited popularity of legal aid among inmates. Apart from this, provisions of free legal aid were displayed on a board at one place, which was inside the jail legal aid room.

2. Under-trial Review Committee

Existence of URTC, to review the situation of overcrowding in Patti sub-jail is unclear as DLSA Tarn Taran did not provide information on the constitution of this committee.

3. Camp Court

Camp courts are being held once a month. However data states that the DLSA secretary visited the jail just 10 times in the one year time period.

4. Video Conferencing

The Code of Criminal Procedure (Amendment) Act, 2008, amended Section 167 (2) (b)²⁰⁷ of the Code of Criminal Procedure 1973 (CrPC). With this amendment electronic video linkage was introduced as an alternative means of production of an accused in court. Video conferencing (VC) facilities have been made available in most of the jails and courts of the country through the initiation of the e-courts project by the e-courts committee. Like other jails of Punjab, VC facilities were available in Patti sub-jail as well. In the jail, the VC system was placed inside the legal aid room itself.

²⁰⁷ "No Magistrate shall authorize detention of the accused in custody of the police under this section unless the accused is produced before him in person for the first time and subsequently every time till the accused remains in the custody of the police, but the Magistrate may extend further detention in judicial custody on production of the accused **either in person or through the medium of electronic video linkage;**"

Reasons like incidents of fights among inmates, escape of accused persons while being taken for court production and petitions on non-production of inmates have led to increased popularity and use of VC as a means of production. While VC should only be used for remand purpose, at times it has been observed that it is also being used for trial proceedings. This was the scenario in Patti sub-jail as well, where in some cases, through an order of the court, accused was appearing for his trial through VC. A total of 24 productions happened through VC for trial purposes, from 1st August 2017 till 31st September, 2018.

On questioning what kind of trials were being conducted through VC, the team was informed that it was being used in situations where the prisoner does not need to be physically present in the court. The team was also informed that VC was only used for Trial after a direction from the court, and not on the behest of the prison officials. VC was also being used for meetings with headquarters, DG office etc.

It is important to note that not being physically produced in front of the magistrate during trial proceedings is a violation of fair trial rights of an accused, guaranteed under various human rights instruments as well as constitutional and statutory framework in India. As CHRI's draft note on VC safeguards rightly puts it, "the right to be tried in one's presence is implicit in the right to adequate defense"²⁰⁸.

E. About Vulnerable Groups

The jail is meant to house only male inmates with no housing provision for women inmates. Foreign national inmates and high security prisoners were being sent to Amritsar Central Prison. The team did not come across any juvenile inmate the jail. The jail did not even have any inmate with serious mental illness.

F. Issues of Concern

1. Drugs related cases and substance abuse

The team was informed by DLSA and jail officials that owing to the geographical location of Taran Taran district (bordering Pakistan), the district has one of the highest consumption of drugs in the whole of Punjab. Issue of substance abuse has also given rise to crime, mostly petty offences in the district²⁰⁹. Patti sub-jail reflected a similar picture with 107

²⁰⁸ 'Production of Inmates to Court through Video Conferencing', Commonwealth Human Rights Initiative (CHRI)'s draft note on VC safeguards, 2018 <http://www.humanrightsinitiative.org/download/Chri's%20Draft%20Note%20on%20VC%20Safeguards.pdf> (last accessed on 1st February, 2019)

²⁰⁹ Same cannot be backed by data due to the limitations of this report.

undertrials and 13 convicted inmate, charged under NDPS cases, as on 31st August 2017²¹⁰. **This amounts to almost 45% of the jail population under NDPS charges.**

Out of the 16 inmates that were interviewed for the purpose of this study, one under-trial and two convicts were charged under NDPS. The convicts informed us that they are facing issues with acceptance of their Parole. They stated that only those convicts who are charged under NDPS cases are facing this issue. The inmates further stated that, while jail authorities are prompt in forwarding all Parole related applications to the office of the District Magistrate. However, the process was being halted at the office of the Senior Superintendent of Police (SSP). According to them this was a district specific issue. It is important to note that the Punjab Good Conduct Prisoners' (Temporary Release), Rules 1963, does not discriminate on the basis of offences charged under, while granting Parole or Furlough.

Issue of substance abuse make things difficult for the prison administration as well. In the absence of technology like X-ray scanners and metal detectors for body and material search, officials at the sub-jail have to rely on the method of frisking which is time consuming and often does not give appropriate results. Jail officials shared that drugs are being brought in body cavity as well as shoes. An incident was shared with the team, where, during *Mulaqaat* one lady tried to pass on drugs to an inmate, with the drugs stitched inside a shoe. It was due to the attentiveness of a warder that such an incident was caught. It was due to such reasons that the jail officials also requested for a lady matron who can conduct search on female visitors coming in for *Mulaqaat*.

