

2019

Inside Haryana Prisons



CHRI

Commonwealth Human Rights Initiative

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Haryana State Legal Services Authority



About Haryana SLSA

There are 28 states and seven Union Territories (UTs) in the Union of India and every one of these states and UTs have separate Legal Services Authority, constituted as such under the Legal Services Act, 1987. Accordingly, the state of Haryana has the Haryana State Legal Services Authority (hereinafter referred to as HSLSA), with its head office at Panchkula. The HSLSA is the successor to the Haryana State Legal Services and Advice Committee, which was governed by the “Haryana State Grant of Free Legal Service and Advice to the Poor Rules, 1982” (hereinafter referred to as the “Rules of 1982”).

Pursuant to implementation of the Legal Services Authorities Act, 1987 (hereinafter referred to as the “Act of 1987”) that took effect from November 9, 1995, the Haryana State Legal Services Authority Rules, 1996, (hereinafter referred to as the “HSLSA Rules of 1996”) read with the Haryana Legal Services Authority (Transaction of Business and Other Provisions) Regulations, 1998, (hereinafter referred to as “HSLSA Regulations of 1998”) now govern the functioning of this Authority.

Legal Services Authorities at the High Court level

At the High Court level, there exists an authority called the High Court Legal Services Committee (hereinafter referred to as ‘HCLSC’). A Judge of the Punjab and Haryana High Court is the Chairman and the Registrar General of Punjab and Haryana High Court is the Secretary.

Legal Services Authorities at the district level

At the district level, there exists in each of the 22 districts in Haryana, an authority called the District Legal Services Authority (hereinafter referred to as ‘DLSA’). The District and Sessions Judge/senior-most Additional District and Sessions Judge/senior-most Judicial Officer (as the case may be) is the Chairman, while the Chief Judicial Magistrate/Additional Chief Judicial Magistrate of every district is the Secretary.

Legal Services authorities at the sub-divisional level

Similarly, in all the 33 sub-divisions in Haryana where there are functioning judicial courts, there exist an authority called the Sub-Divisional Legal Services Committee (hereinafter referred to as ‘SDLSC’). The senior-most Judicial Officer of the Sub-Division is the Chairman of this committee.

Anybody can meet the Chairman (District Sessions Judge)/Secretary (Chief Judicial Magistrate) of District Legal Services Authority/Chairman (senior-most Judicial Officer of Sub-Division) of the SDLSC every working day between 9.30 am to 4 pm in his chamber for legal services-related work.



About Commonwealth Human Rights Initiative

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-profit, non-partisan, international non-governmental organisation working in the area of human rights. In 1987, several Commonwealth professional associations founded CHRI, since there was little focus on human rights within the association of 53 nations although the Commonwealth provided member countries the basis of shared common laws.

Through its reports and periodic investigations, CHRI continually draws attention to the progress and setbacks to human rights in Commonwealth countries. In advocating for approaches and measures to prevent human rights abuses, CHRI addresses the Commonwealth Secretariat, the United Nations Human Rights Council members, the media and civil society. It works on and collaborates around public education programmes, policy dialogues, comparative research, advocacy and networking on the issues of Access to Information and Access to Justice.

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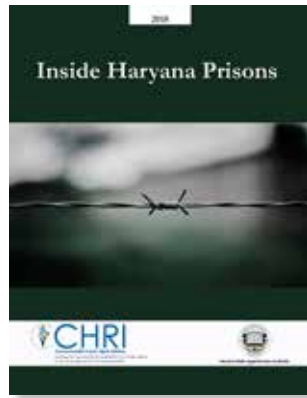
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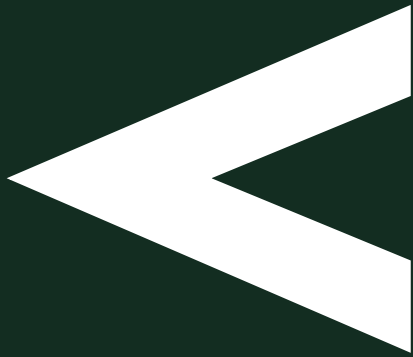
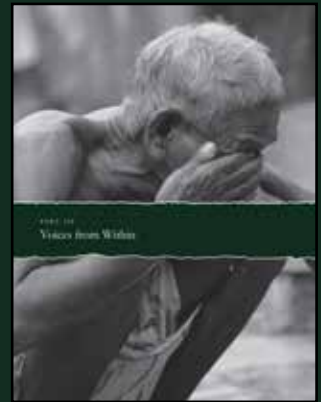


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INTRODUCTION

Nelson Mandela said, “No one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens by its lowest ones.” And yet, very rarely does one step inside a prison or witness what really happens behind the four seemingly impermeable walls of a prison. This report, prepared by the Commonwealth Human Rights Initiative (CHRI) under the aegis of the Haryana State Legal Services Authority (HALSA), shines a light into the lives and living conditions of the 19,062 prisoners in 19 prisons in Haryana.

The report is based on a study conducted by CHRI’s team of all these prisons and interviews with 475 prisoners conducted between December 2017 and May 2018. Our team also interacted with prison officers and representatives of legal services institutions to better understand the complexities of the prison system. These observations have been further evaluated in light of the statistical information received from both prisons and legal services institutions, as well as relevant provisions of the Haryana Jail Manual 1894¹, Model Prison Manual 2016² and the Nelson Mandela Rules 2015³. These have enabled CHRI to put forth recommendations for stakeholders to ensure just and humane prison conditions in Haryana.

Nine essential themes have been covered in this report: administration and infrastructure, prison regime, medical facilities and health, visitation rights and facilities, access to information, access to legal aid in prisons, vocational training and prison labour, prison oversight, and provisions for vulnerable categories of prisoners (women prisoners and their children, the mentally ill and foreign national prisoners). Additionally, the team’s conversations with prisoners and prison personnel made it necessary to devote an entire section to instances of torture reported by prisoners, questions of juvenility and grievances of prison administrators.

It is also pertinent to mention here that after each visit, letters were sent to each prison and the concerned legal service authority about individual cases or issues that needed specific and immediate attention. Prompt action has been undertaken by the concerned authority in some of these cases.

Context and background

This report was commissioned by HALSA and assigned to CHRI in compliance with an order passed by the Supreme Court in **Re: Inhuman Conditions in 1382 Prisons** (hereinafter referred to as *Re Inhuman case*)⁴ where the court directed all State Legal Services Authorities (SLSAs) to conduct studies on prison conditions.

Subsequently, the Punjab and Haryana High Court constituted a committee to prepare a framework for the study that covered eight key aspects of prisons⁵ -- including awareness among prisoners regarding their cases, women prisoners and their children, the separation of juveniles from other prisoners, health and hygiene conditions, the availability of vocational or semi-skilled training, visits by family members, services provided by legal service institutions, and jail infrastructure. However, in this study, CHRI included four more aspects (prison oversight, prison regime, mentally ill and foreign national prisoners) to make the report more comprehensive and reflective of the actual situation in prisons.

¹ The Haryana Prison Manual is said to be based on the Punjab Jail Manual 1894, available online at <<http://haryanaprison.gov.in/haryana-jail-manual>>.

² Prepared by Bureau of Police Research & Development, available at <http://bprd.nic.in/content/423_1_Model.aspx>.

³ “The United Nations Standard Minimum rules for the Treatment of Prisoners (the Nelson Mandela Rules)”, 2015. United Nations Office on Drugs and Crime (UNODC).

⁴ Re-Inhuman Conditions in 1382 Prisons, W.P. (Civil) 406/2013, Supreme Court of India.

⁵ Annexure 1.

Research methodology

This study is based on data collected from primary and secondary sources: semi-structured interview methods, direct observation and secondary data review. The team inspected all 19 jails, of which three are central prisons and the rest, district prisons. In prisons with substantive populations, inspections were carried out for two days, whereas for others, it was a one-day process. The team interviewed 475 prisoners; this included 93 women prisoners, 192 under-trial male prisoners, 122 male convicted prisoners, 39 alleged juveniles and 29 foreign national prisoners. The team also interviewed prison officials.

No.	Jail	Date of visit
1	Gurugram	December 7 and 8, 2017
2	Narnaul	December 11 and 12, 2017
3	Rewari	December 12, 2017
4	Palwal	December 19, 2017
5	Ambala (CJ)	January 8 and 9, 2018
6	Panipat	January 10, 2018
7	Yamunanagar	January 29 and 30, 2018
8	Kurukshetra	January 31, 2018
9	Karnal	February 7 and 8, 2018
10	Kaithal	February 9, 2018
11	Sonipat	February 22 and 23, 2018
12	Bhiwani	March 27, 2018
13	Jhajjar	March 28, 2018
14	Jind	April 11, 2018
15	Rohtak	April 12, 2018
16	Sirsa	April 23, 2018
17	Hisar CJ 2	April 24, 2018
18	Hisar CJ 1	April 24 and 25, 2018
19	Faridabad	March 8 and May 1, 2018

The prisoner interviews were based on a selection criteria prepared by CHRI, which prioritised interactions with certain categories such as women prisoners, youth offenders, unrepresented prisoners, alleged juveniles, convicts, the sick and the infirm, and foreign national prisoners.⁶

Primary and secondary data collection involved

a) Semi-structured interview methods: A tool used in qualitative research methodology in which the

⁶ See sample interview guide in Annexure 2.

interviewer uses an interview guide with a list of questions, themes or topics that are to be covered. We used this to interview select undertrials, convicts and prison staff.

b) Direct observation: A method of data collection used to gather relevant qualitative data by directly observing the natural surroundings of the respondent/subject. We used this to study the prison as a whole, focusing on infrastructure, amenities, prison regimes and services provided, among other things.

c) Secondary data review: A process of data collection from different sources. To substantiate the findings and evaluate the situation on ground, CHRI prepared and circulated formats to the district prison administration as well as the legal services authorities and sought responses within a stipulated period. We received data for the period between January and December 2017.

Structure and scope of the report

This report examines several aspects of prison conditions in Haryana, including the treatment of prisoners, general conditions within the premises, facilities, implementation of existing provisions, and problems faced by prisoners and prison officials. It was a conscious decision to focus on limited aspects of prison administration and prison life. The vastness of prisons as a subject made it impossible to do an indepth study in its entirety, in the short timeframe allocated.

Each chapter begins with excerpts from relevant standards applicable to the theme discussed, with the Haryana Prison Manual being considered as the primary source. During the analysis of the manual, we came across several redundant rules, which surprisingly have not been omitted. These pertain to references of jails in Lahore, Amritsar, Multan etc, references to transportation of life sentences, punishments by whipping etc. and even holidays for the celebration of the King's birthday. Thus, caution has been taken to not include such redundant provisions. Where we felt that the provisions under the manual were insufficient, or on some themes unavailable, other relevant statutes, guidelines, schemes or regulations have been mentioned.

The executive summary provides a precis of the observations and analysis under each theme, followed by a slew of recommendations framed in consultation with representatives from the Haryana State Legal Services Authority and CHRI. These recommendations have been segregated for each stakeholder, while theme-wise recommendations have, to facilitate ease of parsing context, been placed alongside the text in each chapter.

The report is divided into five parts and 14 chapters. Part I contains eight chapters on 'prison conditions and facilities' and includes the team's findings on prison administration and infrastructure, prison regime, medical facilities and health, visitation rights and facilities, access to information, access to legal aid in prisons, vocational training and prison labour, and prison oversight.

Part II contains three chapters analysing facilities and conditions for vulnerable categories of prisoners -- in particular, women prisoners and their children, prisoners with mental illness, and foreign national prisoners.

Part III provides insightful narratives from prisoners and prison officers, and is divided into three chapters: torture diaries with narratives of custodial violence in police custody, young offenders or juveniles, and grievances reported by prison personnel.

Part IV contains jail-wise information sheets, along with brief analyses of the data received for each prison and Part V contains annexures.

EXECUTIVE SUMMARY



No two prisons were the same, and no prison was perfect. This, in short, is how the team, that visited the prisons in Haryana would sum up their study of the prisons in Haryana.

Prisons are not the dingy, dirty, dilapidated hell-holes that one might visualise them to be. On the contrary, the team found sound infrastructure, regular maintenance and basic cleanliness almost everywhere. They also found no complaints of sub-standard conditions or unhygienic food during our interactions with the prisoners. The team even found that they had the option of reheating their dinners (at their own cost) – a rare practice elsewhere!

Of course, buildings and amenities are only two of the several factors that affect the lives of the incarcerated. The procedural framework within which prisons function play a bigger role in determining their quality of life – for instance, daily routines, visitation rules, security procedures and other such aspects of prison administration, which, if not implemented appropriately, can impact them negatively. While it was observed that each prison had unique way of functioning, the underlying framework was the same. However, this framework -- based on the Haryana Jail Manual -- falls short of meeting both national and international standards, having had no revisions since it was first framed in 1894.

As important as frameworks is the question of logistics and management. A prison requires adequate personnel to run smoothly. Lack of the requisite staff strength can hit prison administration hard, leaving

existing staff overburdened, overworked, resentful and dissatisfied. It also translates into a shortage of personnel with specialised skills, forcing other staff to pick up the slack in addition to their existing tasks – a situation that impacts prisoner welfare in the long run.

While each prison had adopted some good practices, the team found some violations that called for immediate redressal. In such cases, they sent letters seeking remedial action to the concerned jails and legal services authorities, and found that appropriate action was taken promptly in most cases. These included the transfer of alleged juveniles to observation homes, the appointment of female paralegal volunteers, the appointment of jail legal aid lawyers and providing prisoners with information on the status of their cases in trial and appeal, among other things.



Listed below is a summation of the overall analysis under each theme focused upon in the study, followed by key recommendations for consideration by various stakeholders -- especially the state government and prison department -- that can help improve prison conditions in Haryana.

Part I: Prison conditions and facilities

1. Prison administration and infrastructure

There are a total of 19 jails in Haryana: three central jails (Ambala, Hisar 1 and Hisar 2) and 16 district jails (Rohtak, Gurugram, Bhiwani, Narnaul, Sirsa, Sonapat, Jind, Kurukshetra, Karnal, Rewari, Yamunanagar, Faridabad, Palwal, Panipat, Kaithal and Jhajjar). Prison statistics indicate that eight of the 19 jails had prison populations well within their official capacity, however, among the remaining 11 (Central Jails of Ambala and Hisar I and District jails of Rewari, Kurukshetra, Kaithal, Sirsa, Jind, Panipat, Narnaul and Bhiwani), overcrowding ranged from 170% in Rewari to 22.8% in Panipat.

Infrastructure in all jails was adequate with no dilapidated or unmaintained buildings found during the inspections. However, we did find deficiencies in the management structure within these buildings. Data received from 18 jails showed that against 3,193 sanctioned posts, there is an overall staff vacancy of almost 20%. Gurugram and Faridabad district prisons had the highest staff vacancy at almost 44%.

-  Buildings are well maintained with sound infrastructure.
-  High vacancies in sanctioned posts.

2. Prison regime

Regime, in the context of prisons, refers to its daily timetable that regulates the day-to-day routines for inmates, including activities such as meal timings, lock in/out times, etc. During the visits various aspects that constitute the daily regime of prisoners were observed in detail including procedures upon admission, policies for segregation of prisoners, meals, lock up and lock out times and general hygiene and cleanliness. In Haryana prisons, for males, segregation is done alphabetically, but for females, it is only between convict

and under-trials. A uniform practice of segregation among young offenders and other prisoners, especially habitual prisoners, is missing.

The guarding staff thoroughly searches new prisoners during their admission. Prisoners are required to remove their shoes and socks, but not their clothes for frisking, but they are asked to remove their clothes during searches for contraband. There are no guidelines in place to safeguard the dignity of prisoners during body searches. In one prison, some inmates told the team about their discomfort during a surprise search conducted for seizing contraband mobile phones.

The prison department provides prisoners with basic utensils -- an aluminum *thali* (plate), spoon, bowl and a glass -- but not with essentials such as oil, soap, etc. For these, the prisoners are dependent on canteens or their family members, which often means that prisoners with no money or visiting family members have to resort to working for other prisoners to get these very basic amenities.

The team found places such as the washrooms, cells, kitchens, video conferencing rooms, and *mulaqat* rooms to be fairly clean in most jails. Some barracks were dirty, but according to prison officials, prisoners are responsible for cleanliness inside their own barracks. Sweepers have been hired to clean toilets and bathing areas, but several times, the team found that in some jails, they had either not been appointed or were not visiting.

While prisoners are responsible for cleaning the bedsheets given to them before their release, but it appeared that uncleaned sheets were being handed to other prisoners. There is no mechanism for the regular cleaning of bedsheets given to new prisoners to ensure to ensure hygiene and prevent the spread of diseases.



Common living areas were clean.



Prisoners not provided basic amenities, compelling them to work for other prisoners.

3. Medical facilities and health

In Haryana, new prisoners undergo medical examinations in all prisons. While most inmates confirmed that a doctor had examined them soon after their admission, the team came across some complaints where prisoners alleged that their medical reports had not mentioned injuries present and visible on their bodies during admission. This subverts the very purpose of conducting these medical examinations, and is an issue that needs immediate redressal.

Permanent medical officers have not been appointed in all jails, which are serviced only by government doctors on a deputation basis, because of which, medical assistance was only being provided to inmates for a few hours each day -- which is inadequate. Further, medical officers in a few prisons also said that they dealt with 80-100 out-patient cases daily; such a high number affects the amount of attention given to each patient. Most jails also do not have specialised doctors such as dentists, gynecologists, dermatologist, psychiatrists and psychologists to deal with common health problems such as dental issues, gynecological illnesses, skin allergies, depression, anxiety or drug de-addiction and drug withdrawal. Even though the hospitals in most jails housed medical equipment, these were lying unused in the absence of appointed lab technicians. The

team also noticed that issues with the procurement of medicines in some districts as the state warehouses had insufficient or incomplete supply of medicines.

👍 All jails hospitals are equipped with medical equipment.

👎 Injuries on prisoners not documented well; most prisons have no permanent medical officers, specialised doctors or lab technicians; there appeared to be an insufficient supply of medicines in some districts.

4. Visitation rights and facilities

The interview (*mulaqat*) system in all jails -- barring Rewari and Panipat jails -- appeared to be well organised. Family visits are permitted twice a week for undertrials and once a week for convicts. *Mulaqat* days are scheduled alphabetically for inmates, and only persons pre-registered in the prison management software ("Phoenix") are permitted to visit prisoners. In some prisons, the prison authorities were taking special efforts to ensure family members visit prisoners. In addition to these *mulaqats*, inmates can contact their family and lawyers through phone calls via the Prison Inmate Calling System (PICS) installed in all jails. Inmates can make calls every day: male inmates for five minutes and female inmates for nine to ten minutes. Separate PICS machines are installed in both male and female wards. Each call usually costs Re 1 per minute, although some prisons charge Re 1.25 per minute. Although the prison manual provides for writing of letters as a means of communication between inmates and their family, it was observed that inmates are not really inclined towards using this practice.

A significant problem we unearthed was that some prisoners were unable to meet their families because Aadhar cards have been made mandatory identification proof for visitors, and people without these are not allowed to visit prisons.

👍 Visitation system is well organised; prisoners are permitted to make calls every day.

👎 Aadhar is considered the only valid identity proof for visitation, which causes problems to several families.

