

**First Meeting with Ex-officio visitors  
to  
Prisons  
in  
Jabalpur Division,  
Madhya Pradesh**

**March 7 & 8, 2003  
Netaji Subash Auditorium, Central Jail, Jabalpur**



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## **Introduction**

The Commonwealth Human Rights Initiative's Prison programme has focused on reinvigorating the prison visiting system so as to make it an effective instrument of involving the community in monitoring prison conditions. After training the non-official prison visitors across the state, the CHRI facilitated sustainable collaborations with various government and non-governmental organizations and the prison visitors. It was then realized that certain issues ailing prisons could not be resolved without regular and active participation of ex-officio visitors to prisons.

CHRI therefore organized a meeting with official visitors to prisons in Jabalpur in collaboration with the Commissioner of the Jabalpur Division and the prison department. The meeting aimed at bringing together the Director General of Prisons, other prison personnel, the Commissioner of Division, District Magistrates, and other official and non-official visitors to a common forum to address certain important issues concerning prison administration. The main objectives of the meet were to discuss the need to:

- Constitute Boards of Visitors to jails in the Division where non-official visitors have been appointed; and,
- Facilitate a process whereby the various stake holders coordinate with each other in resolving problems related to prisons particularly relating to probation, parole, temporary release of prisoners, danger of death cases, non-availability of adequate police escorts, health, and dietary considerations for prisoners.

The idea was to stress that rules and regulations governing such issues were already in existence but were not being fully implemented. Thus this common platform was provided to open communication between the various key people in order to move towards alleviating the problems faced.<sup>1</sup> One highlight on this meeting in comparison to the earlier ones was the participation of male and female prisoners who spoke about their problems and also gave suggestions.

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<sup>1</sup> Mrs. Maja Daruwala, Director, CHRI

## **Executive Summary –**

1. There was an acceptance among the District Magistrates and some of the police officials about the need to coordinate properly with the prisons department in dealing with cases of probation, parole, and temporary release and apply their discretionary powers objectively and responsibly, in deciding the fate of prisoners.
2. Eligibility criteria for a guardian under the M.P. Prisoners' Release on Probation Act, 1954 were elaborated and accepted for concretization.
3. The Commissioner of Division, Jabalpur promised to –
  - Draft and circulate the guidelines that emerged during the course of debate for deciding the cases of prisoners for release on Probation, Parole, Premature Release, Temporary Release, Emergency Leave and Danger of death cases to all District Magistrates and Superintendents of Police in the division.
  - Write to all the District Magistrates to initiate the process of getting non-official visitors appointed to the remaining prisons in the division.
  - Constitute Boards of Visitors to all the prisons in the division and draw up the roster of meetings and visits for the non-official and official visitors by the end of April 2003.
4. The Director General of Prisons, M.P. promised to –
  - Start video conferencing between courts and Central jails in Gwalior, Bhopal, Indore and Jabalpur. He also sought the support of the non-official visitors in mobilizing support and resources to start the scheme in other prisons of the state.
  - Follow up with the Ministry of Health further getting private doctors recruited on a full time contract basis for atleast three years.
  - Follow up the Madhya Pradesh Handicrafts Council, the Khadi and Village Industries Commission and the Madhya Pradesh Women's Finance and Development Corporation for marketing the products made by women prisoners.
5. Some of the non-official visitors promised to increase their coordination with the local District Magistrates and the *Zila Parishads* [District Councils] to speed up the process of improving conditions in their respective prisons.
6. The Member of Parliament from Jabalpur offered to provide guardianship to women prisoners who are otherwise eligible for release on probation but could not do so in the absence of relatives coming forward to act as their guardians.

The issues discussed and the recommendations that emerged from collective discussions and debates are presented in the following pages.

## **Probation –**

According to the Madhya Pradesh Release of Prisoners on Probation Act, 1954 and the Madhya Pradesh Release of Prisoners on Probation Rules, 1964, there is a provision to release eligible prisoners on probation under the supervision of qualified caretakers.

### *Procedure:*

The prisoner eligible for probation makes an application under the prescribed Form 'A' to the Superintendent of the Central Jail where he is lodged, along with the proposed name of a surety/caretaker, which is forwarded to the District Magistrate along with the Superintendent's comments. The DM has to take his decision keeping in view parameters such as the cause of offence, his behaviour in the jail, eligibility of the proposed surety etc. The DM invariably forwards the case to the Superintendent of Police who in turn sends it to the police station under whose jurisdiction the prisoner resides. On receiving the police report, the DM decides and intimates the Inspector General Of Prisons who puts up the matter before the State Probation Board along with the report of the Probation Officer. The Board passes the file to the state government through the jail department with its recommendation. The state government then passes appropriate orders.