2. Instances of custodial violence and torture

a) Violence in Police Custody

Out of the 16 inmates interviewed, 11 stated to have faced some kind of custodial violence or torture while in police custody. All these inmates alleged third degree torture where the police even used torture techniques like waterboarding and hitting the sole with a baton. Except for only two inmates, none of the others shared incidents of torture with the doctor during their first medical check-up before being sent to judicial custody. Reasons like presence of the police during medical check-up and threats by police to not disclose details of torture, led to the inmates staying quiet during their medical examination.

It is important to note further, that out of these 11 inmates who were allegedly tortured by the police, ten was kept in police custody for a period ranging from two days to 18 days.

²¹⁰ Data received from the DG, Prisons (Punjab) office

Police took only four days of remand in the case of the inmate who was kept for the longest period (18 days).

CHRI PROGRAMMES

CHRI seeks to hold the Commonwealth and its member countries to high of human rights, transparent democracies and Sustainable Development Goals (SDGs). CHRI specifically works on strategic initiatives and advocacy on human rights, Access to Justice and Access to Information. Its research, publications, workshops, analysis, mobilisation, dissemination and advocacy, informs the following principal programmes:

1. Access to Justice (ATJ) *

* **Police Reforms:** In too many countries the police are seen as an oppressive instrument of state rather than as protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reform so that the police act as upholders of the rule of law rather than as enforcers of a regime. CHRI's programme in India and South Asia aims at mobilising public support for police reforms and works to strengthen civil society engagement on the issues. In Tanzania and Ghana, CHRI examines police accountability and its connect to citizenry.

* **Prison Reforms:** CHRI's work in prisons looks at increasing transparency of a traditionally closed system and exposing malpractices. Apart from highlighting systematic failures that result in overcrowding and unacceptably long pre-trial detention and prison overstay, it engages in interventions and advocacy for legal aid. Changes in these areas can spark improvements in the administration of prisons and conditions of justice.

2. Access to Information

* **Right to Information:** CHRI's expertise on the promotion of Access to Information is widely acknowledged. It encourages countries to pass and implement effective Right to Information (RTI) laws. It routinely assists in the development of legislation and has been particularly successful in promoting Right to Information laws and practices in India, Sri Lanka, Afghanistan, Bangladesh, Ghana and Kenya. In Ghana, CHRI as the Secretariat for the RTI civil society coalition, mobilised the efforts to pass the law; success came in 2019 after a long struggle. CHRI regularly critiques new legislation and intervene to bring best practices into governments and civil society knowledge both at a time when laws are being drafted and when they are first being implemented. It has experience of working in hostile environments as well as culturally varied jurisdictions, enabling CHRI bring valuable insights into countries seeking to evolve new RTI laws.

* **Freedom of Expression and Opinion -- South Asia Media Defenders Network (SAMDEN):** CHRI has developed a regional network of media professionals to address the issue of increasing attacks on media workers and pressure on freedom of speech and expression in South Asia. This network, the South Asia Media Defenders Network (SAMDEN) recognises that such freedoms are indivisible and know no political boundaries. Anchored by a core group of media professionals who have experienced discrimination and intimidation, SAMDEN has developed approaches to highlight pressures on media, issues of shrinking media space and press freedom. It is also working to mobilise media so that strength grows through collaboration and numbers. A key area of synergy lies in linking SAMDEN with RTI movements and activists.

3. International Advocacy and Programming

Through its flagship Report, *Easier Said Than Done*, CHRI monitors the compliance of Commonwealth member states with human rights obligations. It advocates around human rights challenges and strategically engages with regional and international bodies including the UNHRC, Commonwealth Secretariat, Commonwealth Ministerial Action Group and the African Commission

for Human and People's Rights. Ongoing strategic initiatives include advocating for SDG 16 goals, SDG 8.7 (see below), monitoring and holding the Commonwealth members to account and the Universal Periodic Review. We advocate and mobilise for the protection of human rights defenders and civil society spaces.

4. SDG 8.7: Contemporary Forms of Slavery

Since 2016, CHRI has pressed the Commonwealth to commit itself towards achieving the United Nations Sustainable Development Goal (SDG) Target 8.7, to 'take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.' In July 2019 CHRI launched the Commonwealth 8.7 Network, which facilitates partnerships between grassroots NGOs that share a common vision to eradicate contemporary forms of slavery in Commonwealth countries. With a membership of approximately 60 NGOs from all five regions, the network serves as a knowledge-sharing platform for country-specific and thematic issues and good practice, and to strengthen collective advocacy.



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