5. Access to Information

According to the Haryana Prison Manual, all prisoners are to be provided a history ticket upon admission. Unfortunately, due to the implementation of the prison management system, the history tickets are only available on computers, and prisoners themselves are not given physical copies. Because of this, prisoners often have no access to the details of their case, and their primary source of information becomes now their family or lawyers, who may not meet them very often.

'E-history kiosks' have been set up in all 19 prisons in Haryana, however, interactions with prisoners revealed that they had limited awareness about the usage of the kiosks. Further, the kiosks sometimes suffer from technical glitches, and with technical assistance only being provided at either Delhi NCR or Chandigarh, they often remain dysfunctional for days at stretch. As a result, despite kiosks and the provision for history tickets, prisoners' interviews revealed that many did not know the offences for which they were incarcerated, or if they had lawyers, let alone the status of their case.

- 👍 All records of prisoners are available in the prison management system and accessible via e-kiosks.
- 👎 Prisoners are not provided a copy of their history ticket.

6. Access to legal aid in prisons

Every prison has a jail legal aid clinic, though in some prisons, separate space has not been allocated for it. Prisoners are asked about their legal aid requirements at the time of their admission in most prisons. In 2017, 343 legal awareness camps were conducted by legal services authorities and most prisons display pertinent information on the subject on prison walls and inside the clinics.

Jail visiting lawyers come to jails on a regular basis, from two to four times a week. All prisons also have either convict and community paralegals to man the legal aid clinics. However, convict paralegals are not paid wages or provided trainings, because of which, there is no incentive for them to work in the clinics.

Despite the existence of jail legal aid clinics, visits by jail visiting lawyers and the presence of convict paralegal volunteers inside the prison, of the 475 inmates interviewed by the team, 90 claimed that they did not have a lawyer.

- 👍 All prisons have jail legal aid clinics, with jail visiting lawyers and paralegals.
- 👎 Even in their presence, some prisoners remain unrepresented.

7. Vocational training and prison labour

The degree of vocational training and activities made available for prisoners varied across prisons, with smaller jails such as Palwal, Rewari, Kaithal and Panipat having no provisions for any vocational training course. The remaining 15 have some form of vocational trainings or a factory set up within the premises. Some jails have manufacturing units that provide work to convicts and generate revenue as well. In addition to running manufacturing units, jail factories also run vocational training and recreational classes for all inmates. These include painting classes, music, dance and technical training courses in hardware repairing, welding, electric appliance repairing, motor vehicle repairing, among other things. However, there is a lack of technical staff to impart training to inmates in both the manufacturing units as well as the vocational training units.

A total of 2,478 inmates were given vocational training in the prisons in 2017. These include 1,933 male inmates and 545 women inmates. The work done by convicts is categorised into three categories: unskilled, semi-skilled and skilled, wages for which are Rs 40 per day, Rs 50 per day and Rs 60 per day respectively.

In all the jails factories, vocational training centers, IGNOU and NIOS classes were placed only in the male section of the prisons and limited options were available for women. There was no special focus on the needs and capacity of women inmates that could help them get rehabilitated after release.

A total of 2,222 prisoners were enrolled in formal education programs in 2017. Indira Gandhi National Open University and the National Institute of Open Schooling were two bodies providing education to inmates. Most jails had separate areas where the classes took place.

- 👍 Most convicts are engaged in vocational activities.
- 👎 Women prisoners have limited options for vocational training.

8. Prison oversight

Internal and external mechanisms for oversight in prisons are a prerequisite to maintain good conditions and prevent any irregularities. The team was told that senior prison officials conduct regular inspections in the prisons, in addition to which, there are external oversight mechanisms in the form of visits by judicial officers, the Board of Visitors and Under-Trial Review Committees. While the former two are mandated to ensure that prison conditions adhere to certain standards, the latter is to conduct a regular review of cases of prisoners to prevent unnecessary and prolonged detention.

In most prisons, the district and sessions judge (who are also designated as official visitors of the Board of Visitors) visited the jail monthly, accompanied by the secretary of the district legal services authority. The number of visits by official visitors ranged from one in Kaithal district jail to 123 visits in Rohtak district jail, with a total of 571 visits being made by official visitors. Meetings of the Board were reported to have happened only in two districts: Faridabad (12) and Kurukshetra (1). Most districts provided information on visits by non-official visitors, but not on appointments, thus making it difficult to ascertain the specifics of the functioning of the board of visitors. However, no training programmes were reported to have been organised for non-official visitors.

The data received from Haryana DLSAs suggests that Under Trial Review Committees have been constituted in all the districts. In 2017, a total of 428 cases in eight districts were recommended for release by UTRCs under different categories. Out of these 127 were actually released.

- 👍 Both internal and external oversight mechanisms are functional in the state.
- 👎 The Board of Visitors do not visit prisons regularly and are not holding meetings for each prison; information on non-official visitors and their functioning is not available.

Part II: Vulnerable categories of prisoners

9. Women prisoners and their children

There is no exclusive prison for women in Haryana. Of the 19, only 15 prisons have women enclosures, and they house 659 women prisoners (as of December 2017). The women prisoner proportion in Haryana is 6%, which is slightly higher than the national average of 4.3%.

Female wards, toilets and barracks were found to be clean and spacious. The team, however, found that there are no permanent lady doctors in any of the prisons. Except for Karnal district jail, all other jails were providing sanitary napkins to women.

None of the 15 female wards had a separate legal aid clinic. Women convict paralegals had been appointed in only a few jails and visits by jail visiting lawyers to the female section were also rare, because the DLSAs appoint very few female jail visiting lawyers.

While women prisoners can enroll for the National Institute for Open Schooling (NIOS) and Indira Gandhi National Open University (IGNOU) courses, they do not have access to classrooms as these are situated only in the male prison complex.

There are 66 children staying with their mothers in 12 female wards in jails (children below the age of six years are permitted to stay with their mothers in prison). All 15 female enclosures in Haryana have *Balwadi*/crèche facilities. In addition, infants are given a special diet of milk, fruits, dal and rice in the form of khichdi and biscuits.



Decent levels of cleanliness maintained in female wards.



Some jails do not provide sanitary napkins; no lady doctors have been appointed for women; there are no classrooms in women enclosures and there are limited options for vocational training; there are no separate legal aid clinics for women.

10. Prisoners with Mental Illness

According to data provided by Haryana Prisons, there are 44 prisoners with mental illness in three jails: Gurugram (42), Rewari (1), and Kaithal (1). Of these, 21 are undertrials (20 males, 1 female) and the remaining 23 are convicts (22 males, 1 female). However, there seems to be some discrepancy in this data. These prisoners are confined in a separate ward, mostly situated in or near the hospital complex.

Between January and December 2017, 23,482 prisoners were provided psychiatric treatment. Oddly, no psychiatrists visit Gurugram and Sonapat prisons, even though inmates in these prisons reportedly receive psychiatric treatment. With no permanent position for full-time psychologists or psychiatrists in the jail hospitals, medical officers who may not have the requisite skills to deal with mental health issues are forced to tackle them. Jail medical officers spoke to the team about the need for specialised caregivers, counsellors and mental health professionals.



Specialised care is not available for such prisoners; medical officers, who may not be trained to deal with such cases, are de facto caregivers, which is inadequate.

11. Foreign National Prisoners

There are 48 foreign national prisoners (FNPs) confined in 10 prisons in Haryana. Of these, 32 are undertrials, 15 are convicts and one is a detainee who has completed his sentence. These prisoners are predominantly from Bangladesh and Nepal and African countries. Of the 48, only six prisoners have been provided consular access. The team spoke to 29 prisoners; of these, 11 were represented by legal aid lawyers, 13 by private lawyers, and five said that they were unrepresented.

Of the 48 prisoners, only 20 in five jails are in contact with their families. Despite the Prison Inmate Calling System (PICS), FNPs are not permitted to make international calls to their relatives. Additionally, some prisoners also expressed concern over the inadequacy of the diet provided to them, despite provisions for

special diets for FNPs in the the Haryana Jail Manual. Some prisoners also complained about suffering from discrimination and racism at the hands of other prisoners.

👉 FNPs unable to communicate with their families; no special diet provided.

Part III: ‘Voices from within’

This part contains three chapters with prisoner narratives on torture in police custody. The incidents narrated in these chapters are harrowing, to say the least. As these chapters serve to illustrate, no system can be reformed without due attention being given to its primary stakeholders. We can think of no better way to summarise the team’s interactions with prisoners and prison personnel and readers are requested to read this part in detail.

RECOMMENDATIONS

This section brings together the key recommendations for both policy issues and implementation gaps that have been highlighted in this report. Detailed recommendations for each theme addressed in this report can be found both in the individual chapters.

As part of the summary and in order to emphasise upon the role of various stakeholders in the process of effectuating systemic changes to improve prison conditions in the state, these recommendations have been segregated stakeholder wise.

A. STATE GOVERNMENT:

RECOMMENDATIONS ON POLICY GAPS:

- ✓ Revise the Haryana Jail Manual.
- ✓ Check overcrowding rates.
- ✓ Improve quality of training for prison officers and warders.
- ✓ Revisit staff vacancies and need to increase posts vis-a-vis prison populations.
- ✓ Setup more women prisons in the state.
- ✓ Sharper focus on mental healthcare for prisoners.
- ✓ Revisit procurement policy for medicines.
- ✓ Frame policy for ensuring communication with family members for foreign national prisoners.
- ✓ Frame policy for dealing with addicted prisoners and provide opportunities for their treatment.

RECOMMENDATIONS ON IMPLEMENTATION GAPS:

- ✓ Increase focus on prison oversight.
- ✓ Appoint board of visitors for each prison including non-official visitors.

B. PRISON DEPARTMENT:

RECOMMENDATIONS ON POLICY GAPS:

- ✓ Permit every member of the staff to take a day off once a week, as recommended by the Mulla Committee.
- ✓ Adopt a clear segregation policy to ensure that undertrials and convicts are not kept in the same wards.
- ✓ Allocate space for library within the women enclosures too or provide them access to libraries in male enclosures at least once a week.
- ✓ Notify the provisions related to prison labour, including clear definitions for the terms, unskilled, semi-skilled and skilled for the general awareness of prisoners.

- ✓ Conduct orientation and training for medical officers. Guidebooks can be prepared listing their responsibilities for their assistance.
- ✓ Provide training on scientific classification of prisoners, interviewing of prisoners and case recording, prison industries, prison agriculture, treatment programmes, etc., to all ranks of prison personnel.
- ✓ Provide specialised training to prison officers and staff on management and welfare of foreign national prisoners.

TRAINING

- ✓ Frame guidelines to make frisking and body searches more humane to ensure dignity of all prisoners, especially women.
- ✓ Consider the use of less invasive alternatives such as handheld metal detectors, door frame metal detectors or other technological innovations for conducting body searches in prison.

SEARCH

RECOMMENDATIONS ON IMPLEMENTATION GAPS:

- ✓ Appoint sweepers in all prisons, and where not available make alternative arrangements to ensure all areas of prison are cleaned regularly, especially the barracks and bathrooms.
- ✓ Provide clean bedding to prisoners during admission.
- ✓ Take steps in spreading awareness among inmates on personal hygiene. Awareness camps can be organised for this purpose.
- ✓ Consider providing hot water for bathing purposes during winters.
- ✓ Conduct review of garbage disposal process in all prisons.

HYGIENE

- ✓ Appoint specialised doctors like psychiatrists, psychologists, gynecologists, dentists. If permanent posts are unavailable, ensure that visits should be made by specialised government doctors.
- ✓ Appoint women medical officers in all 15 women enclosures in the state to ascertain health needs for female prisoners.
- ✓ Provide women prisoners access to hospitals which are currently located in male enclosures. For security purpose, one may fix day and timings for the same.
- ✓ Resolve the issue of non-availability of medicine and procurement procedures.
- ✓ Revise the Performa for Health Screening of Prisoners on Admission to Jail prepared by the National Human Rights Commission to include space to document instances of alleged torture by police.
- ✓ Ensure that the Medical Officer diligently documents all injuries and alleged cause at the time of medical examination of prisoner at admission.
- ✓ For specialized medical care, adoption of tele-medicine through video conferencing should be explored.

MEDICAL

- ✓ Provide copy of history ticket to each prisoner upon admission to prison. S/he should be permitted to keep it with them at all times.
- ✓ Link information like name of the lawyer, next date of hearing to the information kiosk.
- ✓ Conduct training sessions for prisoners to teach them how to use e-kiosks to access information.
- ✓ Keep a record of prisoners and the lawyers assigned to them to ensure that no prisoner remains unrepresented.

ACCESS TO INFORMATION AND LEGAL AID

**ACCESS TO
INFORMATION
& LEGAL AID**

- ✓ Replicate the good practice of enquiring whether a prisoner has legal representation at the time of admission of prisoners in all prisons. This information should be passed on to the jail legal aid clinics.
- ✓ Share a copy of appointment letters of legal aid lawyers with the concerned inmate.

**CONTACT WITH
FAMILY**

- ✓ Promote the practice of writing letters by inmates to their families especially for those prisoners who belong to different states or have no one visiting from their family.
- ✓ Take steps, where a prisoner does not have the means to communicate with family or suggests that his family is not aware of his confinement, to initiate contact, by either writing letters, permitting one call from the prison's telephone, or calling the family themselves to inform the whereabouts of the prisoner.
- ✓ Verification of phone numbers should be done.

VOCATIONAL

- ✓ Initiate vocational training programmes in Palwal, Rewari, Kaithal & Panipat.
- ✓ Initiate more programmes with special focus on post release rehabilitation of prisoners.
- ✓ Introduce vocational training courses for women inmates.
- ✓ Provide wages to convict paralegal volunteers who manage the prison legal aid clinics.

VULNERABLE

- ✓ Take steps to establish contact with family members of prisoners who either appear to be juveniles or allege that they were juveniles at the time of commission of the offence.
- ✓ Immediately segregate any person who the officer-in-charge suspects to be a juvenile.
- ✓ Immediately inform the concerned embassy about the confinement of a foreign national, so that consular access maybe provided promptly.

MISCELLANEOUS

- ✓ Make special provisions, for prisoners/their families with no debit cards, which can enable them to apply to the Superintendent for special permission to deposit money in cash. Superintendent may after due diligence permit the same.
- ✓ Keep a check on exploitation among prisoners. Steps can be taken to assign work to prisoners, who have no money in their accounts, and have no family members visiting to enable them to earn wages to pay for purchase of basic amenities. Or there should be provision for basic amenities from prison welfare fund/other funds in such cases.
- ✓ Introduce reformative and rehabilitative schemes and programmes for young offenders, taking into account their social and psychological needs.
- ✓ Replicate the practice of holding monthly meetings of the undertrial review committees in Palwal, in other prisons. This would ensure effective functioning of the committee.

C. HARYANA STATE LEGAL SERVICES AUTHORITY

- ✓ Organise legal aid awareness camps in prisons to make inmates more aware about law and legal procedures especially on their rights, court proceedings, provisions of parole, remission, furlough and pre-mature release.

AWARE-
NESS

- ✓ Take initiatives to link the legal services authority's Front Office database to the kiosks or to the Phoenix Software database so that information is regularly updated and shared. This will ensure seamless flow of information between the front office and the jail legal aid clinics. This can be further linked to the e-kiosk.
- ✓ Consider the use of audio visuals at the entry point in prison to make prisoners aware about the provisions of legal aid and their rights.
- ✓ Display information on legal aid provisions in the local language and English in each ward.
- ✓ Display the name and visitation details of jail visiting lawyers at the chakkar or the central area in all prisons.
- ✓ Provide reading material on legal aid, specifically on legal aid for persons in custody in the prison libraries for inmates.
- ✓ Encourage community para legal volunteers to make visits to the prisoner's home in order to establish contact with the family, where required.
- ✓ Provide counselling to prisoners on procedures for using video conferencing.
- ✓ Urge panel lawyers to meet their clients during court hearings and visit them in prison in order to update them about progress in their respective cases.

AWARENESS

- ✓ Conduct regular trainings for Convict Para Legal Volunteers to capacitate them to impart basic legal information to inmates, identify urgent cases, and keep track of legal aid cases.
- ✓ Setup prison legal aid clinics in women enclosures or camps can be held once every week for women.
- ✓ Appoint women paralegals and women jail visiting lawyers to visit women's section of the jail.
- ✓ Prepare standardised formats for documentation of legal aid cases and follow up action for each case.
- ✓ Encourage the DLSA secretaries to make regular visits, atleast twice a month to the prisons in their jurisdictions.
- ✓ Consider holding monthly meetings like Palwal, of the under trial review committees for its effective functioning and monthly review of prisoners cases.
- ✓ Ask the paralegal volunteers and jail visiting lawyers to keep separate information on convicts requiring legal assistance to file appeals in their cases. They should facilitate sharing of information between High Court Legal Services Committee and Supreme Court Legal Services Committee.

LEGAL AID CLINIC

Report of the One Day Consultation on 'Inside Haryana Prisons'

A one-day consultation was held on 27th April 2019, to discuss the findings and recommendations of the report, 'Inside Haryana Prisons', a study on prison conditions in Haryana. The consultation, organised by the Haryana State Legal Services Authority (HALSA) was presided over by Mr. Parmod Goyal, Member Secretary, HALSA; Mr. K. Selvaraj, IPS, Director General, Haryana Prisons; Mr. Man Pal Ramawat, Joint Member Secretary, HALSA and Mr. Jagjit Singh, Inspector General, Haryana Prisons. The consultation was attended by Superintendents from all 19 prisons, DLSA secretaries of all the 22 districts of Haryana, few medical officers, legal aid lawyers and probation officers as well as the authors of the report Ms. Sabika Abbas and Ms. Madhurima Dhanuka from the Commonwealth Human Rights Initiative (CHRI).

Describing the report, Inside Haryana Prisons, as “not merely a report but an actual working module”, the Member Secretary assured that all the recommendations of the report will be “implemented expeditiously”. The IG Prisons further added that the report is a “fair study on the prison department of Haryana by the Commonwealth Human Rights Initiative”. The consultation was a highly participative exercise that saw feedback and contribution from all the participants. Issues were raised, discussed and clarifications sought on findings documented in the report. There was an overall positive feedback from all participants, and additional recommendations were made as well.

In order to have a conducive discussion on all aspects covered in the report, the day was divided into five sessions covering all chapters in the report. The sessions were designed to include feedback from secretaries of the legal services authorities and prison superintendents from particular districts, followed by time for open house discussion. Agenda for the consultation is attached as Annexure 5 in the report. **The chapter-wise observations and suggestions made by the participants have been added against the respective findings in the report itself and the same have been marked by an asterisk symbol.** A brief summary of the deliberations during each session is provided below:-

Session I: Prison Administration, Prison Regime & Grievances of the Guardians(*)

While agreeing with the recommendations made by CHRI in the report, representatives from across prisons made additional suggestions in this session. Stakeholders were also informed on procedures that have already been put in process. For instance the DG, prisons informed that to address the issue of staff vacancy in Haryana Prisons, Services Rules are in the process of getting amended. Additionally, revision of the Haryana jail manual is also underway.

Session II: Medical Facilities, Access to Information and Vocational Training

It was unanimously agreed that medical officers should be appointed in all prisons, preferably on permanent basis and that visits by specialised doctors should be increased. Prison department informed the other stakeholders that for Mulaqaat, Aadhar card is no more a mandatory document proof, alternatively any two government approved ID proofs can be used by the family of inmates. In this session the importance of generating work inside prisons for inmates was also discussed. Superintendent, Yamunanagar district prison shared the success of the skill development model being followed in their prison which is not just creating profits but also generating work for inmates.