- Following classes of prisoners are not released on probation:
  - Prisoners convicted for vagrancy, habitual offending, criminal conspiracy [Chapter V-A, Indian Penal Code (IPC)], offences against the state [Chapter VI, IPC], offences relating to the army, navy, air force [Chapter VII, IPC], harbouring robbers and dacoits [Section 216-A, IPC], resistance or obstruction to lawful apprehension [if it is a case of an escape from jail], [Sections 224, 225, IPC], counterfeiting coin [Sections 231, 232, IPC], murder by life-convict, [Section 303, IPC], thuggery, [Section 311, IPC,] causing hurt by means of poison, etc. with intent to commit an offence, kidnapping or abducting in order to murder, rape, theft after preparation made for causing death, hurt or restraint in order to commit theft, extortion [Sections 386 – 389, IPC], robbery and dacoity [Sections 392 – 402, IPC], lurking house trespass, grievous hurt caused whilst committing lurking house-trespass or house breaking,[ Section 460, IPC], counterfeiting currency notes or bank notes [Section 489-A, IPC]
  - Those convicted for having violated the conditions in their earlier license for release on probation and,
  - Habitual offenders.<sup>2</sup>

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<sup>2</sup> M.P. Release of Prisoners on Probation Act, 1954

## Temporary Release –

If the examination of the records of the prisoner shows that the prisoner is eligible for temporary release, the superintendent of the jail reports the request to the DM where the prisoner resided before conviction.<sup>3</sup>

If the DM is satisfied that the request be granted, he is required to issue to the superintendent a signed warrant for the temporary release of the prisoner<sup>4</sup>. [The DM is responsible for the proper implementation of these instructions. He may consult the SP on the advisability of the release but he should use his discretion and refuse the release only in cases when he is satisfied that release is fraught with danger to the public safety.]<sup>5</sup>

### *Problems faced during probation and temporary release:*

The main problems faced in releasing the prisoner as pointed out by the participants during the meeting are as follows:

- Eligible guardians are hard to find, especially for women prisoners.
- Since the Probation Act does not prescribe any criteria to decide the eligibility of the surety/guardian, names proposed by prisoners are sometimes rejected by District Magistrates without any valid reason. It then becomes very hard for the prisoner to find another eligible guardian.
- Some times the parents or other immediate relatives could be physically and economically incapable of maintaining the prisoner upon release or exercising supervision over him.
- Enmity also sometimes jeopardizes the security of the prisoner and makes it difficult to order his release.<sup>6</sup>
- In cases, where the opposite party is very influential, nobody except the immediate relatives is willing to accept the responsibility of a convicted person.<sup>7</sup>
- The Superintendent of the jail has to forward a certified copy of the judgment of the convicting Sessions Court with the prisoner's application for release to the DM. Sometimes this is not available with the prison superintendent and an application for it takes many years to materialize.<sup>8</sup>
- The police do not want to take the risk of the prisoner escaping and hence in 99% of the cases advise against the release of prisoners without giving any specific and valid reasons.<sup>9</sup> The DMs tend to follow the advice given by the police.<sup>10</sup>
- In some places there are standing orders to the policemen to send back negative reports thus preempting the final decision of releasing the prisoner.<sup>11</sup>
- Sometimes the decisions received from the DM or SP's office, are not clear forcing the prison staff to send the files back adding to the general delay.

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<sup>3</sup> Rule 360 (4) M.P. Jail Manual

<sup>4</sup> Rule 360 (5) M.P. Jail Manual

<sup>5</sup> Pg. 165, M.P. Jail Manual

<sup>6</sup> Mr. Malay Srivastava, District Magistrate, Chindwada.

<sup>7</sup> Mr. S.K. Vyas, retired DIG of Prisons, M.P.

<sup>8</sup> Mr. B.L. Kori, Superintendent, Central jail, Indore.

<sup>9</sup> Mr. Malay Srivastava

<sup>10</sup> Mr. Praveen Garg, District Magistrate, Jabalpur.

<sup>11</sup> Ibid.

- There is often delay on the part of the State Probation Board in taking its decisions and no reasons are given.

*Suggestions:*

The following suggestions emerged during the discussion on the issue of eligible guardians:

- The guardian can be any immediate relative such as parents, spouse, brothers, sisters, etc. or any other volunteer who is attached to the prisoner in a strongly sentimental manner and is capable of exercising sufficient moral influence and control over the offender.<sup>12</sup>
- In the absence of parents, it should be considered whether a group of people including friends from the same village could be given the collective responsibility of guardianship. Such persons should not have a criminal background, and must have the economic capacity to maintain and supervise the prisoner upon his release.<sup>13</sup>
- *Gram Rakshaks* of the *Gram Raksha Samitis* established in villages by the Madhya Pradesh police may also be considered for appointment as guardians.
- Credible institutions, which offer guardianship to women prisoners hailing from the same locality or district, may also be considered for appointment as guardians. For example, representatives from the Kasturba Gandhi Trust, Indore offered to do so for women prisoners belonging to Indore district.<sup>14</sup> **Mrs Jayashree Banerjee<sup>15</sup> also offered to provide guardians for women prisoners to be released on probation, parole etc.**
- If the DG Prisons/IG Prisons chooses, he can require any prison officer to act as the guardian of the prisoner for release on probation.<sup>16</sup>

The other suggestions to assist the release of prisoners were:

- An independent department within the government could be created or a responsible NGO could be entrusted with the responsibility of monitoring the behaviour of the prisoner after his release to ensure that he stays within the confines of the conditions laid down.
- As per the existing procedure, the report of the probation officer is taken only after the DM has made his decision<sup>17</sup>. Since it is only the probation officer who verifies each detail, due weightage ought to be given to his opinion while deciding the case.<sup>18</sup> The report given by the probation/law officers should clearly specify whether the crime was committed by a habitual offender/recidivist or a first time offender. This would surely help the DM/SP in taking their decisions objectively.
- There are occasions whereby the DMs can examine the prisoner's case independently and can override the opinion of the police especially where the offence was

<sup>12</sup> Mr. S.K. Vyas.

<sup>13</sup> Dr Lalji Mishra, Superintendent, Central Jail Jabalpur.

<sup>14</sup> Mr. Rajendra Chaturvedi, Director General of Prisons, M.P.

<sup>15</sup> Member of Parliament from Jabalpur.

<sup>16</sup> Mr. Rajendra Chaturvedi. This is also a provision under Rule 14 (3) of The M.P. Prisoners' Release on Probation Act, 1954.

<sup>17</sup> Mr. Rajendra Chaturvedi.

<sup>18</sup> Mr S.K. Vyas

committed without premeditation and due to circumstances beyond his control, where his/ her behaviour in the jail was above board as evident from the records for remission and good behaviour, and he is unlikely to commit the same offence.

- While in no case should the release of the prisoner be a danger to his life,<sup>19</sup> a baseless apprehension should also not impede the prisoner's release. If everything else is in his favour the prisoner could be relocated in a different village/city.<sup>20</sup>
- Copies of judgements should be given to the prisoners and the prison authorities at the time of sentencing itself to avoid delays in the preparation of files for probation, parole etc.<sup>21</sup> **The Director General informed the participants that they were writing to the High Court praying that a copy of the judgment be given to prison authorities at the time of delivering sentence.**
- A prisoner and his guardian are bound by conditions specified in the license under which he is released.<sup>22</sup> The government can revoke the license for serious violations of the conditions, and this should be treated as a cognizable offence punishable with two years imprisonment in addition to the un-expired portion of the original sentence.

It was emphasized that leave rules had been framed to enable prisoners to discharge their familial and social responsibilities. Prisoners on probation do realize the gravity of the situation and know that committing a crime during this period would not only result in forfeiture of all their future chances but also make them liable for fresh punishment. However if under duress a prisoner does commit crime, it ought to be taken as an exceptional situation and not the rule. **What is therefore needed is a paradigm shift in our perceptions and prejudices concerning prisoners in order to work towards their reformation and successful reintegration into society. The prisoner must be given a chance to reform.**<sup>23</sup> *The commissioner mentioned that in his capacity as the DM around ten years ago, more than 200 prisoners were released on temporary leave and only one did not come back. The apprehensions of the prisoner committing a crime or running away are sometimes misplaced.*

At the end Dr. Lalji Mishra, did a of **cost benefit analysis**<sup>24</sup> of the amount of money saved if the prisoner was released on probation after serving 6 years of sentence. This would also decrease overcrowding and the savings could then be directed to other welfare schemes for women and children.