Session III: Vulnerable Categories in Prisons

Both, the prison department and representatives of the legal aid authority shared their experiences and suggestions on handling vulnerable categories of women and children, foreign national prisoners (FNPs) and mentally ill inmates. A range of suggestions were made on increasing communication between FNPs and their country's embassy.

Session IV: Legal Aid in Prisons

Highlighting the systemic failure of the legal aid delivery mechanism, the Member secretary urged all DLSA secretaries to suggest recommendations that will help in putting the system together in order to make it effective. Secretaries of all DLSAs in the presence of Member Secretary and the Joint Member discussed and put forth suggestions for not only improving the functioning of the prison legal aid clinics, but also improving the quality of services provided.

Session V: Prison Oversight, Torture in Police Custody and Juveniles in Prisons

Role of prison authorities in checking cases of alleged torture in police custody and juveniles being lodged in prisons was discussed in this session. Recommendations were suggested to formulate checks at various stages i.e. from arrest to judicial custody. The Member Secretary stated that, "custodial torture needs to be put in check by working towards its detection and framing remedial measures". With regard to prison oversight, DG, Haryana Prisons informed that Non-Official Visitors (NOVs) are in the process of getting appointed.

Additionally, a brief consultative meeting was also held with representatives of the Prison Department on 17th May 2019 at the Haryana Prison Headquarters, Panchkula. The suggestions made therein have also been included in the report.

A black and white photograph of a prison cell. The cell is viewed through metal bars. A person is lying on a cot in the cell, partially covered by a blanket. The lighting is dim, and the overall atmosphere is somber and confined.

PART: I

Prison Conditions & Facilities

CHAPTER 1

PRISON ADMINISTRATION & INFRASTRUCTURE

STANDARDS

Haryana Prison Manual

4. *Three kinds of Jails - Jails shall be of three kinds, namely, Central Jail, Special Jails and District Jails.*

10. *Officers of prisons. - For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Medical Subordinate, a Deputy Superintendent and such other officers as the Local Government thinks necessary.*

27. *Provision of funds, expenditure and accounts. - Subject to the arrangements for securing due budget provision and the allotment of funds to meet the expenditure of the Jail Department, made under the orders of the Local Government in that behalf, the entire control over all expenditure on the maintenance of jails and on all matters in any way relating or incidental to, or connected with the administration of Jails, shall vest in the Inspector-General.*

997. *Ventilation, wards and cells. - Direct perflation of air through every ward, cell and other compartment, respectively, shall ordinarily be secured by large grated openings on both sides and at each end thereof.*

1013. *Precautions against over-crowding. - When the population of a jail is approaching the maximum number for which there is accommodation, the Inspector-General and Superintendent of Police shall be informed, with a view to having some of the convicted transferred or arrangements made for their temporary shelter outside, as the case may be.*

996. *Capacity of wards and cells. - The accommodation capacity of wards, cells and other compartments intended for occupation by prisoners, shall ordinarily be regulated by the scale of superficial and cubical space and lateral ventilation prescribed.*

Recommendations

Model Prison Manual specifies that each prison must have a welfare unit. However, no such units are present in Haryana. This is an important point that must be considered.

**Prison Department too agreed that a unit on correctional staff, in particular welfare unit, must be established in all the jails of Haryana.*

*Efforts must be undertaken to fill vacancies immediately, especially in the guarding staff. *Prison department informed that the issue of staff vacancy will be addressed in the Service Rules that are in the process of getting amended.*

Prisons in Haryana are governed by the Prisons Act, 1894 and the Haryana Jail Manual which is based on the erstwhile Punjab Jail Manual, 1894.¹ As in other states of India, the management and administration of jails comes under the Department of Home Affairs, Haryana.² The organisational setup³ of prisons is depicted in Figure 1.

The Haryana Prison Department is headquartered in Panchkula, and is headed by the Director General of Prisons. He is assisted by an Inspector General of Prisons, one Additional Inspector General of Prisons, and one Deputy Inspector General of Prisons-cum-Chief Vigilance Officer, Superintendent of Prison and a Chief Probation Officer.⁴ Under the administrative control of the Haryana prison department is also a Jail Training Institute at Karnal and the offices of eight District Probation Officers (Ambala, Hisar, Rohtak, Karnal, Gurugram, Jind, Bhiwani and Sirsa).⁵

There are 19 jails in the state, which include three central jails (Ambala, Hisar 1 and Hisar 2) and 16 district jails (Rohtak, Gurugram, Bhiwani, Narnaul, Sirsa, Sonapat, Jind, Kurukshetra, Karnal, Rewari, Yamunanagar, Faridabad, Palwal, Panipat, Kaithal and Jhajjar).

The management and administration of each jail is headed by a Superintendent of Prisons. In the executive cadre, Deputy Superintendents are second in line of hierarchy, followed by Assistant Superintendents and Sub-Assistant Superintendents. The maximum sanctioned posts are for guarding staff, consisting of Head Warders and Warders since they are responsible for the day-to-day management of prisons. These are assisted by the clerical, technical and class IV staff. In addition to these, the prison workforce also comprises personnel for medical care, welfare, education, agriculture and ministerial work.

1.1 Staff Strength and Vacancies

The data received from 18 jails⁶ showed that against the 3,193 sanctioned posts, there is overall a staff vacancy of almost 20%. Yet, this number is much lower than the national average of 44%.⁷ Gurugram and Faridabad district prisons had the highest staff vacancy. Sanctioned posts in these prisons were vacant by almost

¹ The state of Punjab amended its jail manual in 1996, however, Haryana has not revised its manual till date. Haryana continued to follow the old Punjab jail manual.

² Prisons is a state subject according to the seventh schedule of the Constitution of India.

³ 'Social, General and Economic Sectors (Non-Public Sector Undertakings) for the year ended 31 March 2017: Government of Haryana', Report of the Comptroller and Auditor General of India (CAG) <https://bit.ly/2OYfTpv> Last accessed on 2nd August, 2018.

⁴ <http://haryanaprison.gov.in/directory>.

⁵ <http://haryanaprison.gov.in/sites/default/files/documents/Superintendent12.PDF>

⁶ Central Jail II, Hisar did not provide data.

⁷ Prison Statistics India Report 2015, National Crime Records Bureau.

44% and 43%, respectively. The post of Superintendent was found to be vacant in Palwal district jail. There are variations among the number and category of prison officials in sanctioned posts across prisons. For example, smaller jails with lesser populations such as Rewari, Panipat, and Palwal do not have sanctioned positions for some designations.

Jails in Sirsa, Sonapat, Kurukshetra, Panipat and Jind had employed more than the sanctioned staff strength. These five jails and Ambala jail have appointed extra personnel in the guarding staff unit. Guarding staff vacancies in Gurugram and Faridabad are as high as almost 44%. High staff vacancies in the guarding staff unit can hamper smooth functioning of a jail, as this unit is vital for overseeing the day-to-day operations of the prison.

1.2 Training

The Induction Training of jail officials and staff is conducted either at the Police Training Academy at Madhuban, the Haryana institute of Public Administration, National Institute of Criminology and Forensic Sciences or the Jail Training School at Karnal. Short-term courses are also held for prison officers at the Institute of Correctional Administration, Chandigarh. During 2016-17, 174 prison officials were trained in various institutions.

1.3 Budget

According to the *Prison Statistics India, 2015*, compiled by the National Crime Records Bureau (NCRB), Haryana was among the nine states that received the highest budget allocation in prisons in the year 2015-2016: a total of Rs. 24,120 lakhs.

The data also reveals that Haryana has seen an increase of 29.5% in its budgetary allocation from the year 2014-2015.⁸ The state also witnessed the highest plan expenditure⁹ (of Rs. 5,430 Lakhs) -- just after Bihar -- from the allocated budget. (Table 1.1)

1.4 Infrastructure

Infrastructure for all 19 jails was fairly decent, and no dilapidated or unmaintained buildings were found during the inspections. Of the 19 jails in Haryana, Ambala is the oldest jail, established in 1872, while Rohtak is the newest, having been built in 2011. Some jails are spread over a large area, which, in addition to the living area, also included agricultural fields and staff quarters.¹⁰ Some others were

⁸ Prison Statistics India Report 2015, National Crime Records Bureau, pg. 157-159.

⁹ Expenditure on specific planned activities under the Five Year Plan is termed as plan expenditure.

¹⁰ E.g. Rohtak, Gurugram, Faridabad, Ambala, Hisar 2.

Recommendations

Training must be mandatory for each prison officer prior to joining work.

**There should be an overall 5% increase in the jail infrastructure every year, as it is the case with Judiciary.*

Recommendations

Ambala Central Jail needs infrastructural up-gradation since it's the oldest prison (1872) in the state and a few areas such as the barracks and Iron cells are old.

Overcrowding rates in some jails are alarming, and need to be addressed through regular review by the State Home and the prison department.

**It was informed by the Prison Department that new and bigger jails are being constructed in Panipat and Rewari.*

fairly small, with only space for the confinement of prisoners.¹¹ However, the prison department is in the process of constructing bigger jails in districts where smaller jails -- Rewari, Panipat and Palwal -- are located.

Ambala Central Jail seemed to be in need of infrastructural upgradation since parts of it are very old. In addition, there was a huge unused area in the jail. Rewari was cramped and highly overcrowded by 62.9%, but a new jail is being constructed in the district.

The prison statistics (Table 1.2) indicate that eight¹² out of the 19 jails have prison populations well within the official capacity, however, among the remaining 11 jails,¹³ overcrowding ranged from 170% in Rewari to 22.8% in Panipat. The largest jail is the Karnal District Jail, spread over an overall area of 138 acres, and the smallest is the Rewari district jail built on an area of just one acre. In majority of the jails under-trials and convicted prisoners are housed in separate blocks. Each of these blocks have barracks in which the inmates are housed, based on alphabetical segregation inside the cells. Smaller prisons such as Rewari and Panipat do not have well defined segregation mechanism due to lack of space.

The severe overcrowding in Rewari district jail has greatly affected the living condition of inmates. We witnessed that with just one available barrack, all inmates had adjusted their bedding in rows, leaving absolutely no spaces in between. For the 81 prisoners in Rewari, there are only three toilets in the entire prison, only one of which was inside the barrack.

Infrastructure-wise, there appeared to be no shortcomings in the state apart from the few prisons mentioned above. However, the issue of overcrowding and lack of space in some prisons must be taken up by the prison department. While overcrowding rates are far less than the national rates, yet, the situation in prisons such as Rewari calls for immediate attention and action.

1.5 Role of Convicts in Prison Management

It was observed that prisoners play an active role in the functioning of prisons in Haryana. The workforce comprising primarily of convicts (undergoing rigorous imprisonment), assist the prison staff in tasks which are assigned to them based on their skill set. They work on a variety of tasks, from helping and assisting warders and other prison officials with administrative work such as maintaining records of inmates, assisting medical officers in the jail hospitals, running the kitchen, and working as barrack monitors, who are also known as '*lambardaars*'.¹⁴

¹¹ E.g Rewari, Panipat, Palwal.

¹² District jails of Gurugram, Faridabad, Palwal, Yamunanagar, Karnal, Rohtak, Jhajjar and Central Jail II Hisar.

¹³ Central Jails of Ambala and Hisar I and District jails of Rewari, Panipat, Kurukshetra, Kaithal, Sirsa, Jind, Narnaul, Sonipat and Bhiwani.

¹⁴ For more information on prison wages and prison labour see chapter 7.

The task of maintaining the kitchen and preparing timely meals for as many as 2,000 people -- sometimes more in jails like Gurugram and Faridabad -- involves intensive coordination and clear-cut role divisions among inmates. In most cases, long-term convicts who are well acquainted with the prison regime are given the charge of the kitchen.

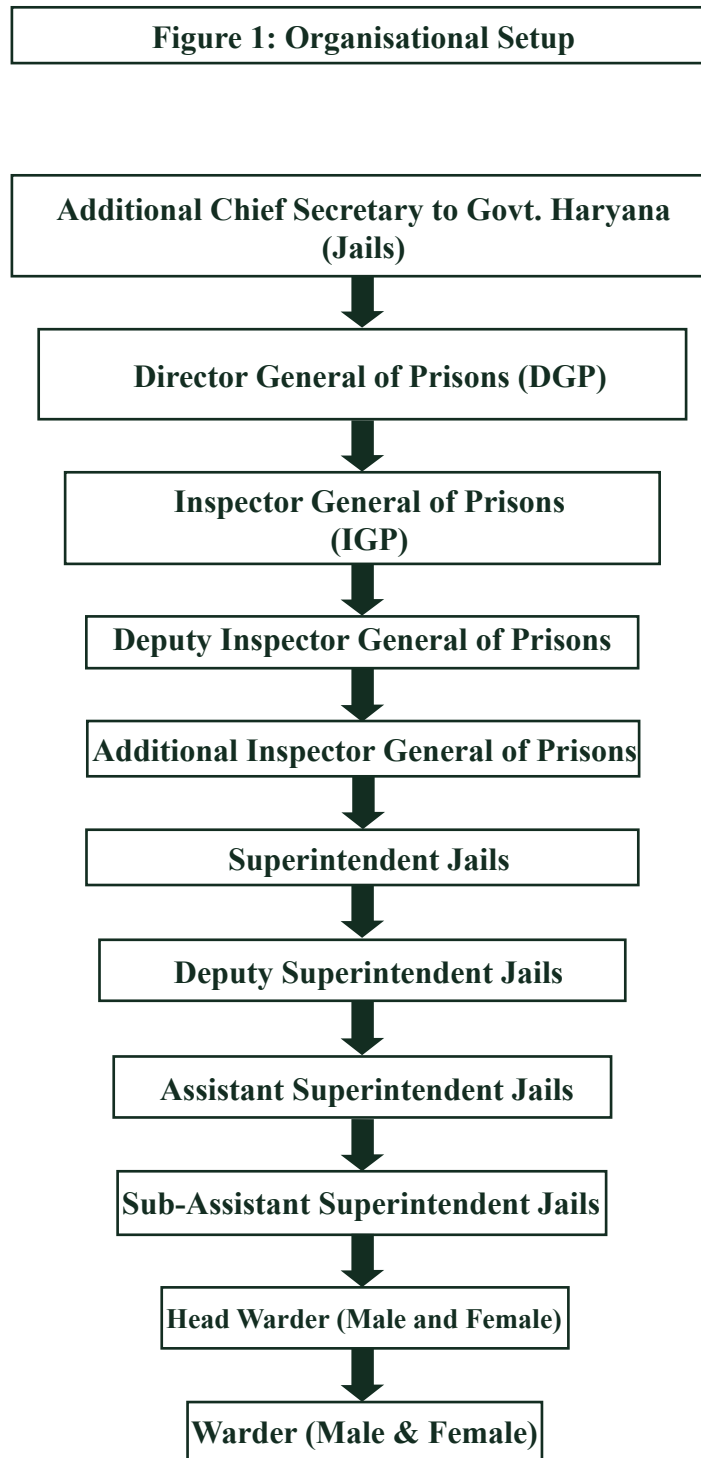


Table: 1.1 Budget Allocation

S. No.	Name of the Prison	Allocated 2013-2014	Spent 2013-2014	Unspent 2013-2014	Allocated 2014-2015	Spent 2014-2015	Unspent 2014-2015	Allocated 2015-2016	Spent 2015-2016	Unspent 2015-2016
1	Gurugram	14,69,44,090	145901227	1042863	149777318	149558862	218456	176132412	173564137	2568275
2	Faridabad	12,25,04,613	11 98 78 527	2626086	142007022	141990821	-16201	160094029	155388011	-4706018
3	Palwal	78,96,028	7826822	69206	12902984	12536131	366853	14412194	14147888	264306
4	Rewari	19150404	19149915	489	19125297	19122998	2299	20054699	20012211	42488
5	Narnaul	42199778	41966531	233247	52380916	52174593	206323	53424825	52777277	647548
6	Ambala	108989170	108649756	339414	125912247	125820955	91292	150633836	148712124	1921712
7	Yamunanagar	54155015	53262566	892449	70655283	70458554	196729	82768614	81767745	1000869
8	Kurukshetra	39,979,270	39,435,150	544120	48,186,024	48,126,711	59313	58,936,362	57,552,907	1383455
9	Kaithal	27447721	27410042	37679	39605001	39604614	387	45340266	45340240	26
10	Karnal	168315756	168172792	142964	208850017	208857728	-7711	205143564	205143564	0
11	Hisar 1	111592650	111141400	451250	145982210	145686995	295215	172394264	161452772	10941492
12	Hisar 2	Not provided	NP		NP	NP		NP	NP	
13	Bhiwani	58803228	58808228	-5000	86629523	86329523	300000	91817546	91817546	0
14	Sirsa	49044195	48759229	284966	71163172	70975322	187850	78750503	78485791	264712
15	Rohtak	58461115	58252187	208928	116562657	116466659	95998	139903523	137863213	2040310
16	Sonipat	49191997	48930683	261314	65776816	65454597	322219	63673807	62682811	990996
17	Panipat	NP	NP		NP	NP		NP	NP	
18	Jind	50047047	49838852	208195	61229234	61064379	164855	64874442	64109054	765388
19	Jhajjar	43431638	42714804	716834	65256307	65256307	0	74110518	74110518	0

Table: 1.2 Prison-wise Information (1st January - 31st December 2017)

S. No.	Name of Prison	Year of Establishment	Total Area	Total Living Area	Total Capacity	Total Population	Total Number of Barracks		Total Number of Solitary Cells
							Male Barracks	Female Barracks	
1	Gurugram	2003	82 acres	42 acres	2412	2151	25	2	6
2	Faridabad	2010	66.30 acres	32268 sq m	2500	2221	20	3	72
3	Palwal	1930	05 Kanal 02 Marla	203' X 81'	60	45	4	Nil	Nil
4	Rewari	1970	1 acre, 5 Kanal & 5 Marla	109 Sqr. Mtrs.	30	81	2	Nil	Nil
5	Narnaul	2005	13 acre 3 Kanal 12 Marla	4 acre 3 Kanal 12 Marla	350	536	3	1	01 Cell 05
6	Ambala	1872	52 acre	40 acre	1228	1239	42	2	131
7	Yamunanagar	2009	52 acres	25 acres	1200	914	07(Blocks)	01 Block	03 + 01 Security Cell
8	Kurukshetra	1995	10 acre	6.5 acre	446	696	7	1	24
9	Kaithal	Sub Jail in 1985 and upgraded to district Jail in 2004	11 acre	1.67 Sq mtr per	515	549	5	1	5
10	Karnal	2004	138 acres	45 acres	2434	2352	34	3	118
11	Hisar 1	1953	62 acre 01 kanal 14 marla	36 acre	1499	1527	79	Nil	28
12	Hisar 2	1976	33 acre 2 Kanal	13 acre	571	534	18	5	3

S. No.	Name of Prison	Year of Establishment	Total Area	Total Living Area	Total Capacity	Total Population	Total Number of Barracks		Total Number of Solitary Cells
							Male Barracks	Female Barracks	
13	Bhiwani	1978		Not legible	561	890	21	2	9
14	Sirsa	1999	29 acre 11 marla	11 acre , kanal, 7 marla	567	875	24	1	24
15	Rohtak	2012	49 acre inside Jail	206018 square feet inside Jail building	1300	1186	6	1	6
16	Sonipat	1986	14 acres		745	1269	14	2	24
17	Panipat	1962	0.63 acre (approx)	0.63	35	43	1	Nil	Nil
18	Jind	1985	58 acre & 14 marle	17 acre & 02 kanal	669	918	18	4	12
19	Jhajjar	2011	48 acres 5 kanal 10 marla	32 acres	1074	1036	11	1	4

Table: 1.3 Prison Infrastructure (1st January - 31st December 2017)

S. No.	Name of the Prison	Total no. of fans		Total no. of tubelights / bulbs		Total no. of Toilets		Total no. of bathing rooms		Total no. of water tanks	
		M	F	M	F	M	F	M	F	M	F
1	Gurugram	1307	95	535	49	240	48	240	24	55	17
2	Faridabad	1160	176	3360	504	520	78	280	42	240	36
3	Palwal	15	Nil	19	Nil	9	Nil	8	Nil	3	Nil
4	Rewari	10	Nil	9	Nil	3	Nil	3	Nil	1	Nil
5	Narnaul	257	40	145	25	74	7	35	5	66	9
6	Ambala	828	40	402	40	279	31	65	4	129	17
7	Yamunanagar	550	60	450	50	182	26	61	20	50	10
8	Kurukshetra	278	36	127	15	76	9	101	8	43	6
9	Kaithal	226	18	123	14	74	6	57	6	31	3
10	Karnal	677	86	582	74	594	57	394	29	245	26
11	Hisar 1	378	-	570	-	284	-	130	-	142	-
12	Hisar 2	174	40	157	42	69	9	32	9	30	8
13	Bhiwani	530	14	396	34	-	-	-	-	-	-
14	Sirsa	411	15	192	7	133	3	76	2	73	3
15	Rohtak	858	112	292	53	190	24	142	16	85	12
16	Sonipat	484	78	665	100	150	24	143	10	121	14
17	Panipat	8	Nil	9	Nil	3	Nil	1	Nil	1	Nil
18	Jind	222	39	113	20	80	12	69	6	7	--
19	Jhajjar	568	83	729	92	224	30	141	3	95	5

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123. Examination of newly admitted prisoners. - The Medical Subordinate shall examine all newly admitted prisoners carefully and, under the supervision of the Medical Officer, record in the admission register and history-tickets, all the particulars required by paragraphs 101 and 475...*

565. The classification of prisoners for purposes of separation. - The prisoners for the time being confined in every jail, shall, for purposes of separation, as far as may be, be classified as follows, namely -

1. Female will be classified in the same manner as is provided in the case of males.

2. Unconvicted criminal prisoners and civil prisoners, respectively, will be subdivided according to sex, nationality and whether casual or habitual.

568. Separation required by rule made under Act IX of 1894. - In addition to the provisions, as to the separation of prisoners, of section 27 of the Prisons Act, 1894...the further provisions...shall...be observed...namely: -

a. unconvicted criminal prisoners who have been committed for trial by the Court of Session shall be kept separate from unconvicted criminal prisoners who have not been so committed and those who have been previously convicted shall be kept separate from those who have not been previously convicted;

b. convicts of the casual class shall be kept separate from convicts of the habitual class;

c. convicts who have been sentenced to simple imprisonment only shall be kept separate from convicts who have been sentenced to rigorous imprisonment;

d. convicts who are under twenty-one years of age shall be kept separate from convicts who are more than twenty-one years of age;...

f. civil prisoners who are confined under the orders of any authority other than a judicial tribunal shall be kept separate from prisoners who are confined under process of a Civil or Revenue Court or authority...*

80. Checking and counting prisoners twice daily. - The Superintendent shall cause the prisoners to be checked and counted at least twice on each day, namely, at the hour of opening the wards in the morning and of locking up the prisoners in the evening.

387. Evening count, lock-up, and disposal of keys...The number of prisoners locked up in each ward or other building as well as the total number of prisoners in the Jail, shall be shown in the lock-up register (No. 14) to which the Deputy Superintendent shall append his signature in token of its correctness...*

598. Prisoners to wash their clothing weekly - In those jails where no Central Laundry system exists all prisoners shall wash their cotton clothing on the day preceding the Superintendent's weekly parade.

71-A & 938-A. Inspection of food by Superintendent. - The Superintendent of a Jail shall inspect the food prepared for prisoners' meals at least three times in each week.

600. Matters affecting caste or religion. - (1) No undue interference with the religion or caste prejudices of prisoners shall be permitted...*

802. Supply of clothing and bedding. - Every unconvicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

801. Restriction on the transfer of food and clothing. - No part of any food, clothing, bedding or the necessaries belonging to any convicted criminal prisoner shall be given, hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources for such time as the Superintendent thinks proper.

*excerpt of the rules

2.1 Standards

Prisons usually have a consistent regime, which might differ slightly across various prisons or vary from one season to the other. *Regime*, in the context of prisons, refers to the daily timetable of a prison that regulates the day-to-day routines for inmates, including their activities such as meal timings, lock in/out times etc. The general principle is that ‘the prison regime should seek to minimise any differences between prison life and life at liberty that tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.’¹ The Model Prison Manual, 2016,² too states that educational opportunities as well as cultural and recreational facilities should form a part of the prison regime. The State Prison Manuals provide the contours of the regime, which is then adopted by each prison with changes or modifications as need be. All prisoners are required to follow the prescribed regime under supervision and monitoring by prison officials.

2.2 Points of observation

The team studied the day-to-day schedule of prisoners through interactions with both prisoners and prison officials. This helped us understand the daily routine for meals, contact with family, procedures for admission and being taken for court production, recreational activities, routines for ensuring hygiene and cleanliness, among other things.

2.3 Admission process

The process of admission of new entrants in the jails usually takes place in the evening after the court proceedings for the day are over. The entry starts with a thorough search by the guarding staff, a process that involves thorough frisking, where the new entrants are required to remove their shoes and socks but not clothes.³ The team was assured by both, prison officials and prisoners that medical examination is conducted upon admission.⁴ In a few prisons, the prisoners are asked if they have lawyers at the time of admissions itself. If they don’t, the jail authorities move legal aid applications on their behalf.

¹ ‘The United Nations Standard Minimum rules for the Treatment of Prisoners (the Nelson Mandela Rules)’, 2015, Rule 5; United Nations Office on drugs and Crime (UNODC).

² ‘Model Prison Manual for the Superintendence and Management of Prisons in India’, 2016, Rule 14.03, 17.08. Prepared by Bureau of Police Research and Development, Ministry of Home Affairs, Government of India.

³ However, where a contraband search is conducted on select suspected prisoners, then they are asked to remove their clothes also.

⁴ However, there were instances where we came to know that the reports are silent on instances of torture injuries etc. Please see Chapter 12: Torture Diaries.

Recommendations

The Prison Manual should include a chapter on prison regime to be followed in each prison in conformity with national and international standards.

**The search process can be time-consuming as well as undignified. Alternatives such as hand-held metal detectors, door-frame metal detectors or body scanners should be installed so that the motive of dignity and effective security, both, can be maintained. Still, if required guidelines may be issued by the Prison Head Office on the process of body searches on inmates.*

The process of enquiring whether a prisoner has legal representation at the time of admission of prisoners can be replicated in each prison.

Information obtained at the entry point on legal representation of new entrants should be passed on to the jail legal aid clinics.

Recommendations

Where provision to reheat food is not available, dinner can be served a little later than 5 pm in winters.

**Exploitation among prisoners should be prohibited. Where prisoners do not have money in their accounts, and have no family members visiting, basic essentials like soap, oil, toothpaste, towel etc. can be provided to them.*

**Inmates should be provided with bedsheets that should be cleaned regularly. There should be a central laundry in every prison to ensure the cleaning of beddings.*

After the admission process is completed, data is entered in 'Phoenix' – a prison management software. Phoenix has been successfully implemented in all 19 prisons in Haryana, and is unique due to the fact that a former prisoner developed it for the department. It comprises modules for managing data on 1. New Admissions 2. Under-Trial Management 3. Convict Management 4. Gate (Dyodhi Management) 5. Cashless Canteen 6. Mulaqaat (Interview/Visitor) Management 7. Chakkar (Sub-Admin Building) Management 8. Hospital Management 9. Prisoner Cash deposit/withdrawal.

2.4. Segregation and categorisation

Immediately after admission, prisoners are assigned to wards. Segregation is done alphabetically for male prisoners, whereas for female prisoners, segregation is only between convict and undertrials. In some larger jails, convicts and undertrials are kept in separate blocks, whereas in smaller prisons such as Rewari, Palwal and Panipat, they are kept together. In some prisons, segregation was also done to discourage contact between members of different gangs in order to avoid confrontation or fights among them.

A uniform practice of segregation among young offenders and other prisoners -- especially habitual prisoners -- was missing. Inter-personal association and communication between young offenders and other prisoners was a casual practice that was not viewed critically or discouraged by the jail authorities.

2.5 Amenities

The prison department only provides inmates with some utensils such as aluminum *thalis* (plate), spoon, bowl and a tumbler. But these appeared to be worn out and dented. No basic amenities like oil, soap, etc. are provided by the prison department. Instead, the inmates are dependent on the canteen to buy these essentials.⁵ Canteens are available in all prisons barring Rewari and Palwal. However, the prison canteens follow the cashless method, whereby prisoners use funds deposited in their bank accounts by family members. This often means that those without family on the outside or any money are forced to work for other prisoners who then provide them with these essentials in return for tasks completed.

The prison department provides two thin sheets as bedding, one of which a prisoner is supposed to spread as a bed sheet and the other as a cover. The general practice is that the prisoners are supposed to keep them clean, however, there is no system in place to ensure that the sheets are cleaned regularly, or even that sheets, when transferred from one prisoner to another, are sanitised

⁵ In most of the canteens in the prisons across Haryana, the products are sold below maximum retail price.

to prevent spread of diseases, etc. Families of prisoners are permitted to give clothes and bedding to prisoners, however, those who do not have any visitors often use old hand-outs from others.

Convicts are provided white uniforms from the prison department. Some prisons make the uniforms inside the prison premises itself. Undertrials are allowed to get clothes from their families, however, once again, where prisoners do not have relatives or friends, they use clothes handed over by other prisoners.

The prison canteens stocks coal, dry vegetables, ghee, spices, pickles, oil, etc. Inmates reported that the food was bland. In one of the jails, prisoners also complained of overpriced items in the canteen. Some complained that they were not being provided receipt for their purchases.

2.6 Meals

Time	Meals
6 AM	Morning tea and bread
12 PM	Lentils and 5 chapattis
3 PM	Evening tea
5 PM	Vegetable sabzi and five chapattis

The schedule for food distribution in Haryana jails starts every morning with tea and bread around 6 am, followed by lunch -- five chapattis and lentils – at noon. Evening tea is served around 3 pm followed by dinner at 5 pm, which consists of five chapattis and *sabzi* (vegetables). In most prisons, there is a provision for reheating food with *angeethi*, which while available in each barrack, also requires coal to be purchased from the canteen by the prisoners. Due to this, prisoners from Rewari and Palwal, where canteens are not available, complained that food is distributed too early, making it difficult for consumption, especially in winters. Lack of canteens mean no access to coal to reheat their food.

Good Practice

Some jails have chapatti warmers and even bakery units to bake breads that are distributed in the morning with tea.

2.7 Maintenance of cleanliness and hygiene

Prisoners are required to maintain cleanliness within the prison premises. While the common areas are cleaned by convicts undergoing rigorous imprisonment as part of their prison labour, barracks are cleaned by those residing in them. Places such

Recommendations

**There is a need to integrate checks and balances to increase transparency within the system.*

**Irregular practices involved in the canteen sales should also be checked. To curb allegations of irregularities against the staff, there should be a cap on the quantity or value of items that can be purchased from the jail canteen.*

Prison authorities should provide clean bedding to prisoners during admission.

Prison authorities should take steps in spreading awareness among inmates on personal hygiene. Awareness camps should be organised for this purpose.

Recommendations

A basic standard of cleanliness and hygiene within prison barracks must be maintained.

**The sanctioned post of sweepers should be reviewed and extended as per requirements so that proper cleanliness can be ensured inside the prisons.*

**Warm water can be provided to old and infirm inmates and women inmates.*

Review of all prisons should be conducted to evaluate the process of garbage disposal.

**Garbage pick-up service should be put in place so that a vehicle can pick-up garbage on a daily basis.*

Every prison must have space allocation for places of worship for all religions.

**Dustbins should be placed in each barrack.*

Efforts should be made to include religious texts of all religions in libraries.

Women enclosures should also have space allocated as library, or female prisoners could be provided access to libraries at least once a week.

as the washrooms, cells and kitchen, video conferencing room, *mulaqat* rooms were found to be fairly clean in most of the jails. The barracks however, differed from one to another. When we spoke to prison officials, they blamed the inmates' lack of personal hygiene as the reason for the condition of certain barracks.

Sweepers are hired to clean the toilets and bathing areas, but the team often found that they had either not been appointed or were not visiting the premises, in which cases, the prisoners had to clean the toilets themselves -- a practice also used to often bully new entrants.

In general, prison premises were found to be clean. The toilets and hospital wards also appeared to be cleaned regularly and were well-maintained. We were informed that prisoners often volunteered to take care of the old and infirm, and worked to keep the premises clean.

While most prisons had provision for hot water, a few such as the prison in Rewari did not. In the harsh winters of north India, cold water can cause severe health issues, especially for old, sick and infirm prisoners.

Some prisoners complained about improper disposal of garbage; our team also witnessed a pit containing burnt garbage in close proximity to one of the barracks in Narnaul jail. The smoke reached the barracks, posing a serious risk of breathing difficulties and respiratory concerns for the inmates.

2.8 Place for worship

Most prisons had separate places of worship or defined religious spaces to cater to the spiritual needs of prisoners. However, we also observed that these spaces catered particularly only to a few religions. Additionally, reading spaces like libraries also stocked with religious texts from only a few communities and recreational activities such as singing also primarily focused on singing select hymns and songs. However, it must be noted that Sirsa district prison was an exception and catered to the needs of all religious groups and had separate place of worship for all.

2.9 Recreation

Appropriate modes of recreation must be made available to prisoners. This is more important in the case of under-trial prisoners as they are not supposed to do any form of manual labour in prison.

Although limited in number, various activities are available for prisoners across all Haryana jails. These include yoga classes, performing arts like music and

dance, outdoor sports like volleyball, vocational courses, technical trainings, and IGNOU⁶ and NIOS⁷ classes. Libraries were also present in most large jails, but could only be accessed by male prisoners. A few jails offered services like a barber shops, laundry services, ironing services, etc. which are run by convicts undergoing rigorous imprisonment.

2.10 Security

Lock In	12 - 3 PM, 5 PM – 6 AM
Lock Out	6AM - 12 PM, 3 PM – 5 PM

Prisoners in Haryana jails remain in lock up from 12 to 3 pm and 5 pm to 6 am every day. During the lock-up time, the guarding staff count the inmates.

Prison officials informed our team that mobile phones are among the top contraband articles smuggled inside Haryana jails⁸. A hill overlooking Narnaul district jail was cited as a potential security threat as it can easily be used to launch an attack on the jail from outside. With a potential breach of security in sight, the prison administration tends to keep transferring high-security prisoners regularly.

We noticed that older jails like Rewari, Panipat, and Palwal, were often situated in residential areas and also had low boundary walls, which could pose to be a serious security concern. This issue was also highlighted by jail officials, who claimed that the low walls could be used to smuggle in contraband. Throwing in contraband items into jails from the outside is called ‘**bowling**’, we were told. Jail officials sometimes find articles like alcohol in plastic bottles and sim cards (among other things) near the short boundary walls.

2.11 Court productions⁹

With a high percentage of undertrials, the production of prisoners constitutes a major part of daily routine for both prison staff and prisoners. Both prisoners and prison officials reported that court productions were regular, and that there was no issue of escorts. The team did, however, come across few cases related to courts in the NCR area, where production was sometimes a problem.

⁶ Indira Gandhi National Open University.

⁷ National Institute of Open Schooling.

⁸ News article, dated 21 November 2018, on a week long search operation in Gurugram District jail to seize mobile phones from inside. <https://aajtak.intoday.in/crime/story/haryana-gurgaon-police-bhondsi-jail-mobile-phone-prisoners-1-966358.html>.

⁹ While technically production of prisoners does not form part of prison regime, however, given the high percentage of undertrials in Indian prisons, the time spent by prison officers and staff on sending and receiving back prisoners from production, entails that production should be discussed under this chapter itself.

Recommendations

*Prisoners should be provided counselling on VC processes and proceedings. *Guidelines may be prepared to ensure this.*

Unless there is an order from the trial court to that effect, VC trials are not permitted under law. They should be reported by prison officers to District & Sessions Judge of concerned court.

All prisons have established video conferencing (VC) rooms that are used daily; however, we found that no prisoners were counselled about the procedure. This was evident from the fact that inmates were unaware that they could talk to the judge through VC. Moreover, during our interaction with inmates who have had VC hearings, they said that there was absolutely no communication between the judge and the under-trial. They are merely asked to identify themselves at the beginning, after which they were not made aware of what the actual proceeding meant. An alarming fact brought to the fore was that in some jails, trials were being conducted through VC, though we could not ascertain the details of these trial proceedings.

3

CHAPTER

HEALTH & MEDICAL FACILITIES

STANDARDS

Haryana Prison Manual

96. *General duties of Medical Officer.* - Subject to the control of the Superintendent, the Medical Officer shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by rules made by Local Government under Section 60 of the Prisons Act.

97. *The Appointment of Medical Officer.* - If there is no whole-time Medical Officer, the Chief Medical Officer or Senior Medical Officer of the District in which the Jail is situated shall be Medical Officer of the Jail.

99. *Medical Officer to visit jail daily and take measures to secure the health of prisoners.* - (1) It shall be the duty of the Medical Officer to visit the Jail at least once a day...should circumstances render that course desirable, the Medical Officer shall visit the jail oftener than once a day. He shall visit every part of the Jail and its precincts and premises frequently.*

(2) The Medical Officer shall take all such measures as may be necessary or expedient for the maintenance of the Jail and its surroundings in a thoroughly sanitary state and the prisoners in sound health.

103. *Duty with regard to sick prisoners and malingers.* - (1) The Medical Officer shall daily visit the sick in the hospital and shall examine every prisoner who may complain of any illness and may, if necessary, direct the admission of any such prisoner to hospital.

75. *Superintendent to visit hospital. Measures to prevent the spread of disease.* - The Superintendent shall visit the Jail hospital frequently and shall carry into effect, or cause to be carried into effect, all written directions given by the Medical Officer in regard to the proper segregation of prisoners suffering, or believed or suspected to likely to suffer, from any infectious or contagious disease...*

91. *Superintendent to give effect to the requisitions of the Medical Officer.* - The Superintendent shall carry into effect all requisitions, in writing, of the Medical Officer, as to the provision of extra bedding or clothing or the alteration of the diet of any prisoner, or with respect to any alteration of discipline or treatment in the case of any prisoner whose mind or body may, in the opinion of the Medical Officer, require it.

129. *To report deaths and assist at post-mortems.* - The Medical Subordinate shall forthwith report every death to the Medical Officer and Deputy Superintendent, assist at the post-mortem examination if one is made and see that the body is afterwards properly stitched up and covered.