## **Premature release and parole –**

Even in cases of premature release the police at times opine that the prisoner should not be released even though it is certified that he will not commit any crime. [This is basically to avoid taking risks incase the prisoner happens to commit crime by confluence of circumstances beyond his control.] In such cases the DMs should take responsibility and not sit on a second judgment. What needs to be taken into account is the amount of remission period earned by the prisoner in jail, and his earlier release on probation, parole

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<sup>19</sup> District Magistrate, Balaghat.

<sup>20</sup> Mr. M.M. Upadhyaya, Commissioner, Jabalpur Division.

<sup>21</sup> Inputs from prisoners who attended the meeting.

<sup>22</sup> These are specified in Sections 6 & 7 and Rules 9 & 10 of the M.P Probation Act and Rules respectively.

<sup>23</sup> Mr. M.M. Upadhyaya

<sup>24</sup> Annexure 1



etc without any mishaps. It is also possible to revoke the orders of premature release if the conditions are violated.<sup>25</sup> *Mr. Malay Srivastava, pointed out that he has in many cases exercised his discretion and recommended the release of a prisoner if he met all criteria despite the police advising to the contrary.*<sup>26</sup>

A prisoner becomes eligible for parole only after a certain period has been spent in jail. If there are no untoward incidents when the prisoner is sent on parole for the first time, then subsequent paroles should be given without any difficulty. The Home Secretary in Rajasthan has passed an order stating that the DMs should give more weightage to the reports of welfare and probation officers who function independently.<sup>27</sup>

In the animated discussion that ensued, it was strongly clarified by the Commissioner once again that *if the prisoner does anything that goes against the conditions laid down in the license, then the responsibility is entirely that of the prisoner and his guardian and not of the police or the DM. There was no reason to hold the police responsible if conditions are violated.*

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<sup>25</sup> Mr. R.K. Saxena, Consultant CHRI and former IG Prisons, Rajasthan.

<sup>26</sup> District Magistrate, Chindwada.

<sup>27</sup> Mr. R.K Saxena, (In Rajasthan, the probation and welfare officers do not come under the prison department.)

## **Danger of death cases –**

Rule 361 and 362 of the M.P Jail Manual say that if the medical officer is of the opinion that a convict is suffering from sickness and is likely to die if continued to be detained in the jail but there is reasonable chance of his recovery if released or there is no hope of recovery whether the prisoner is released or not, then he shall report the fact to the superintendent who will immediately release the prisoner. Rule 366 posits that in every case when an undertrial prisoner is seriously ill, the superintendent shall report the matter to the magistrate or the sessions judge such that the prisoner may be released on bail.

### *Problems:*

- In the procedure that is followed now, the doctors in the jail cannot certify whether the prisoner would die, if continued to be kept in prison but it is the medical board at the district hospital that does so. The reports from the medical board however usually fail to mention the disease afflicting the prisoner or the danger he is in, they merely report that he is incapable of committing any more crime. Hence it becomes difficult to release such prisoners and while awaiting correct certification, the prisoner tends to die.<sup>28</sup> It was therefore suggested that the doctors in the jail should be authorized to issue such certificates.<sup>29</sup>

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<sup>28</sup> B.L. Kori, Superintendent, Indore Central Jail.

<sup>29</sup> Dr A.K. Srivastava, Jabalpur Central Jail.

## **Board of Visitors –**

According to rule 815(3) a Board of Visitors shall be selected triennially by the Commissioner of the Division consisting of one official and two non-official members and the DM who will be the chairperson of the board.<sup>30</sup> A meeting of this board shall be held once a quarter and at the first meeting, a roster shall be prepared for the ensuing twelve months.<sup>31</sup>

The main objective of this session was to get the Boards of Visitors [BOV] constituted for all the jails in the Jabalpur Division in order to bring together the official and non-official visitors on a common platform to work towards the resolution of prison related problems.<sup>32</sup> *The discussion began with Dr Purshottam Patel<sup>33</sup>, highlighting his experiences while taking the initiative to form a BOV in Satna Central Jail. He had to approach their commissioner four times after, which the BOV was constituted. Apart from the DM who is the chairperson and the civil surgeon, two NOV's were also appointed and the work is progressing smoothly.*

**The most significant outcome was the promise to constitute Boards of Visitors to all the jails in the Jabalpur Division where the non-official visitors have been appointed by the end of the month.<sup>34</sup> The Commissioner also promised to prepare the roster of meetings and visits for all the non-official and official visitors after constituting the BOV.**

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<sup>30</sup> M.P. Jail Manual.

<sup>31</sup> Rule 816(1), M.P. Jail Manual.

<sup>32</sup> Mr. R.K Saxena.

<sup>33</sup> NOV to Satna Central Jail.

<sup>34</sup> Mr. M.M. Upadhyaya.

## Availability of Police Escorts for producing prisoners in courts and hospitals –

Police escorts are required for producing undertrial prisoners in courts as well as for taking ill prisoners to hospitals. However there is a severe dearth of the required number of escorts, which is obvious from the following tables.

**Table-1 Availability of police personnel for escorting prisoners to hospitals<sup>35</sup>**

Name of jail	No of guards asked for	Available guards	% of available guards
Jabalpur	5772	345	05.97
Seoni	287	248	86.41
Mandla	894	421	47.09
Katni	716	199	27.79
Lakhnadon	31	28	90.32
Sihora	299	02	0.66
Dindori	138	126	91.30
Patan	04	01	25.0
Baihar	40	09	02.25

Even in a central jail like Jabalpur the guards that were available were a mere 05.97% of the number of guards required while in Sihora the figures amounted to an abysmal 66% of the number of guards asked for.

**Table-2 Availability of police personnel for escorting undertrial prisoners to courts<sup>36</sup>**

Name of Jail	Required guard	Available guard	% of available guard
Jabalpur	26708	15322	57.36
Seoni	3944	3887	98.55
Mandla	5079	4284	84.34
Katni	7380	5805	78.65
Lakhnadon	1460	1370	93.83
Sihora	1994	1341	67.25
Dindori	1298	1143	88.05
Patan	860	507	58.95
Baihar	1079	686	63.57

This scarcity of police escorts leads to many problems, which are enumerated below:

### *Problems:*

- The prison staff admits that in the absence of adequate police force, many a times they are forced to send the warrant of the undertrial prisoner for extending his remand

<sup>35</sup> Source: Statistics collected by Dr Lalji Mishra, Jabalpur Central Jail.

<sup>36</sup> Ibid.

without producing him in court. This definitely results in delays and trials go on. As a result many prisoners who were ultimately found to be innocent happened to be lodged in the jails for long periods, a blatant violation of their rights. This also leads to overcrowding and extra expenditure on prisoners.<sup>37</sup>

- Sometimes during emergencies, the prisoners are sent to the courts and hospitals with prison guards and since they are not trained to escort prisoners it is not always a safe option.
- The prison personnel given by the M.P department are for the security of the prison only and diverting them as escorts does tend to jeopardize the security of the jail.<sup>38</sup>
- There is lack of coordination between the different components of the criminal justice system. For e.g., there is no information to the jail or the police about the judicial magistrates who are on leave and their substitutes mechanically extend remands without even scrutinizing the case to see if the prisoner is eligible for bail. This involves many more trips to the courts and the need for that many more escorts.<sup>39</sup>

*Suggestions:*

- Prisoners can be produced in courts on a shift basis in the morning and afternoon so that the whole requirement can be covered with the same force. For e.g., as in Delhi, prisoners whose matters are up for bail or remand are produced in the after noon session, and those on trial are produced in the morning session.<sup>40</sup>
- All cases of ill prisoners should be carefully investigated for there are prisoners who get admitted to hospitals through fake certificates. The relatives of the prisoner should take responsibility for his safe custody and return him to prison after the treatment. Such social participation can reduce the need for special police and then only one sentry can be attached from the jail and the police department to save on number of personnel.<sup>41</sup>
- The guards come to the jails late due to which prisoners cannot be produced in hospitals on time for the checkups and they are returned to the jails without being examined thus involving extra trips to the hospital.

**Videoconferencing as a solution –**

Through the integrated services digital network technology, courts and prisons can now be connected through video linkage, where all the prisoners to be produced in court are assembled in a room in the prison in front of a video camera and a television. Simultaneously, another video set is put up in the chamber of the presiding magistrate. The prisoners are produced before the camera one by one and they can talk to the magistrate face to face. The magistrate can enquire whether the person has filed his bail application, details of the crime with which he is charged, personal details, etc and then can release him on bail if required or extend his remand if needed. Hence for such matters these prisoners need not be transported all the way to the courts, thus saving on manpower and resources. The advantages of this are manifold. Overcrowding is checked; there is no escape of prisoners during transportation; congestion in jail vans and court

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<sup>37</sup> Dr Lalji Mishra.

<sup>38</sup> Mr. R.R. Singh Baghel, Deputy Jailor, Jabalpur Central Jail.

<sup>39</sup> Mr. R.K. Saxena

<sup>40</sup> Dr S.W. Naqvi, Superintendent of Police, Jabalpur.