505. *Entries by the Medical Officer in history-tickets.* - (1) In the heading of the history ticket of every prisoner, the Medical Officer shall enter or cause to be entered under his supervision -

(a) The prisoner's weight on admission,

(b) His state of health,

(c) The class of labor for which he is fit, if sentenced to labor, and

(d) Whether has been protected by vaccination, inoculation or smallpox.

1051. *Prisoner complaining of illness to be examined.* Every prisoner complaining of illness shall be brought before, and be examined by, the Medical Officer who is to determine whether he shall be placed under observation, treated as an out-patient or admitted to hospital.

1056. *Sick prisoner to bathe daily.* - Prisoners in hospital who are not too ill, shall bathe daily at such time as the Medical Officer may direct.

1057. *The feeding of sick prisoners.* - As a rule, sick prisoners should receive four meals a day.

536-A. *Transfer of prisoners to civil hospitals in case of serious illness.* - (1) Where it is necessary to remove a convict or under trial prisoner to a hospital outside the jails for operative or other special treatment which cannot conveniently be given in the jail itself...*

*excerpt of the rules

Recommendations

**Allocation of medical budget should be according to the size of the prison and the prison population.*

The proforma for health screening of prisoners on admission to jail should be revised to include space to document instances of alleged torture by police.

MOs should diligently document all injuries and the alleged cause for each during the medical examination itself.

**It was suggested that when inmates alleges torture in police custody additional medical examination should be conducted by the jail Medical Officer.*

**Tele-medicine may be introduced for consultation with specialist doctors.*

3.1 Standards

The maintenance of proper standards of health is important in institutions such as prisons, where a large number of people from different walks of life live together inside an enclosed space. Rule 24 of the *Nelson Mandela Rules 2015*¹ states that “the provision of health care for prisoners is a state responsibility. Prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status”. Both the Model Prison Manual and the Punjab & Haryana Jail Manual lay down standards for health-care services within prisons, including detailed duties of medical officers (MOs) in prisons.

The team observed, analysed and documented the availability of medical facilities in prisons, with a special focus on the availability of hospitals; medic and pre-medic staff; healthcare needs of inmates; issues faced by inmates; available resources; medical examination at admission; promptness of response to medical emergencies; and the procedure of treatment followed in case of terminally ill patients.

3.2 Health screening on admission

The practice of medical examinations at admission is being followed in all prisons. The examination is usually done during the evening shift of the MO. While a majority of the inmates confirmed that a doctor had examined them soon after their admission to jail, we found some cases in which prisoners complained of physical torture in police custody, and yet, these were ignored in the medical reports.² Since only a few prisons use the National Human Rights Commission’s ‘Proforma for Health Screening of Prisoners on Admission to Jail’³, the inmates complained that injuries resulting from alleged torture would never be documented in the said proformas. It is also important to note that these proformas do not have a column to record such injuries. CHRI’s data collection team confirmed the lack of documentation from the MOs as well; they too said that such cases would not be documented.

3.3 Medical Officer and out-patient department

The role of a Medical Officer (MO) is defined in the prison manual and includes medical examination of prisoners upon admission to jail, documenting specific health details of each prisoner in their respective history tickets, monitoring health condition of inmates, monitoring sanitation within jail premises, attending to the Out Patient Department (OPD) and responding to medical emergencies, etc.

¹ ‘The United Nations Standard Minimum rules for the Treatment of Prisoners (the Nelson Mandela Rules)’, 2015, Rule 24; United Nations Office on Drugs and Crime (UNODC).

² See Chapter 13 for more details on cases involving torture.

³ Annexure 3.

On a usual day, the MO attends to inmates at OPD during the morning lock-out time. Inmates queue up to get check-ups and the process and medical history is recorded in their 'OPD card'. Prisoners are required to carry this card even when they are sent for specialised check-ups or treatments at the city hospital on the advice of the MO.

Absence of permanent doctors: The data received from jails (Table 3.1) indicates that of the 16 jails that gave information on the appointment of doctors, three district jails (Narnaul, Ambala, Kaithal) and one central jail (Hisar I) had MOs on deputation basis instead of permanent basis. This creates a problem as doctors placed on deputation basis do not get to stay for long periods as is required in prisons. This, in turn, affects the efficacy of health-care in the prison.

Absence of specialists: Most of the jails do not have specialised doctors such as dentists, gynecologists, dermatologist, psychiatrists and psychologists to deal with predominant health problems like dental issues, gynecological issues faced by women inmates, skin allergies or scabies, depression, anxiety or even drug addiction and drug withdrawal.

Our team was informed that to cater to specialised and recurring medical issues such the ones mentioned above, medical camps are organised by the jail authorities or even by the DLSAs in some places. In jails such as Palwal, Kurukshetra, Hisar, Jhajjar Karnal, Kaithal and Bhiwani, regular medical camps are organised for medical issues related to skin, eye, teeth etc., along with tests for TB and HIV. In some prisons, local NGOs and private or government hospitals collaborate with jail authorities to conduct these camps. Free medical kits are also provided to the jail authorities during the camps.

Recommendations

MOs must be trained & oriented on dealing with prisoners.

Women medical officers should be appointed in all 15 women's wards of the state to ascertain the health needs of female prisoners.

Specialised health professionals such as psychiatrists, psychologists, gynecologists, and dentists should be appointed, preferably on permanent basis. If permanent posts are unavailable, visits should be made by specialised government doctors. They should visit every prison periodically, on a regular basis, if not daily.

**It was informed by the Prison Department that doctors will also be hired on contractual basis and enhancement of their salary/honorarium has also been suggested to the Health Department.*

Table: 3.1 Medical Facilities Available (1st January 2017- 31st December 2017)

S. No.	Name of the Prison	Specify Whether there is a Hospital Inside the Prison or Not	Whether Medical Officer available? Name & Date of appointment	Appointment of Doctors				Number of Ambulances Available in the Prison
				Number of General Physicians	Number of Psychiatrists	Number of Psychologists	In case there is no in-house doctor, Number of visits made by Doctors from outside	
1	Gurugram	Yes	Dr. Aditya Sr. Sudhir	2	Nil	Nil	Nil	2
2	Faridabad	YES	Dr. T.C. Gidwal/01.09.07 Dr. S. Sarup/02.03.17 Dr. A.K.Gupta/02.03.17	3	-	-	-	1
3	Palwal	Not	Yes, Dr. Mahesh Pal 11-12-2013	Nil	Nil	Nil	In case House Doctor is available- Three times visits made by Doctors from outside	1
4	Rewari	No	Yes, Dr. Sahil Yadav, 01.09.2017	Nil	Nil	Nil	Other M.O. from Civil Hospital deputed during Leave period of M.O.	1
5	Narnaul	Yes, Dispensary	Yes, ONE MO on deputation from G.H. Narnaul Dr. K.M. Sharma & date of appointment on 23-04-2017	Nil	Nil	Nil	One (Dental, Surgeon Wednesday weekly)	One
6	Ambala	Yes	MOs are deputed in this jail for 14 days on rotation basis by the Civil Surgeon, Ambala.	Nil	Nil	Nil	71	Two
7	Yamunanagar	Yes	Yes Dr. Vageesh Gutain, MO 20-08-2009	1	Nil	Nil	Every fortnightly	1
8	Kurukshetra	Yes	Dr. Rocky Sharma (24.10.2017), Dr. Kaushal Kumar (07.11.2017)	2	Nil	Nil	11	1
9	Kaithal	Yes	The M.O. is deputed by Civil Surgeon on temporary basis.	0	0	0	ENT-12 Ortho-12 Skin-04 Dental-44 Psychiatric-04	One
10	Karnal	Yes	Dr. Rakesh Mittal- 03.03.2017 Dr. K.K. Munjal- 04.03.2017	2	0	0	27	1
11	Hisar 1	Yes	Dr. Mukesh Kumar 4.8.2015, Dr. VK Khanna (contract basis) 2.3.2017	2	0	0	4	2
12	Hisar 2	-	-	-	-	-	-	-
13	Bhiwani	Yes	Dr. K K Basotia Dr. S S Rathor Dr. Pradeep Kumar	3	Nil	Nil	Nil	Nil

14	Sirsa	Yes	Dr. Vikas Singh 27/5/16 to continue Dr. Bharat Bhushan 9/12/15 to 4/8/17	Nil	Nil	Nil	Nil	1
15	Rohtak	Yes	02 Medical Officers deputed.	--	--	--	02 MO deputed.	2
16	Sonipat	Yes	Yes	--	--	--		1
17	Panipat	-	-	-	-	-	-	-
18	Jind	YES	DR. Shyam Sunder (HCMS) by Transfer Joining 04.09.2015 A.N.	--	--	--	--	---
19	Jhajjar	Yes	NA	NA	NA	NA	365	1

3.4 Prison Hospital

According to data received from the 17 jails,⁴ Rewari is the only jail without a hospital within the prison premises. Ambala jail has a full-fledged hospital with 25 beds, and three convicts as paramedics. The jail has, in the past, successfully carried out stenting and cornea transplants. Gurugram jail seemed to have better medical infrastructure than other jails, with a full-time dentist. The limited medical staff in most prisons are assisted by convict prisoners who are assigned hospital duty.

However, all these hospitals are located in the male section of the jails and are accessible only to male inmates. Except for Central Jail II, Hisar, the team did not find any jail where there was a hospital in the female section. If a female prisoner were to fall ill, she would not be admitted to the jail hospital. There is a lack of female doctors in the jails of Haryana; women are checked by MOs regularly, but most MOs are male.

Chapter 24 of the Model prison manual dealing with women prisoners extensively mentions the requirement of a lady MO starting from the admission point⁵. Section 24.18 of the manual specifically mentions that “only lady doctors shall look after the medical care of women prisoners during their stay in the prison”⁶.

In case of a medical emergency, prisoners are taken to the nearest government hospital with a police escort. However, to avoid delay, inmates are often rushed to the government hospitals by prison guards itself. While this ensures prompt treatment, it also raises security concerns.

3.5 Medical Labs & Equipment

Palwal, Ambala, Kaithal, Sonipat and Faridabad jails have their own modern medical equipment like Nebulizers and Oxygen Machines. As these machines are to be operated by lab technicians, due to their unavailability, in some prisons (Bhiwani, for instance), these machines are lying unused.

⁴ Central Jail II, Hisar and District Jail Panipat did not provide information with this regard.

⁵ Section 24.16, Chapter XXIV, Model Prison Manual, 2016.

⁶ Section 24.18, Chapter XXIV, Model Prison Manual, 2016.

Recommendations

Access to hospitals must be provided for women prisoners also. Days and times for this can be fixed.

**Permanent medical emergency escorts should be appointed from the Police Department to attend to any medical emergency in prison.*

**Government doctors may be required to undergo compulsory service tenure in prisons.*

**Sanctioned post of Medical Officers (MOs) along with other staff like pharmacists, nurses (male and female both), and lab technicians should be reviewed and extended/ sanctioned as per the present requirements.*

**Assistance from private hospitals and NGOs should be taken for providing adequate healthcare in prisons.*

Recommendations

Policy for procurement of medicine must be reviewed, and checks put in place to ensure that there are sufficient stocks of medicine at all times.

Skin diseases are most common and contagious. Special efforts should be made to prevent such diseases.

The number of MOs should be based on prison population. More than one MO should be appointed in jails with more than 500 prisoners.

3.6 Availability of medicines

Generic medicines are provided to inmates during their OPD checkups. In most jails, prisoners alleged that same medicines were given for viral fevers, body aches and, at times, even for skin allergies! An earlier practice of allowing prisoners to take medicines from their families was also stopped a little earlier. Prisoners suffering from chronic illnesses are the worst hit by this account due to the unavailability of specialised medicines in prisons.

Jail doctors also cited procurement of medicines as an issue, and told the team that due to the recent changes in the procurement procedure, medicines can only be bought from state government-run warehouses. However, they alleged that the state warehouses either had insufficient or incomplete supply of medicines.

3.7 Special diets

The dietary needs of sick inmates, children of inmates, pregnant and lactating women are taken care of by jail authorities. The jail manual has a provision for special diet for inmates whenever required. In addition to the special diet prescribed in the jail manual for children, as given below, some jails also gave 250 gms of milk to all inmates. Special diet was also given to TB patients, especially in jails like Sonipat and Kaithal district jails, upon prescription by the doctor.

- (a) **If under 12 months** - 360 ml. of milk, 1/4 chatak of sugar and 1/4 chatak of salt.
 - (b) **If over 12 and under 18 months** - 460 ml. of milk, 2 chataks of rice, 1/2 chatak of dal and 1/8 chatak of salt.
 - (c) **If over 18 months** - 230 ml. of milk, 4 chatak flour, 1/2 chatak of dal and 1/8 chatak of salt.
- Extras when necessary shall be given as the Medical Officer may direct.

3.8 Substance abuse

Substance abuse is not new to prisons. According to prison officers, many inmates continue to be dependent on narcotics and other drugs. Different forms of drugs top the list of contraband articles that are supplied inside jails and this is a proof of the severity of this problem.

Prison officers in Sonipat, Yamunanagar and Sirsa complained about the massive drug addiction problem among inmates. The team observed that Sirsa district, lying on the Punjab-Haryana border is even more prone to drug abuse. There seems to be huge inflow of drugs from Punjab, a state struggling from narco-terrorism.

MOs confirmed that they treat many cases of inmates who are still addicted or are recovering from addiction. The MO at Sonipat jail confirmed that a

considerable amount of inmates are addicted to injectable drugs, marijuana, heroin (*chitta*), opium, tobacco, prescribed drugs and *bidis*. They also alleged that few inmates deliberately get into fights with other prisoners so they are taken to hospitals outside jails where they can procure drugs through their sources.

Haryana prisons do not have mechanisms in place to deal with a substance-abuse issue of this scale. There are no specialised doctors or paramedics, de-addiction and counseling centers to treat inmates suffering from substance abuse.

3.9 Contagious diseases

Though the hospitals visited by the team were found to be clean and sanitised, several prisoners were said to be suffering from skin allergies as an outcome of low hygiene levels in barracks. There was a clear segregation among inmates suffering from TB and inmates admitted for other diseases. There were separate rooms meant for TB patients in the jail hospitals. Prisoners were admitted in the hospital strictly on the advice of the MO. Old and infirm patients were also kept in jail hospitals. In Central Jail, Hisar II one of the admitted prisoners was 114 years old.

3.10 Issues faced by medical staff

Interaction with MOs revealed that they too faced problems in their work. One of the biggest challenges was to work with inadequate staff to deal with large number of inmates. MOs deal with almost 80-100 OPD cases each day, which is a very high number and might mean that proper attention is not given to each patient. While some MOs complained of inadequate pay, some others worried about their own security from inmates.

3.11 Deaths in prisons

According to data received from all jails in Haryana, between January 1 and December 31, 2017, (refer to table 3.2) a total of 38 prisoners died of natural causes while eight had committed suicide. Suicide-related deaths were also reported from district jails of Gurugram, Narnaul and Kurukshetra and Ambala central jail. Out of these, four suicides occurred in Kurukshetra alone. Faridabad district prison has the highest number of natural deaths – seven -- followed by five deaths each in district jails of Gurugram, Sirsa; four each in Karnal and Rohtak district jails; three in Jhajjar jail; two each in district jails of Kaithal, Kurukshetra, Jind and Ambala central jail; and one each in Central Jail I, Hisar, and District Jail Sonipat. Out of all 19 jails, Central Jail II, Hisar was the only jail that did not provide data on deaths in prisons.

Recommendations

Medical staff vacancies should be filled at the earliest.

The recruitment, training and orientation of medical staff should be done keeping in mind that they are expected to work in a custodial setup.

Accurate reports by them on inmates' injuries can prevent violence in prison.

Prompt treatment can make lives of prisoners much better. Their neglect or condonation is directly linked to lack of accountability of the violence inside prison.

A guidebook on the responsibilities and duties of MOs in prison should be prepared, where consequences for not following procedures should be clearly laid out.

Table: 3.2 Deaths in Prisons

Jails	Causes of Death	
	Natural Deaths	Suicide
Ambala	2	2
Bhiwani	Nil	Nil
Fairdabad	7	Nil
Gurugram	5	1
Hisar I	1	Nil
Hisar II	NP	NP
Jind	2	Nil
Jhajjar	3	Nil
Kaithal	2	Nil
Karnal	4	Nil
Kurukshetra	2	4
Narnaul	Nil	1
Panipat	Nil	Nil
Palwal	Nil	Nil
Rewari	Nil	Nil
Rohtak	4	Nil
Sirsa	5	Nil
Sonipat	1	Nil
Yamunanagar	Nil	Nil

VISITATION RIGHTS & FACILITIES

Haryana Prison Manual

549. *General Rules for the grant of interviews and communications. - (1) Every newly convicted prisoner shall be allowed reasonable facilities for seeing or communicating with his relatives or friends with a view to the preparation of an appeal or to the procuring of bail, and shall also be allowed to have interviews or write letters to his friends once or twice, or often if the Superintendent considers it necessary, to enable him to arrange for the management of his property or other family affairs.**

559-A. *Interview and communications of civil and unconvicted prisoners. - Unconvicted criminal and civil prisoners shall be granted facilities for writing two letters and two interviews each week with their relatives or friends: Provided that all reasonable facilities shall be granted at proper time and under proper restrictions for interviewing or otherwise communicating either orally or in writing with their legal advisers. The exercise of the privilege shall be contingent on good conduct and may be withdrawn or postponed by the Superintendent for bad conduct.*

553. *Time and days of interview. - The Superintendent shall fix the days and hours at which all interviews shall be allowed and no interviews shall be allowed at any other time except with the special permission of the Superintendent. A notice of the hours of interviews shall be posted outside the jail.*

553-A. *Places of interview. - Every interview shall take place in a special part of the jail appointed for the purpose, if possible at or near the main gate. Provided that interviews with female prisoners shall, if practicable, take place in the female enclosure. Provided also that if a prisoner is seriously ill, the Superintendent may permit the interview to take place in the hospital, and a condemned prisoner shall ordinarily be interviewed in his cell. Provided further that Superintendent may, for special reasons to be recorded in writing permit an interview to take place in any part of the jail.*

554. *Interview to take place in the presence of a jail officer. - Every interview with a convicted prisoner shall take place in the presence of a jail officer, who shall be responsible that no irregularity occurs, and who shall be so placed as to be able to see and hear what passes and to prevent any article being passed between the parties.*

555. *Duration of interview. - The time allowed for an interview shall not ordinarily exceed 20 minutes, but may be extended by the Superintendent at his discretion.*

555-A. *Search of prisoner before and after interview. - Every convicted prisoner and every unconvicted criminal prisoner shall be carefully searched before and after an interview.*

559. *Visits to civil and unconvicted criminal prisoners. - Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that, so far as may be consistent with the interests of justice, prisoners under trial may see their duly qualified legal advisers without the presence of any other person.*

*excerpt of the rules

4.1 Standards

It is widely acknowledged that contact with outside world, especially with family members, is essential for the prisoners' well-being as a factor in preventing re-offending and for preparing them to return to the community. The Supreme Court has also observed that “visits to prisoners by family and friends are a solace in insulation, and only a dehumanised system can derive vicarious delight in depriving prison inmates of this humane amenity”.¹

Rule 58.1 of the Nelson Mandela Rules, 2015 states that, “Prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals: (a) By corresponding in writing and using, where available, telecommunication, electronic, digital and other means; and (b) By receiving visits”.² Rule 8.01 of the Model Prison Manual 2016 also states that, “Every prisoner shall be allowed reasonable facilities for seeing or communicating with, his/her family members, relatives, friends and legal advisers for the preparation of an appeal or for procuring bail or for arranging the management of his/her property and family affairs”.³

The Haryana Prison Manual in compliance with these standards, permits reasonable facilities for prisoners to communicate with their relatives and friends and allows interviews and writing letters once or twice a week, or as decided by the Superintendent.