<sup>41</sup> Panditji, State wide NOV.

lockups leading to unhealthy and insecure conditions are reduced; prisoners are relieved of the strains of being taken to the courts just for extending their judicial remands and the menace of smuggling in prohibited/contraband articles is contained because of reduced visits of prisoners to outside world.<sup>42</sup> With the optimal use of this facility, the few escorts that are made available can then be diverted towards producing and admitting ill prisoners to hospitals.<sup>43</sup>

Audiovisual networking can also be used between professors in medical college and doctors in jails, wherein the experts can give a correct diagnosis about the prisoner's illness. This would save the burden of calling a general practitioner or taking him to the hospital only to find that the prisoner needs the services of a specialist resulting in the whole process starting all over again.<sup>44</sup>

The DG Prisons proclaimed that he had provided 25 lakhs to begin this scheme in Gwalior, Jabalpur, Indore and Bhopal. He said that the prison department was trying to bring this scheme to all the 8 central jails in the State where almost 14,000 out of a total of 29,000 prisoners are lodged. He requested all the NOVs to approach their respective District Planning Committees and garner support and help for the scheme.

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<sup>42</sup> *Access To Justice For Undertrial Prisoners: Problems and Solutions*, paper presented by R. Sreekumar in All India Seminar on Access To Justice, 26th, 27th April 2003.

<sup>43</sup> Dr. Naqvi.

<sup>44</sup> Justice Gulab Gupta, former Chairperson, Madhya Pradesh Human Rights Commission.

## Medical and health problems in prisons –

Prisons are assailed with health care problems, which have been highlighted in earlier workshops as well. Some of the problems discussed in this meeting were as follows:

- There is severe shortage of doctors and medical staff.<sup>45</sup> {According to Mrs .H. Jain<sup>46</sup>, the NOVs approached the Chief Medical Officer, at the district hospital who refused to spare any doctors saying they never got any reimbursements for traveling the long distance to the jail. They even refused a vehicle from the jail to pick and drop them. However, the NOVs finally asked the Minister-in –charge of the district, the DM and SP to intervene and at their behest the CMO agreed to send the doctors.} In the absence of full time personnel to operate x-ray machines, conduct pathological tests etc. dependence on personnel deputed from other institutions does not produce satisfactory results.<sup>47</sup>
- In spite of the rosters being fixed by the Chief Medical Officer of the district, medical specialists do not visit jails. In Jabalpur as against 18 requisitions in 2001, they visited only 5 times and in 2002 they visited only thrice as against 20 requisitions.<sup>48</sup>
- Mentally ill patients have been lodged in the Central Jail, Jabalpur without required facilities to take care of them. Though there is a psychologist to visit them regularly, in the absence of doctors and trained paramedics, untoward incidents occur quite often.<sup>49</sup>
- Since doctors come from a different department and are not really a part of the prison department, it sometimes becomes difficult to enforce any discipline. Any attempts to do so results in a request from them to the Chief Medical Officer to repatriate them to their parent department.
- Prisoners complained about the timings of the food. Dinner is served at 4 pm and prisoners are locked in by 6 pm. By the time they eat their food at 8 pm it is cold and unpalatable. Many resort to different means of heating food such as burning dried chapattis etc.
- Septic toilets should be constructed in proportion to the number of inmates. Otherwise it results in extremely unhygienic conditions.<sup>50</sup>

### *Suggestions:*

- Special wards should be kept for prisoners in medical colleges and district hospitals.<sup>51</sup> At present the district hospitals hardly have 4-5 beds reserved for ill prisoners, which makes it difficult to refer essential cases to them from the jail.
- Prisoners referred to outside hospitals should be reverted to the jail only after a complete recovery to prevent readmission.<sup>52</sup>

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<sup>45</sup> Mrs. Reena Jaiswal [NOV to sub-jail Lakhnadon] reiterated that absence of doctors was the most major problem in her jail as well. On repeated summons the present doctor refuses to come for jail visits, so much so that he doesn't even pick up the phone or answer door bells.

<sup>46</sup> NOV, Seoni Sub Jail.

<sup>47</sup> Dr A.K Srivastava.

<sup>48</sup> Ibid

<sup>49</sup> Ibid

<sup>50</sup> Inputs from prisoners.