4.2 Observations

The team observed and interacted with inmates and prison officials to identify the existing systems in place, including forms of communication available to prisoners and any underlying issues thereof.

4.3 Facilities

Interviews: Though the Haryana Prison Manual refers to the process of prisoners meeting with their families as an *interview*, both prison and prison officers use the term ‘*mulaqat*’ (meeting) to refer to them. The *mulaqat* system in all the jails, barring Rewari and Panipat jails, appeared to be well organised. Undertrials are permitted family visits twice a week while convicts can meet only once a week. On any ordinary day, the *mulaqat* starts at 8 am and goes on till 2 pm. At a time, five members of the family can meet an inmate. The days for interviews are scheduled as per the alphabetical order of inmates, and only those persons pre-registered in the Phoenix software are permitted to visit prisoners.

Good Practice

The interview rooms are well maintained and have decent infrastructure. A layer of thick glass separates the inmate from his or her family; each cubical phone booth-like structure is covered from three sides and there are phones (intercoms) on both sides for disturbance-free communication.

¹ Sunil Batra v. Delhi Administration (1980) 3 SCC 488.

² The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 58. United Nations Office on Drugs and Crime (UNODC).

³ Section 8.01, Chapter VIII, Model Prison Manual, 2016.

The number of cubicles is different in each prison -- dependent on the number of prisoners. Each *mulaqat* room has CCTV surveillance. Remarkably, some prisons, such as the one in Gurugram, have also invested in installing air conditioners in these rooms.

Although, *mulaqat* does take place in Rewari and Panipat, these two jails do not have specialised *mulaqat* rooms. Visits take place through a small window in the main gate and according to prisoners' statements, the guards do not allow them to meet their families for more than a period of five minutes.

Telephones: In addition to *mulaqats*, inmates can stay in touch with their family members or lawyers through phone calls via the Prison Inmate Calling System (PICS). These special calling systems are installed in all jails through which inmates can make daily calls every day. The permitted durations for male inmates is five minutes and nine to 10 minutes for female inmates (given the sparser female population). Our research team was told that calling time allotted to inmates is around 15 minutes in smaller jails such as the District Jails in Palwal, Panipat and Rewari.

Table 4.1 ("communication facilities") details the prison-wise distribution of *mulaqat* rooms and PICS. It must be noted that the data provided by Central Jail Ambala and District Jails in Yamunanagar and Jhajjar – which mention that permitted call times per prisoners is 20 minutes – is incorrect. Barring the smaller jails, all others allow the same duration for PICS calls as mentioned above.

Each call usually costs Re 1 per minute, though some prisons do charge a higher amount of Rs 1.25 per minute (refer to table 4.1). Separate PICS machines are installed in both male and female wards. There is an adequate number of PICS machines in each prison to accommodate daily calls by inmates. Each inmate can provide two phone numbers soon after his entry into the prison to initiate the process. These numbers are verified before the inmate is permitted to start calling them through the PICS facility. All calls are recorded for security purposes.

Letters: Despite relevant provisions in the Prison Manual⁴, none of the prisons we visited followed the practice of letting inmates write letters to communicate with their families. Letters are especially relevant for inmates from different districts or states who do not have the means to use PICS or whose family members are unable to travel for *mulaqat*. The team came across several cases where inmates requested letter-writing facilities to contact their family.

⁴ Rule 549, Punjab and Haryana Jail Manual.

Recommendations

**Community PLVs should be engaged to establish contact between the inmate and their family whenever required.*

Cost for PICS calls should be standard for all. At present some prisons charge Rs 1.25 per minute while others charge Re 1 per minute.

The jail authorities should promote the practice of letter-writing among inmates. Postcards should be provided to prisoners who belong to another states and do not have visitors or families around.

**Postal tickets, stamps and envelopes can be sold in the jail canteen.*

Table: 4.1 Communication facilities⁵

S. No.	Prison	Days of the week when Mulaqat is allowed	Timings of Mulaqat	Periodicity of Mulaqat		If yes, periodicity for availing facility	Charges per call
				Under-trial prisoner	Convict		
1	Gurugram	Monday to Saturday, other than state holidays	9:00 AM to 1:00 PM	Twice a week	Once a week	Five minutes per day	Rs. 1.25 per minute
2	Faridabad	All days except Sunday and gazetted holidays	8:00 AM to 2:00 PM	Twice a week	Once a week	Daily	Rs. 1.25 per minute
3	Palwal	Six days a week	8.00 AM to 1.00 PM	Twice a week	Once a week	15 minutes per day, between lock-out and lock-up periods	Re 1 per minute
4	Rewari	Monday to Saturday	8.00 AM to 1.00 PM	Twice a Week	Once a week	N/A	N/A
5	Narnaul	All weekdays except Sundays and holidays	8:00AM to 1:00PM	Twice a week	Once a week	Five minutes per day	Re 1 per minute
6	Ambala	6 Days	8:00 AM to 2:00 PM	Twice a week	Once a week	20 minutes per day	STD calls at Rs 1.25 per minute and local calls at Re 1 per minute
7	Yamunanagar	6 days	8:00 AM to 2:00 PM	Twice a week	Once a week	20 minutes per day	Re 1 per min
8	Kurukshetra	Daily except Sunday & Jail Holiday	8:00 AM to 2:00 PM	20 Minutes	20 Minutes	For males, five minutes per day and for females, 10 minutes per day	STD calls at Rs 1.25 per minute and local calls at Re 1 per minute
9	Kaithal	2	20 Mins	Twice a week	Once a week	Yes	STD calls at Rs.1.25 per minute and local calls at Re 1 per minute
10	Karnal	Monday To Saturday (Except Jail Holidays)	08:00 AM to 02:00 PM (Registration till 12:30 PM)	Twice a week	Once a week	For males, five minutes per day and for females, 10 minutes per day	Rs. 1 Per Minute

⁵ The data is in the original form provided to CHRI by all the jails, which is why the data is not in a standardised form.

S. No.	Prison	Days of the week when Mulaqat is allowed	Timings of Mulaqat	Periodicity of Mulaqat		If yes, periodicity for availing facility	Charges per call
				Under-trial prisoner	Convict		
11	Hisar 1	6 Days	20 Minutes	Twice a week	Once a week	Yes	STD calls at Rs.1.25 per minute and local calls at Re 1 per minute
12	Hisar 2	6 Days	20 Minutes	Twice a week	Once a week	Yes	STD calls at Rs.1.25 per minute and local calls at Re 1 per minute
13	Bhiwani	For convicts, one day a week and under-trials, two days a week	8:00 AM to 1:00 PM	20 Minutes	20 Minutes	Five minutes per day	Re 1 per minute
14	Sirsa	Monday to Saturday	8:00 AM to 2:00 PM	Twice a week	Once a week	Yes	STD calls at Rs.1.25 per minute and local calls at Re 1 per minute
15	Rohtak	Monday to Saturday	8:00 AM to 2:00 PM	Twice a week	Once a week	Five minutes per day	STD calls at Rs.1.25 per minute and local calls at Re 1 per minute
16	Sonipat	Monday to Saturday	8:00 AM to 2:00 PM	15 to 20 mins	Yes	Five minutes per day	STD calls at Rs.1.25 per minute and local calls at Re 1 per minute
17	Panipat	Monday to Saturday (except Sunday and jail holiday)	8:00 AM to 2:00 PM	Twice a week	Once a week	Nil	Nil
18	Jind	Monday to Saturday	8:00 AM to 12:00 PM	Twice a week	Once a week	Five minutes per day	Re 1 per minute
19	Jhajjar	Monday to Saturday	8:00 AM to 2:00 PM	Twice a week	Once a week	20 minutes per day	No

4.4 Key Issues

a) **Cashless transactions:** A superintendent brought an important issue about cashless transactions to our notice. The usage of most prison amenities such as canteen and PICS are dependent on prisoners

Recommendations

The Prison department should make special provisions which allows prisoners and their families with no debit cards to apply to the Superintendent for special permission to deposit money in cash. Superintendent may, after due diligence, permit this.

Other than Aadhar, prison authorities must accept other proofs of identity as well.

Police officers must ensure that family of the arrested person is informed immediately after arrest.

Community para-legal volunteers can make visits to the prisoner's home in order to establish contact with the family.

Social workers can be taken used as volunteers to interact with inmates. They can act as a link between the inmate and their family members.

In cases where prisoner does not have the means to communicate with family, prison authorities can take steps to initiate contact, including the provision to write letters, permit one call from the prison's telephone, or call the family themselves to inform them about the whereabouts of the prisoner.

having money in their accounts. For this, families of prisoners are permitted to deposit money (up to Rs 6,000 per month) in their accounts, but only through debit cards; cash transactions have been completely prohibited. Because of this, families from lower economic strata, who did not have debit cards were unable to deposit money in the prisoners' account.

b) Requirement of Aadhar cards: Several prisons have made Aadhar cards mandatory for *mulaqats* and using PICS services. Families of prisoners must show their Aadhar cards as identity proof for *mulaqat*, and prisoners wanting to use PICS services are also required to furnish their Aadhar cards. Convicts also must produce their cards to be able to open bank accounts for daily wages. This, obviously, is a problem for prisoners who do not possess Aadhar cards. Among the worst affected are inmates who are residents of other states. Our team came across several cases where inmates had left their Aadhar cards back home and post-confinement, simply had no means to contact their family. Inmates who do not have Aadhar cards at all were also badly affected. Some prisons have been getting these cards made for inmates inside the jail, but this does not seem like an adequate solution. This is especially of concern since there has been no mandate issued for all persons to have Aadhar cards, and this practice, therefore, is arbitrary and hampers inmates' communication with their families.

A few jails like Karnal, however, said that they were flexible about the requirement of Aadhar cards. A jail official told us, "Aadhar card is (given) a preference but if a family visitor shows us any other ID proof that proves they are related to the inmate, we allow the visit".

c) Lack of contact with family: There are several prisoners who have no contact with their families by *mulaqats* or phone calls. Our team's interaction with the inmates -- especially ones alleged to be juveniles -- revealed that their family members were not even aware about their arrest or confinement. Some jails even maintain lists of inmates who get no family visits or phone calls. In jails such as those in Sirsa and Bhiwani, the prison administration has been seeking the help of groups such as Rotary Clubs to arrange for interactions with club members for such prisoners to ensure that the prisoners have some contact with people from the outside. This practice could be replicated for such prisoners in other prisons as well. In Narnaul, the District Legal Services Authority has been ensuring that para-legal volunteers from the community visit the prisoners' families to inform them about the arrests. Help can also be taken from other organisations or legal services authorities to locate families and establish contact. The situation might further be improved once the proposal for video conferencing to help inmates communicate with their families is implemented in Haryana Prisons.

ACCESS TO INFORMATION FOR PRISONERS

Haryana Prison Manual

487. *Abstract of rules to be read and hung up in a conspicuous place. - (1) An abstract of the rules relating to the conduct and treatment of prisoners shall be read over to every prisoner as soon as possible after his admission into jail, and proper means shall from time to time thereafter be taken by the Superintendent to make every prisoner acquainted with the purport of all such rules for the time being in force...**

504. *History-tickets - their preparation and maintenance. -*

- (1) *Every prisoner shall immediately on his reception into jail be provided with a history-ticket which shall be maintained in the manner hereinafter provided throughout the period during which such prisoner remains in confinement.*
- (2) *Every history-ticket shall contain the following particulars, namely-*
- (a) *The name, prison number and other particulars necessary for the identification of the prisoner;*
- (b) *A brief entry of every order passed and direction given relating to, and punishment inflicted on the prisoner; and*
- (c) *A brief record of every other occurrence of any importance, affecting the prisoner, which takes place while he remains in confinement.*
- (3) *The history-ticket of every convict shall contain the following further particulars, namely:-*
- (a) *The nature of the offence of which he has been convicted and the provision of the law applicable thereto; and*
- (b) *the date, nature and extent of the sentence passed.*
- (4) *Every entry made on the history-ticket shall be so made at the time of, or as soon as possible after, the occurrence of the event to which it relates, and shall be dated and initialled by the officer who makes it.*
- (5) *Subject to the requirements of this rule the Inspector- General may, from time to time, prescribe form of history-tickets.*

506. *Particulars to be entered and the officers to enter them - On the history-ticket of every prisoner shall be entered as far as such entries may be applicable -*

- (a) *The date of admission into jail,*
- (b) *The number and name of every article of clothing and equipment, issued on admission and subsequently,*
- (c) *The particular work and task in weight, number or measurement, to which the prisoner is put,*
- (d) *Every change of work or task on other than medical grounds,*
- (e) *Any complaint made by the prisoner of sickness or report of his sickness,*
- (f) *The action taken on any direction or recommendation of the Medical Officer or Medical Subordinate,*
- (g) *Application for a copy of judgment, if the prisoner desires to appeal,*
- (h) *Receipt of the copy of judgment,*
- (i) *Dispatch of appeal,*
- (j) *Substance of the order of the appellate Court,*
- (k) *The fact of an appeal not having been made before the expiration of the term allowed for appealing,*
- (l) *The amount of remission awarded quarterly,*
- (m) *The total remission in days earned up to the end of each quarter.*
- (n) *Every prison-offence alleged to have been committed,*
- (o) *Every interview allowed and the receipt or dispatch of private letters,*
- (p) *Dispatch to a Court, or transfer, discharge, escape or death,*
- (q) *Any recommendation of the Factory Manager or the Deputy Superintendent,*
- (r) *Action taken on any order entered by the Superintendent,*
- (s) *Location in a cell by day or night,*
- (t) *The use of the latrine out of hours,*
- (u) *The fortnightly or weekly weighments,*
- (v) *The number of the cell in which placed on account of warrant of confinement,*
- (w) *The total confinement undergone on warrant on each occasion of removal from cell after such confinement.**

**excerpt of the rules*

507. Entries to be made by the Superintendent - On the history-ticket of every convict the Superintendent shall record -

- (a) any special order he may have to give relative to any prisoner, e.g., the imposition or removal of fetters, permission to hold an interview or write a letter, separation by night &c,
- (b) The award of every punishment,
- (c) Sanction for employment on extra-mural work,
- (d) Promotion to the grade of convict-watchman, convict-overseer or convict-warder, and,
- (e) The award of special remission.

505. Entries by the Medical Officer in history-tickets. - (1) In the heading of the history ticket of every prisoner, the Medical Officer shall enter or cause to be entered under his supervision -

- (a) the prisoner's weight on admission,
- (b) his state of health,
- (c) the class of labour for which he is fit, if sentenced to labour, and
- (d) whether has been protected by vaccination, inoculation or small-pox.

(2) He shall also subsequently enter or cause to be entered -

- (a) if a convict, the fact of vaccination having been performed and the result,
- (b) admission to and discharge from hospital on every occasion, with the disease for which admitted, and
- (c) admission to and discharge from the convalescent gang,

(3) The Medical Officer shall himself enter such other directions or recommendations as he may from time to time consider necessary for the maintenance of the health of the prisoner.*

508. Custody and management of history-tickets - The history-ticket of each prisoner shall be kept in a proper receptacle, by the convict-officer in whose charge the prisoner is placed and shall be produced by him whenever required by any officer of the jail or superior convict-officer, so to do. It shall go with the prisoner whenever he is transferred from one gang to another, or from one-kind of place of work to another or is sent to hospital. At the weekly parades, each prisoner shall hold his ticket in his hand for inspection. The history-ticket shall be produced, with the prisoner, whenever he is reported for an offence, or is brought before the Superintendent or Medical Officer for any reason.

Note 1 - Every under-trial and civil prisoner may be allowed to retain possession of his history ticket.

*excerpt of the rules

5.1 Access to information

Every prisoner has the right to know the details of his confinement. Rule 54 of the *Nelson Mandela Rules, 2015*, states that “Upon admission, every prisoner shall be promptly provided with written information about: (a) The prison law and applicable prison regulations; (b) His or her rights, including authorised methods of seeking information, access to legal advice, including through legal aid schemes, and procedures for making requests or complaints; (c) His or her obligations, including applicable disciplinary sanctions; and (d) All other matters necessary to enable the prisoner to adapt himself or herself to the life of the prison.”

This right of prisoners is also recognised under section 3(6)¹ of the Prisons Act, 1894, which defines a ‘*history ticket*’ as the ticket exhibiting such information. The Haryana Prison Manual includes detailed instructions about the history tickets, their usage and maintenance.²

5.2 Observations

Our team interacted with prisoners to assess the extent of their awareness about why they were confinement, the status of their cases, and their knowledge of their rights, among other such matters.

5.3 History tickets

According to the Haryana Prison Manual, all prisoners are provided with a history ticket³ soon after their admission to prison. This contains a profile of the prisoner and the date of their admission to prison. The ticket is to be regularly updated in accordance with the punishment and sentence to be served, remission earned, parole or any other leave given and sanction of employment. Prisoners are required to keep the history tickets with them during weekly inspections. These tickets are also sent with prisoners being transferred, so that their details are fully available. Unfortunately, with the implementation of the Phoenix system, these days, the history tickets are only available in the form of soft copies, and prisoners are not given their physical copies.

5.4 Information through family or lawyers

More often than not, it was found that lawyers and family members are the primary source of information for prisoners -- especially for undertrials. These visits were being made at specified times, which are usually in the evening, making it convenient for the lawyers, who are otherwise busy with court proceedings during the day.

¹ ‘History-ticket means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules thereunder’ Section 3(6); The Prisons Act, 1894 (as modified upto 1st January 1957), Government of India.

² Chapter XIII, Section 504. See page 4 for standards relevant to history tickets.

³ See sample copy Annexure 4.

Recommendations

**Ambala DLSA has introduced information cards that are given to undertrial inmates containing relevant information about their case. Similar exercise can be undertaken by other jails as well.*

**Inmates from states other than Haryana face issues in getting Parole. Haryana SLSA can take up this issue with the respective State SLSAs.*

**In order to ensure that prisoners are aware of the details of their confinement, one copy of the history ticket can be provided to them at the time of admission. Thereafter inmates can check the updated information on the e-history kiosk.*

**A printer may be installed with the e-kiosk so that prisoners are able to get printed copies of their records. A nominal amount can be charged for these print outs.*

**Convict para-legal volunteers can be given training to make inmates aware about the usage of e-kiosks.*

Recommendations

Information, such as lawyers' names and the next date of hearing should also be linked to the information kiosk. Training sessions should be held to teach prisoners how to use kiosks.

SLSAs should suggest linking the front office database to the kiosks or to the Phoenix Software database so that information is shared on a regular basis.

States should train and appoint their own technical personnel to ensure quick repairs.

There should be seamless flow of information between the front office and the Jail Legal Aid Clinics. JLAC data should be linked to the information kiosk.

Regular legal aid awareness camps should be organised in jails in order to make inmates more aware about the legalities surrounding their cases.

Convict Para Legal Volunteers (PLVs) should be periodically trained to be able to impart basic legal information to inmates, identify urgent cases, and keep track of legal aid cases.

5.5 Information Kiosks

'e-history kiosks' have been set up in all 19 prisons in Haryana. In most jails, these kiosks are placed at the 'chakkar' (the central area), which is considered an easy access point for prisoners. These kiosks are often manned by long-term convicts, and displays information available for each case through the Phoenix software. Information about remission, sentence served, etc. is made available for convicts, while undertrials can find updates about their cases.

While this seems like a good practice, interactions with prisoners revealed that they had limited awareness about the usage and advantage of the kiosks. Moreover, the jail officials complained of technical glitches with kiosks, and the fact that technical assistance provided from either Delhi-NCR or Chandigarh takes a lot of time.

5.6 Awareness levels

Despite kiosks and the provision of history tickets, we found that prisoners suffered from serious lack of awareness about the grounds of their detention, their case status, whether they had legal representation, etc. More than 20% of the 475 inmates interviewed by the team either did not know the offence they were incarcerated for, or if they had lawyers, let alone the status of their case.

The case of Amit⁴, currently in Central Jail Ambala, is one such example. Even though he had been in detention for five months, he was unaware of his case details and status despite having a legal lawyer assigned to him. He had no visits from family members either. The team also met 35 alleged juveniles, who said they were unaware of laws prohibiting the detention of persons younger than 18 years in prisons.

⁴ Name changed.

CHAPTER 6

LEGAL AID SERVICES IN PRISON

STANDARDS

Haryana Prison Manual 1894

560. Interviews of unconvicted prisoners with legal advisers. - Every interview between an unconvicted prisoner and his legal adviser shall take place within sight, but out of hearing, of a jail official. A similar concession may be allowed by the Superintendent in the case of an interview with any near relative of the unconvicted prisoner. *

560-A. Application from Legal Advisers for interview of unconvicted prisoners - When any person desires an interview with an unconvicted criminal prisoner in the capacity of the Prisoner's legal adviser he shall apply in writing, giving his name and address and stating to what branch of the legal profession he belongs and he must satisfy the Superintendent that he is the bona fide legal adviser of the prisoner with whom he seeks an interview and that he has legitimate business with him.

561. Confidential letters of unconvicted prisoners. - Any bona fide confidential written communication prepared by an unconvicted criminal prisoner as instructions to his legal adviser may be delivered personally to such legal adviser without being previously examined by the Superintendent*.

537. Prisoner to be given facilities for appealing - Every convict shall, on first admission to jail, be informed of the period within which an appeal from the order under which he has been committed to jail may be filed, and, if he desires to appeal and is entitled to do so, every facility shall be granted him for the purpose. A request to be allowed to appeal, made at any time within the period allowed by law for the purpose shall, if the period is about to expire, be forthwith attended to, but, if there is not urgency, the preparation of the appeal may be postponed to such day of the week as the Superintendent may from time to time fix in that behalf.

Legal Services Authorities Act 1987

Sec 12(g) 12. Criteria for giving Legal Services. - Every person who has to file or defend a case shall be entitled to legal services under this Act if that person is in custody.*
NALSA Standard Operating Procedures on Representation of Persons in Custody 2016

2) Work of the Legal Service Clinics in the jails should be streamlined with clearly demarcated space for such clinics. Requisite infrastructure should be made available, if need be as per the Regulations in this regard for the efficient functioning of such clinics.

3) From amongst the panel lawyers, some lawyers should be earmarked as jail visiting lawyers. Visits to the jails must be made at least twice every week. . .

5) Sufficient number of PLVs, from amongst the convicts serving long sentences should be identified and they should be trained suitably, where not already done, so that they interact with the inmates, especially the new entrants and can bring to the notice of the jail visiting lawyers or the Secretary of the District Legal Services Authority, the cases requiring attention.

*excerpt of the rules

Recommendations

Amendments should be made to the Haryana Prison Manual to include rules for ensuring access to legal aid for prisoners.

**Time taken between filing of legal aid application and the actual appointment of lawyer should be reduced. The process can be fastened by using online application and communication procedures.*

**All jails should have the facility for a private conversation between the inmate and his/her lawyer, irrespective of whether the lawyer is a private counsel or a legal aid one. Specific time and space inside the prison should be fixed for such meetings.*

Prison administration should provide adequate space for legal aid clinics in Kaithal and Rewari Jails. There should be a separate room where jail-visiting lawyers can meet inmates.

**Jail Legal Aid Clinics should be built in strategic locations inside the prison from where they are visible and accessible to the entire prison population.*

6.1 Standards

Effective state-funded legal aid is vital in assisting indigent accused persons in realising their rights and seeking justice. Without access to effective legal representation, a large number of poor and marginalised persons face arbitrary and extended pre-trial detentions, torture, coercion for confessions, wrongful convictions, and stigma, along with other impacts on their health and livelihood. Rule 61 of the Nelson Mandela Rules, 2015, states that, “prisoners should have effective access to legal aid”. Chapter XIV of the Model Prison Manual, 2016, also assures prisoners of access to legal aid. However, the Haryana Prison Manual contains no provisions to ensure this right.

Additionally, all prisons across India are now mandated to have Jail Legal Aid Clinics (JLAC) according to the provisions under the *NALSA Legal Aid Clinics Regulation, 2011*, and *NALSA Standard Operating Procedures for Representation of Persons in Custody, 2016*. These clinics lie under the jurisdiction of their respective District Legal Services Authorities (DLSA). Panel lawyers -- referred to as jail-visiting lawyers -- are assigned to these clinics and mandated to visit them at least twice a week. They are assisted by para-legal volunteers -- both community and/or convict -- in providing legal assistance to prisoners, in identifying undefended undertrials and consequently, reporting them, documenting case details, counseling and advancing legal advice to inmates, and in certain circumstances, even drafting applications.

6.2 Observations

The team interacted with both legal aid providers and prisoners to assess the efficacy of these legal aid facilities and to identify areas for improvement.

6.3 Jail legal aid clinics

Data received from DLSAs (Table 6.1) claimed that legal aid clinics have been set up in all jails in Haryana barring Rewari and Karnal district jails. However, we found that even Karnal and Rewari district jails have JLACs and that these were regularly being visited by jail visiting lawyers. Even in a small jail such as the Panipat district jail had functional JLACs. Despite the infrastructural challenges, the Secretary, Panipat DLSA, appeared to be actively involved in legal aid work in the jail, which has a population of 45 prisoners.

While the data indicates that there is no legal aid clinic in Rewari (prisoner population: 81), the team found that paralegals and jail visiting lawyers had been appointed even though there is no defined space for a clinic.

In Kaithal (prisoner population: 549), the clinic was being run from a part of the hospital area because no separate room had been allocated. Kaithal jail authorities directly communicate with the DLSA secretary about legal aid-related cases and similar issues.

The team also noted that these clinics where set up are situated in the male section of the jail, and that none of the female wards had this facility.

6.4 Legal aid providers

Lawyers: We found that jail-visiting lawyers were visiting all the jails regularly. While there is no uniform rule of thumb for the visits, in most cases, they visited the prisons two to four times a week. DLSA data showed that between January and December, 2017, lawyers visited the Bhiwani jail clinic 216 times, while in Karnal and Hisar Central Jail II, the visits numbered only 30 each.¹

Paralegals: Data provided by the legal services authorities indicates that convict paralegals had been appointed in 15 jails (Table 6.2),² whereas community paralegals were visiting only four jails.³ Further, female paralegals were appointed in only two jails: Rohtak and Bhiwani. The data, however, did not specify the number of paralegals, either convict or community. It is suggested that the legal services authorities consider appointing both convict and community paralegals to ensure efficacy of jail legal aid clinics.⁴

6.5 Identification of prisoners in need of legal aid

a) Admission: Most prisons in Haryana enquire about legal representation at the time of a prisoner's admission. The prison officer documents this in the entry register. Our team verified this upon from some prison registers.

b) Legal awareness camps: Although data indicates (Table 6.3) that 343 legal awareness camps were held in 2017, the team's interaction with inmates during our jail visits between December, 2017, and April, 2018, showed that several prisoners were still not aware about legal aid provisions.

¹ In the data received from all 19 DLSAs, Faridabad mentioned that only two visits have been made by jail visiting lawyers to the JLACs. Although, this is the minimum visits made by JVLs in any district, however, it can be the case that they have confused it with number of weekly visits.

² Rewari, Kaithal, Karnal and Panipat reported that convict paralegals have not been appointed though the team had found paralegals working in Rewari during their visit.

³ Narnaul, Yamunanagar, Kaithal and Rohtak.

⁴ 'Prison Legal Aid Clinics in West Bengal: Bringing Justice Closer?', 2017; Commonwealth Human Rights Initiative <https://bit.ly/2iy2mpu> last accessed on 13th August 2018.

Recommendations

Clinics should either be set up in women prisons, or legal aid be provided through camps held once a week for women prisoners. Additionally, women paralegals should be appointed in each jail. Female jail-visiting lawyers (JVLs) should be appointed to visit the women's section of the jail.

Community paralegals should also be appointed to jail legal aid clinics to improve their functioning.

Need for regular legal aid awareness camps, addressing legal needs of the inmates and the existing issues being faced by them, should be organised in male and female section of the prison by the DLSA.

Information on legal aid provisions should be clearly displayed in the local language (Hindi) and English in each ward.

Name and visitation details of jail visiting lawyers should be placed at the 'chakkar' or the central area in all prisons

Recommendations

Reading material on legal aid -- specifically on legal aid for persons in custody -- can be made available in prison libraries for inmates.

**Inmates should be screened for legal aid requirements at the admission point by convict PLVs. This process should be well documented.*

At the entry point, audio-visual means should be used to make prisoners aware about legal aid provisions.

c) Display of information: Usually, jail inmates are informed about the visit of JVLs through announcements in the barracks. Many jails (for instance, Yamunanagar) displayed basic information about legal aid through murals painted on their walls. However, in some jails, we found that inmates were unaware about the clinics, the timings of JVLs or even the existence of convict paralegals, while some others were unaware about the concept of free legal aid itself.

Additionally, because in some prisons, the lock-in and lock-out timings of inmates placed in different wards differ for security reasons (usually aimed at avoiding gang wars), there were complains that prisoners from certain wards were unable to contact the clinic.

Good Practice

Ambala Jail displays information about the clinic, including visiting times of the lawyers, at a central location within the prison, also known as the *chakkar*.

Table: 6.1 Legal Aid Clinics in Prisons (January 1- December 31, 2017)

Name of Prison	Name of concerned DLSA	Whether legal aid clinic constituted in the prison	Number of days legal aid clinic was functional
Gurugram	District Jail Bhondsi (Gurugram)	Yes	12
Faridabad	DLSA, Faridabad	Yes	1
Palwal	CJM cum sec. DLSA Palwal	Yes	21
Rewari	-	-	-
Narnaul	DLSA, Narnaul	Yes	Four days a week
Ambala	Ambala	Yes	Three days a week
Yamunanagar	DLSA, Yamuna Nagar	Yes	148
Kurukshetra	DLSA, Kurukshetra	Yes	68
Kaithal	Kaithal	Yes	210
Karnal	Karnal	NO	NIL
Hisar 1	Hisar	Yes	50
Hisar 2	Hisar	Yes	49
Bhiwani	DLSA, Fatehabad	Yes	Twice a week
	DLSA, Bhiwani	Yes	Everyday
Sirsa	DLSA, Sirsa	Yes	From January 1 to September 30, 2017, twice a week, and from October 1 to December 31, 2017, four times a week
Rohtak	Rohtak	Yes	53
Sonipat	Sonipat	Yes	Four days a week
Panipat	District Jails, Panipat and Karnal	Yes	Four days a week: Monday, Wednesday, Friday and Sunday
Jind	Jind	Yes	168
Jhajjar	Jhajjar	yes	Four days a week

Table: 6.2 Appointment of Convict PLVs (January 1 - December 31, 2017)

Name of Prison	Name of concerned DLSA	Whether Convict Paralegals appointed
Gurugram	District Jail Bhondsi (Gurugram)	Yes
Faridabad	DLSA, Faridabad	Yes
Palwal	CJM cum Sec. DLSA Palwal	Yes
Rewari		
Narnaul	DLSA, Narnaul	Yes
Ambala	Ambala	Yes
Yamunanagar	DLSA, Yamuna Nagar	Yes
Kurukshetra	DLSA, Kurukshetra	Yes
Kaithal	Kaithal	NIL
Karnal	Karnal	NO
Hisar 1	Hisar	Yes
Hisar 2	Hisar	Yes
Bhiwani	DLSA, Fatehabad	Nil
	DLSA, Bhiwani	Yes
Sirsa	DLSA, Sirsa	Yes
Rohtak	Rohtak	Yes, 3
Sonipat	Sonipat	Yes
Panipat	District Jails, Panipat and Karnal	--
Jind	Jind	Yes
Jhajjar	Jhajjar	Yes

Table: 6.3 Legal Aid Awareness Camps (January 1 - December 31, 2017)

Name of Prison	Name of concerned DLSA	Number of legal awareness camps held
Gurugram	District Jail Bhondsi (Gurugram)	10
Faridabad	DLSA, Faridabad	9
Palwal	CJM cum Sec. DLSA Palwal	17
Rewari		
Narnaul	DLSA, Narnaul	18
Ambala	Ambala	-
Yamunanagar	DLSA, Yamuna Nagar	6
Kurukshetra	DLSA, Kurukshetra	20
Kaithal	Kaithal	12
Karnal	Karnal	4
Hisar 1	Hisar	5
Hisar 2	Hisar	5
Bhiwani	DLSA, Fatehabad	Nil
	DLSA, Bhiwani	-
Sirsa	DLSA, Sirsa	7
Rohtak (DJ Sunaria)	Rohtak	15
Sonipat	Sonipat	5

Name of Prison	Name of concerned DLSA	Number of legal awareness camps held
Panipat	District Jails, Panipat and Karnal	196
Jind	Jind	4
Jhajjar	Jhajjar	10

Recommendations

SLSA and prison department should prepare standardised formats for documentation of legal aid cases.

JLAC should regularly ask convicts whether their appeals have been filed or not.

**At the time of admission of a new inmate, it should be clearly mentioned on the production/judicial custody warrant of the inmate whether he/she has legal representation or not. The same should be updated during their court production. Name and contact number of the lawyer should also be mentioned on the warrant.*

Prison authorities should keep a record of prisoners and the lawyers assigned to them to have more clarity among the prison officials, the judiciary and the prison population.

HCLSCs and SCLSCs should ensure effective communication between convicts and their lawyers, as well as send regular updates to prisons for each case. Specific steps to be put in place to ensure this.

6.6 Documentation of cases

In most prisons, documentation of legal aid cases being done in registers maintained to document the admission of inmates. However, these registers are inadequate for documenting the functioning of legal aid clinics. In Rewari, paralegals use mere paper slips to note the details of inmates seeking legal aid; the slips are then given to the jail-visiting lawyer, who maintains the register.

Good Practice

We observed good legal aid documentation practices in the Narnaul District Prison. This was the result of an initiative by the Narnaul DLSA. Here, an offline database web portal has been developed, which contains all the relevant information of the inmates. Further, legal aid clinic registers were also well maintained in a proper format, with information of the legal aid beneficiary and the subsequent follow-ups.

6.7 Unrepresented prisoners

Despite the existence of Jail Legal Aid Clinic (JLACs), visits by jail-visiting lawyers and the presence of convict Para Legal Volunteers (PLVs) in the prison, out of the 475 inmates interviewed by the team, 90 claimed that they did not have a lawyer, while 148 had legal aid lawyers, and the remaining had private lawyers. Inmates who did not have lawyers were a mixed group of new entrants, under-trials, women inmates and even convicts who had filed for jail appeals, but had no information about their lawyers or the status of the appeal.

Jail appeals⁵ are sent by prison authorities to either the High Court Legal Services Committee (HCLSC) or the Supreme Court Legal Services Committee (SCLSC), depending on the order against which the appeal is to be made. However, there is a lack of regular correspondence and follow-ups and some convicts are left waiting for information for years at end. For instance, in Ambala, many convicts who had filed jail appeals complained that the legal aid lawyers representing their cases in the High Court or the Supreme Court do not respond even on calls.

⁵ Jail appeals, are applications sent by prison authorities for filing appeal in the High Court or Supreme Court of India, through legal aid.

Good Practice

Sirsa DLSA follows a good practice of maintaining constant interactions and efficient coordination with the Punjab & Haryana High Court Legal Services Committee (HCLSC) to follow up on appeal cases. Their work also involves sending all the relevant documents to the HCLSC and informing inmates about the status of their appeal. This practice can be followed by other DLSAs as well.

6.8 Grievances against legal aid lawyers

We observed gaps in communication between legal services authorities and prisoners. As mentioned above, in several cases, prisoners were not even aware of the details of their lawyers or the status of their cases. Most of them told us that their legal aid lawyers do not meet them or update them about the progress of their cases. Our team found further evidence to this effect during their visit to Kaithal and Yamunanagar district jails, where the accompanying panel lawyers came across prisoners they were representing, but the prisoners were unaware of it.

6.9 Grievances related to paralegals

Fees/Wages: At present, convict paralegals are not given remuneration for their work, unlike other convicts who get wages for working at the kitchen or a factory. Therefore, there seemed to be a lack of incentive to work at the clinics. Most of the convict paralegals the team interacted with were doing their work out of sheer interest since they also had to do other labour to avail daily the wages prescribed for convicts undergoing rigorous imprisonment. The lack of wages impacts their performance and accountability.

Rohtak was the only jail where the DLSA provides convict para-legals with an honorarium of Rs 200 per day when the clinic was functional, Other DLSAs should also follow this practice.

Training: The team also discovered that training programmes have not been organised for para-legals. In the absence of training, they were unaware of their roles, and lacked basic legal knowledge to be able to assist prisoners.

Recommendations

A copy of the appointment letters of legal aid lawyers should be shared with concerned inmates. The letters should include the name and contact details of the lawyers assigned to each case.

Legal services authorities should urge panel lawyers to meet their clients during court hearings and visit them in prison to update them about the progress in their cases.

Convict paralegals should be provided wages or an honorarium for their work.

Formal training and regular refresher courses of convict PLVs should be conducted and introduced.

**SLSA should ensure monitoring of JLAC through technological and other means.*

VOCATIONAL TRAINING & PRISON LABOUR

Haryana Prison Manual

3-A. Aim of Handling Prisoners. - The aim of handling prisoners is guidance and correction for rehabilitation in society. For this purpose each institution will have facilities for moral, physical, educational and vocational training.

134. Appointment of Factory Superintendent. - (1) An officer, to be called the Factory Manager, may be appointed to any Central Jail in which any special industry is carried on, for the purpose of superintending the manufactory department of such Jail in all its branches.

135. Factory Manager to comply with orders and obey Superintendent. - (1) The Factory Manager shall, for all purposes, be deemed to be an officer of the Jail, and shall strictly comply with each and all of the provisions of the Prisons Act, 1894, and the rules, regulations, orders and directions made and issued thereunder which may be applicable to the Jail, and shall obey the orders of the Superintendent in all matters.

146. Prisoners not to be employed on private work. - No officer of any Jail shall, save as authorised by any provision of any rule hereinafter contained in that behalf, at any time employ any prisoner on his own private work or for his own gain or profit; nor shall any such officer at any time employ any prisoner otherwise than for the profit and advantage of the Government and in strict accordance with the provisions of the Prisons Act, 1894, and the rules made thereunder, relating to the employment of prisoners.