<sup>51</sup> Dr A.K Srivastava

<sup>52</sup> Ibid

- Given the acute shortage of escorts, a prisoner should be completely examined the very day he is produced in hospital rather than given another date.
- Seriously ill prisoners should be released on probation, parole, premature release etc and the procedure for this should be simplified to avoid delay.
- Doctors should be posted by rotation inside the jail hospital from 6pm-9pm to attend to emergencies if any.<sup>53</sup>
- Presence of paramedical staff inside the prison should be ensured by rotating their duties.
- Laboratory technicians and paramedical staff may be recruited through the posts of additional ad hoc guards since there is a massive shortage for them and their posts are very few in number.
- There is a provision in the jail manual that upon the barracks being opened in the morning a paramedical worker should go around with a first aid kit to administer medicines to prisoners with ordinary complaints and refer others requiring expert attention to doctors in the jail hospital. This should be followed.<sup>54</sup>
- It was suggested that there should be provisions for special diet, which include animal protein in the form of eggs and milk to increase the immunity levels of every prisoner. **The DG promised to pass blanket orders authorizing all jail doctors to recommend nutritious diet containing animal protein in the form of eggs and milk to all prisoners.**<sup>55</sup>
- The Justice Krishna Iyer Committee suggested that the lock up time in jails should not be 5:30 pm and that dinner should be served much later at 7 pm. **The prison department has written to the Ministry of Home Affairs saying that they wanted to change the lockup and dinner timings.**<sup>56</sup>

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<sup>53</sup> Mr. Rajendra Chaturvedi

<sup>54</sup> Ibid

<sup>55</sup> Ibid

<sup>56</sup> Ibid



## **Dietary considerations for prisoners –**

On the final day of the meeting, Dr. Amita Singh<sup>57</sup> analysed the existing diet chart for various categories of prisoners in Madhya Pradesh followed since the time of the colonial rulers and identified the gaps vis-à-vis the charts prescribed by the Indian council of Medical Research, New Delhi, Nutrition Research Centre, Hyderabad and the World Health Organisation. These charts are designed in accordance with the age, gender and workload of a person.

She found that the existing chart is deficient from the point of view of nutrition and taste. The latter component is necessary to motivate a person to take the food to maintain his health, energy levels and immunity. Continued dependence on the existing chart leads to a further reduction in the immunity levels of people who are already coming from undernourished sections of the society and suffer from anemia, osteoporosis, etc. Decrease in levels of immunity increases their risk of contracting tuberculosis and other infectious diseases, particularly in overcrowded and often unhygienic places like prisons where levels of psychological stress in any case are acute.

After giving a presentation on the nutrient utilities of different cereals, spices and other food items used for cooking in the Indian context, she gave the following suggestions:

- Mix cereals and pulses in a ratio of 5:1. For e.g., one can mix wheat flour with gram flour or soyabean in the proportion mentioned above.
- Use atleast one handful of green leafy vegetables everyday.
- Use sprouted pulses instead of normal ones.
- Use yellow and orange coloured fruits.
- Use inexpensive items like *amla*, green chilli, lemon, etc. for increasing the content of vitamin C, which will increase resistance to common cold, prevent decay of gums, tooth, etc.
- Use jaggery instead of plain sugar.
- Cook vegetables in utensils made of iron, as it increases the iron content in the food.

8<sup>th</sup> of March being the international Women's Day, certain problems of women prisoners<sup>58</sup> were also highlighted. Women's organizations and activists were urged to come forward and take responsibility for the reintegration and rehabilitation of women prisoners.<sup>59</sup> The DG Prisons held that though most of the women prisoners in the jails were good at handiwork like shadow painting, chikkan etc, due to poor marketing they fetched very low prices. Hence the prison department was trying to tie up with the M.P Handicrafts Development Council, and M.P Khadi and Village Industries Commission to market these products at decent rates.

Mrs. Jayashree Banerjee<sup>60</sup> suggested that these women prisoners should also be provided with a corpus of at least Rs.20-25,000/-in fixed deposit to enable them to stand on their

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<sup>57</sup> An expert on diet and nutrition presently based in Bhopal

<sup>58</sup> Out of a total of 109 prisons in M.P, there are 24 prisons where women prisoners are kept.

<sup>59</sup> Mr Rajendra Chaturvedi.

<sup>60</sup> Member of Parliament, Jabalpur.

own feet after being released from prison. She also offered to mobilize resources from the M.P Area Development Fund for any needs in the Jabalpur Central Jail.

## Annexure-1

Serial No.	Item	Expenditure for 14 years (in Rs)	Expenditure for 6 years (in Rs)	The difference between the two i.e., expenditure for 8 years. (in Rs)
1	Expenditure on food	87432.10	37470.90	49961.20
2	Clothing	14563.50	6241.50	8322.200
3	Expenditure on cleanliness	4701.20	2014.80	2686.40
4	Electricity and water	6898.50	2956.50	3942.00
5	Expenditure on recreation	51.10	21.90	29.20
6	Expenditure on treatment	8789.20	3766.80	5022.40
7	Labour	40880.00	17520.00	23360.00
	<b>Total</b>	<b>163315.60</b>	<b>69992.40</b>	<b>93323.20</b>

The above table shows the expenditure on various heads over a single prisoner (calculated as per the requirements given under the M.P Jail Manual) in 14 years (maximum period of life imprisonment calculated after remission etc) as amounting to Rs163315.60 and 6 years (the minimum period of sentence after which the prisoner is eligible for probation) as amounting to 69992.40. Hence if the prisoner is released from jail after 6 years the total amount saved would be Rs 93323.20. The annual savings thus would be huge amounts which could then be utilized for other purposes.

**Source:** Statistics collected by Dr Lalji Mishra, Superintendent Central Jail Jabalpur.

## First Meeting with Ex-officio visitfors to prisons in Jabalpur Division

Date: March 7, 2003

### Agenda

Registration

9:30 – 10:00 am

#### SESSION 1

Welcome Address	10:00 – 10:10 am	Mrs. Maja Daruwala Director, CHRI
Theme of the Meeting	10:10 – 10:30 am	Mr. R. Sreekumar, CHRI

#### SESSION 2

*Chairperson: Mr. M.M. Upadhyaya, Commissioner, Jabalpur Division*

*Facilitator: Mr. R.S. Vijayvargia, Senior Law Officer, Jail Dept*

**TOPIC:** Probation, Parole, Temporary Release and Danger of Death cases

Overview of problems and proper criteria to be followed	10:30 – 11:00 am	Mr. Ashok Singh, Law Officer, Central Jail, Jabalpur
Discussion with DMs, Superintendents of Police and others	11:00 – 11:30 am	
Commissioners' response	11:30 – 11:40 am	

#### SESSION 3

*Chairperson: Mr. M.M. Upadhyaya, Commissioner, Jabalpur Division*

*Facilitator: Mr. R.K. Saxena, Retd. IG Prisons, Rajasthan*

**TOPIC:** Board of Visitors

Overview of the law and importance of Board of Visitors	11:40 – 11:50 am	Dr. Lalji Mishra, Superintendent Central Jail, Jabalpur.
Benefits of a Board of Visitors – A Good Practice	11:50 – 12:00 pm	Dr. Purshottam Patel, NOV to Central jail, Satna
Discussion with DMs and SDMs and Non-official Visitors	12:00 am – 12:20 pm	
Commissioners' response	12:20 – 12:30 pm	

**SESSION 4***Chairperson: Mr. Rajendra Chaturvedi, DG Prisons M.P.***TOPIC:** Non-availability of Police escorts for courts and hospitals

Problems arising out of inadequate availability of police escorts	12:40 – 12:50 pm	Presentation by staff from Central jail, Jabalpur
Presentation of data from jails	12:50 – 1:00 pm	CHRI/ Prison staff
Response of Superintendents of Police	1:00 – 1:15 pm	
Video conferencing between jails and courts	1:15 – 1:30 pm	
Discussion	1:30 – 1:50 pm	
Follow up action	1:50 – 2:00 pm	Chairperson

**Lunch**

2:00 – 2:30 pm

**SESSION 5***Chairperson: Mr. Rajendra Chaturvedi, DG Prisons M.P.***TOPIC:** Health, Infrastructure and other problems from jails within the Jabalpur Division

Health problems in participating jails	2:30 – 2:50 pm	CHRI/ Prison staff
Discussion and response of individual Civil Surgeons	2:50 – 3:20 pm	
Minor infrastructure and other problems in participating jails	3:20 – 3:50 pm	CHRI/ Prison staff
Response of DG Prison to resolving minor infrastructure and other problems	3:50 – 4:20 pm	Mr. Rajendra Chaturvedi

**Tea Break**

4:20 – 4:30 pm

**SESSION 6***Chairperson: Mrs. Maja Daruwala, Director CHRI*

Summing up and Comments	4:30 – 5:00 pm	Mr. Rajendra Chaturvedi
Joint Action Plan	5:00 – 5:30 pm	CHRI and Prisons department
Vote of Thanks	5:30 – 5:35 pm	CHRI

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<sup>61</sup> Non-official Visitors are identified by the names of their jails in brackets after their names.

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