536-B. Transfer of prisoners to Examinations Centres. - For the purpose of University Examinations, the Superintendent Jail is empowered to allow a convict or an undertrial prisoner to visit the examination Centre, under proper Police Escort.

484. State of education on admission. - The state of every prisoner's education shall be ascertained on admission and the entries in the admission register shall be made as follows :-

- (a) able to read and write;*
- (b) able to read only; or*
- (c) illiterate.*

7.1 Standard

Vocational training provides an opportunity for prisoners to engage themselves in meaningful pursuits during their jail term. These trainings not only inculcate value for one's work but also make prisoners learn skills that can help them follow a vocation after their release. Rule 97 of the *Nelson Mandela Rules, 2015*, lays down basic guidelines vis-à-vis vocational training and prison labour. In a nutshell, it affirms that prison labour must not be of an afflictive nature and prisoners must not be held in slavery or servitude. Rule 98 further states that "so far as possible, the work provided shall be such as will maintain or increase the prisoners' ability to earn an honest living after release".

The *Model Prison Manual, 2016*, also acknowledges the importance of vocational training, and states that "the State shall endeavour to develop vocational training and work programmes in prisons for all inmates eligible to work. The aim of such training and work programmes shall be to equip inmates with better skills and work habits for their rehabilitation". Chapter XV lays down detailed provisions on vocational training. Rule 3A of the Haryana Prison Manual also affirms this and states that "the aim of handling prisoners is guidance and correction for rehabilitation in society. For this purpose each institution will have facilities for moral, physical, educational and vocational training".

7.2 Observations

The team documented the availability of vocational training programmes as well as educational facilities in each jail. The number of prisoners availing these facilities as well as their utility was also noted, as was the framework within which the prisoners were required to do prison labour and the wages received.

7.3 Vocational training

Jail visits showed a mixed picture of vocational training programs and the factories being run inside these jails. While smaller jails such as Palwal, Rewari, Kaithal and Panipat had not provided for any kind of vocational training courses or a factory set-up, all other prisons had some form of work going on inside.

According to the data received from all 19 jails of Haryana (Table 7.1), a total of 2,478 inmates had been given vocational training in 2017. These included 1,933 male inmates and 545 women inmates.

Recommendations

Vocational training programmes should be initiated in the jails in Palwal, Rewari, Kaithal and Panipat.

More programmes should be started with special focus on post-release rehabilitation of prisoners.

Vocational training courses should be introduced for women inmates, and this should be modelled after assessing the needs of women inmates and usage of the course in the long run.

The presence of the India Vision Foundation¹ (IVF) in jails in Faridabad, Gurugram, Jhajjar, Karnal and Sonipat has been of some help, especially in providing technical assistance for vocational training courses and educational courses. IVF has also installed computers and sewing machines, and have also started vocational courses for both male and female inmates. IVF also focused on the needs of women inmates -- something that was missing in jails where they were not present. In Sonipat, Singer and Rotary Club had donated 17 sewing machines that were being used by inmates for tailoring.

In all the jails factories, vocational training centers, IGNOU and NIOS classes were available only in the male section. Only limited options, such as tailoring and a few other vocational training courses started by IVF (beautician courses, chocolate-making, etc) were available for women. Women were being neglected and were not the primary focus of vocational trainings that could help them get rehabilitated after release.

Table: 7.1 Vocational training programmes for inmates (1st January - 31st December 2017)

S. No.	Name of the Prison	Number of Inmates given vocational training from Jan – Dec 2017			
		Convict		UTP	
		Male	Female	Male	Female
1	Gurugram	44	0	0	0
2	Faridabad	22	-	8	-
3	Palwal	Nil	Nil	Nil	Nil
4	Rewari	Nil	Nil	Nil	Nil
5	Narnaul	NIL	NIL	NIL	NIL
6	Ambala	90	10	353	10
7	Yamunanagar	76	26	2	3
8	Kurukshetra	42	10	13	6
9	Kaithal	Nil	Nil	Nil	Nil
10	Karnal	44	9	24	8
11	Hisar 1	55	0	0	0
12	Hisar 2	31	16	26	36
13	Bhiwani	122	--		343
14	Sirsa	-	-	-	-
15	Rohtak	407	32	363	18
16	Sonipat	64	nil	98	nil
17	Panipat	Nil	Nil	Nil	Nil
18	Jind	--	--	--	--
19	Jhajjar	33	9	16	9

7.4 Factory and manufacturing units

Most convicts are engaged in factories or manufacturing units in prisons. Some jails have manufacturing units that provide work to convicts and generate revenue as well. For instance, the automatic printing machine in Ambala Jail manufactures Out Patient Department (OPD) cards and Medical Officer receipts that are supplied to other jails as well; the jail also had an automatic sensor-cutting machine available to make

the printing work easier. Carpentry work such as making furniture and other decorative wooden items was being carried out in jails in Ambala, Yamunanagar, Kurukshetra, Sonapat, Bhiwani, Rohtak, Faridabad and Karnal; these products were then sold at fairs and exhibitions like the annual *Surajkund* Crafts Fair in Faridabad. The team was told that products from Haryana jail were quite popular at the *Surajkund* fair.

Another common factor among prison factories were *Khadi* units, tailoring/sewing and cotton cloth weaving units. These units were mostly producing products for internal use within the prison such as clothes for convicts. The factory unit in Central Jail Hisar I manufactured tents for disaster situations and defense usage. Bhiwani jail had power looms, handloom and wood working machines and these were also being used to make clothes for convicts.

7.5 Training Classes & Recreational Activities

In addition to manufacturing units, jail factories also run vocational training and recreational classes that are open for all categories of inmates. These include painting classes, music and dance classes and technical training courses in hardware-repairing, welding, electric appliance repairing, motor vehicle repairing, among other things.

However, there is a lack of technical staff to train inmates in the manufacturing and vocational training units. Very few jails have external technical assistants. More often than not, jail authorities have to rely on convicted inmates or inmates who have the specific skills to train other interested inmates. Apart from lack of technical staff, there are also no proper channels for marketing these products. An innovative practice of making organic Aloe Vera gel in the Yamunanagar jail had to be temporarily stopped because of this reason.

7.6 Educational programmes

Indira Gandhi National Open University (IGNOU) and the National Institute of Open Schooling (NIOS) are two bodies educating inmates, tutoring them from secondary or senior secondary levels till post-graduation. Most jails have separate areas for classes, where book banks also exist. Efforts are made to provide opportunities to all inmates who wish to continue their education.

In 2017, 2,222 prisoners were enrolled in formal education programs (Table 7.2), of which, 172 were women prisoners.

Recommendations

Prison authorities may speak to local institutions/bodies to take up task of conducting trainings on the existing programmes that are being run inside the prisons.

**Contracts for bulk orders may also be procured from private partners so that jail products can be sold outside the prison.*

**It was informed that skill development model being followed in Yamunanagar District Prison has not only generated work for inmates but has proved to be highly profitable in nature. Such a model can be replicated in other jails of the state as well.*

Table: 7. 2 Inmates enrolled in educational programmes

S. No.	Name of the Prison	Number of Inmates enrolled in formal education programs (Jan-Dec'17)			
		Convict		UTP	
		Male	Female	Male	Female
1	Gurugram	170	0	40	0
2	Faridabad	27	1	16	6
3	Palwal	Nil	Nil	Nil	Nil
4	Rewari	Nil	Nil	Nil	Nil
5	Narnaul	5	Nil	1	Nil
6	Ambala	215	20	200	15
7	Yamunanagar	182	5	2	1
8	Kurukshetra	68	5	6	2
9	Kaithal	39	3	52	11
10	Karnal	109	7	81	7
11	Hisar 1	108	-	224	-
12	Hisar 2	16	2	32	5
13	Bhiwani	72	1	3	
14	Sirsa	25	36	-	-
15	Rohtak	65	5	78	-
16	Sonipat	116	13	98	27
17	Panipat	Nil	Nil	Nil	Nil
18	Jind	--	--	--	--
19	Jhajjar	Nil	Nil	Nil	Nil

Recommendations

Prison department should notify provisions related to prison labour, including clear definitions for the terms unskilled, semi-skilled and skilled.

**Wages of convicted inmates working under rigorous imprisonment can be increased.*

7.7 Prisoner wages

A total of 1904 convicts are undergoing rigorous imprisonment and are engaged in work within the prisons. The wages they earn are directly deposited in their bank accounts, can be used after their release.

Presently, the work done by convicts is categorised into three categories: unskilled, semi-skilled and skilled. Wages for these are Rs 40 per day, Rs 50 per day and Rs 60 per day respectively. (Table 7.3) This information was backed by data received from the jails. In 2017, wages were increased from Rs 20 per day to Rs 40 per day for unskilled work. However, most prisoners we interviewed seemed unaware of this change in the wage.

Yamunanagar and Kurukshetra did not send their updated wage lists, and thus, we do not know whether they have upgraded their wages or not.

It is important to note that due to lack of proper definitions for skilled, semi-skilled and unskilled labour, there can be some arbitrariness in categorising convicts under these categories. For instance, in Karnal, none of the convicts were receiving wages for semi-skilled labour. Even convict para legal volunteers manning the jail legal aid clinics were categorised as ‘unskilled’.

Table: 7.3 Prisoner Wages (per day)

S. No.	Name of the Prison	Wages for Skilled Work	Wages for Semi-Skilled Work	Wages for Unskilled Work
1	Gurugram			
2	Faridabad	Rs 60	Rs 50	Rs 40
3	Palwal	Not Provided (NP)	NP	Rs 40
4	Rewari	Rs 60	Rs 50	Rs 40
5	Narnaul	Rs 40	Rs 50	Rs 60
6	Ambala	Rs 60	Rs 50	Rs 40
7	Yamunanagar	Rs 40	Rs 25	Rs 20
8	Kurukshetra	Rs40	Rs 30	Rs 20
9	Kaithal	Rs 60	Rs 50	Rs 40
10	Karnal	Rs 60	Rs 50	Rs 40
11	Hisar 1	Rs 60	Rs 50	Rs 40
12	Hisar 2	Nil	50	Rs 40
13	Bhiwani	0	0	Rs 40
14	Sirsa	Rs 60	Rs 50	Rs 40
15	Rohtak	Rs 60	Rs 50	Rs 40
16	Sonipat	Rs 60	Rs 50	Rs 40
17	Panipat	Nil	Nil	Nil
18	Jind	NP	Rs 50	NP
19	Jhajjar	Nil	Nil	Nil

Haryana Prison Manual

32. *Inspection by the Inspector-General.* - It shall be the duty of Inspector-General, as far as may be, personally to visit and inspect every Jail at least once in each year...*

41. *District Magistrate to visit and inspect jails.* - (1) It shall be duty of the Magistrate of the District from time to time to visit and inspect jails situated within the limits of his district...*

47. *Visitors - Power of Local Government to appoint.* - (1) Visitors of jails shall be either - (a) ex-officio, (b) (1) officials or (2) non-officials, appointed by name...*

48. *Visits by official Visitors.* - (1) Commissioners and Sessions Judges are required to visit the jails at their headquarters once in three months and, once a month, and those in other districts of their divisions when on tour. (2) District and Sub-Divisional Magistrates or Magistrates subordinate to them and appointed by them in this behalf are to visit the jails in their several jurisdictions once a week.

49. *Duties of official visitors.* - (1) Any official visitor may examine all or any of the books, papers and records of any department and may interview any prisoner confined in the jail. (2) It shall be the duty of every official visitor to satisfy himself that the provisions of the Prisons Act, 1894 and of all rules, regulations, orders and directions made or issued thereunder, are duly observed, and to bear and bring to notice any complaint or representation made to him by any prisoner.

50. *Non-official visitors, Term of office, Appointment.* - (1) The Local Government may appoint such number of persons to be non-official visitors in respect of any jail as it may think fit. (2) Every non-official visitor so appointed shall hold office, as such, for two years, but may be reappointed on the expiration of that term.

53-A. *Board of visitors.* - Once in every quarter not less than two ex-officio and one non-official visitors, of which one unless prevented by unavoidable cause, shall be the District Magistrate, shall constitute a Board and visit the jail of which they are visitors. The District Magistrate shall be the ex-officio Chairman of the Board. The Board should meet at the jail on such days as the District Magistrate may determine, and will inspect all buildings and prisoners, bear any complaints and petitions that may be preferred, inspect the prisoners' food and see that it is of good quality and properly cooked, inspect the punishment book and satisfy themselves that it is kept up-to-date.

53. *Duties of all visitors.* - All visitors shall be afforded every facility for observing the state of the jail, and the management thereof, and shall be allowed access under proper regulations, to all parts of the jail and to every prisoner confined therein... There should be one visitors' book for both classes of visitors, their remarks should in both cases be forwarded to the Inspector-General who should pass such orders as he thinks necessary, and a copy of the Inspector-General's order should be sent to the visitor concerned.*

53-B. *Duties of visitor.* - All visitors, official and non-official, at every visit shall a) inspect the barracks, cells, wards, workshop and other buildings of the jail generally and the cooked food; b) ascertain whether considerations of health, cleanliness, and security are attended to, whether proper management and discipline are maintained in every respect, and whether any prisoner is illegally detained, or is detained for an undue length of time, while awaiting trial; c) examine jail registers and records; d) bear, attend to all representations and petitions made, by or on behalf of prisoners; and e) direct, if is deemed advisable, that any such representations or petitions be forwarded to Government.

52. *Visit by non-official visitors.* - Every non-official visitor is expected to interest himself in, and visit the jail of which he is a visitor, once a month, and oftener if possible. Intimation of the intended visit need not be given...*

53-F. *Duties of lady visitors.* - Lady visitors, when appointed to a jail where female prisoners are confined, shall have the same powers and duties as the male visitors, except that their functions shall extend only to the female prisoners and female wards and that they shall have nothing to do with the male portion of the jail.

*excerpt of the rules

8.1 Standards

The opaque nature of prisons makes oversight an absolute necessity to keep track of any irregularities or incidents. Rule 83 of the *Nelson Mandela Rules, 2015*, states that “there shall be a two-fold system for regular inspections of prisons and penal services: (a) Internal or administrative inspections conducted by the central prison administration; (b) External inspections conducted by a body independent of the prison administration, which may include competent international or regional bodies”. It further states that the objective for the inspections shall be to ensure that prisons are managed in accordance with existing laws and that rights of prisoners are protected.

In the Indian context, internal mechanisms involve periodic prison inspections by prison officials, whereas external mechanisms for oversight include visits by Board of Visitors (BOV), Human Rights Commissions or other external bodies. Another oversight mechanism has been constituted in the form of ‘Under Trial Review Committees’ (UTRC). UTRCs have a specific mandate to periodically review cases of prisoners and act as a check on unnecessary and prolonged detention of prisoners. BOVs constitute both official and non-official visitors (NOVs) and are mandated to conduct visits to inspect prison conditions, interact with the prisoners and the prison staff, and review issues concerning prison administration such as building repairs, access to water, procurement of food, etc.

Chapter XXIX of the Model Prison Manual, 2016, provides detailed provisions on the functioning of BOVs for prisons, while Rule 16.16 mentions regarding the constitution of UTRCs.¹ The Haryana Prison Manual also contains detailed provisions on BOVs, including provisions for appointment, constitution, duties and functions of members of BOVs.²

8.2 Observations

The team ascertained different oversight mechanisms and their functioning. The analysis is based primarily on data received from prisons and interactions with prison officers.

8.3 Internal Mechanisms: Inspection by prison officers

The team was informed by prison officers that senior prison officials conduct regular inspections. According to the *Prison Statistics India, 2015*, prepared by the National Crimes Records Bureau, in 2015, there were 2,037 jail inspections³ by

¹ The reference to UTRC in the Model Prison Manual 2016, is subject to review and updation to factor in Supreme Court directives in ‘Re Inhuman Conditions in 1382 prisons’ W.P. Civil No. 406/2013.

² See Page 62.

³ This includes 926 visits by medical officers and 145 by executive officers.

Recommendations

The Haryana Prison Manual can be revised to include provisions on Under Trial Review Committees.

Board of visitors (BOVs) should be constituted for all prisons. NOVs should also be appointed and trained for each prison.

BOVs should conduct regular inspections in all prisons as per the mandate.

Templates for recording observations can be adopted in all prisons.

Reports by visitors must be collated and submitted at least once every two months to the state government/ head of prisons.

Recommendations

If jail Lok Adalats encourage prisoners to plead guilty in exchange for release from prison, care must be taken to duly counsel prisoners on the pros and cons of pleading guilty.

Prison officers must be trained and informed about BOVs and their functioning.

A UTRC should be constituted for Ambala.

For effective functioning of the UTRC, the practice of holding monthly meetings such as those held in Palwal should be adopted by all districts.

different visitors in Haryana (Table 8.1). This translates to an average of nine visits per month to every jail. Barring visits by medical officers and executive officers, the remaining were conducted by judicial officers or others, which would classify as inspections under other external mechanisms.

8.4 External Mechanisms

a) Board of Visitors: Among all the jails in Haryana, Jind was the only district to provide data on the appointment of non-official visitors (NOVs)⁴ (139 appointments) to visit the district jail, though other districts provided data on visits by NOVs, but not appointment. There were no training programmes organised for NOVs. On the other hand, official visitors were appointed in nine districts.⁵

The number of visits by the official visitors ranged from one visit in Kaithal district jail to 123 visits in Rohtak district jail, with a total of 571 visits being made by official visitors.

Meetings of the BOVs were reported to have happened only in two districts, Faridabad (12) and Kurukshetra (1). Data on the number of visits by NOVs was provided by Kaithal (1), Sirsa (4) and Jind (10). Although the first two did not mention about the number of NOVs currently appointed.

Four districts⁶ submitted that they had templates for recording observations. Reports were submitted to state government/ prison head/ superintendent of prisons by visitors in Faridabad (70), Karnal (21) and Sirsa (13), however; no action has been taken on the reports so far.

b) Judicial officers: The team observed that in most prisons, the district and sessions judge (who are also designated as official BOV) visited the jail monthly, and are accompanied by the DLSA secretary. Apart from this, the latter visits jails regularly to conduct monthly 'Jail Adalat'.⁷ The prison staff, in general, were unaware about the board of visitors or its provisions.

⁴ Data for the time period of January 2017-December 2017.

⁵ Gurugram, Faridabad, Kurukshetra, Kaithal, Karnal, Sirsa, Rohtak, Sonapat and Jind.

⁶ Kurukshetra, Kaithal, Sirsa and Rohtak.

⁷ Jail adalats are courts conducted within the premises for disposal of petty cases. If a prisoner so desires, he may plead guilty in return of an instant order of conviction and sentence. However, there are many negative aspects to 'jail adalats'. To read more, see CHRI's study 'Liberty at the Cost of Innocence, A Report on Jail Adalats in India, available at http://humanrightsinitiative.org/publications/prisons/liberty_at_the_cost_of_innocence.pdf.

- c) **Under-trial review committees:** Data received from the DLSAs of Haryana suggests that UTRCs⁸ have been constituted in all the districts. The committees meet quarterly in all the districts, except for Palwal, where the committee held 12 meetings in a year, i.e. one every month.

A total of **428 cases in eight districts**⁹ were recommended for release by UTRCs under different categories. Out of these, **127 were actually released**¹⁰. Apart from this, Ambala released two inmates who were detained under sections 107, 108, 109 and 151 of the Code of Criminal Procedure 1973 (CrPC)¹¹; Hisar released eight inmates under sections 436 CrPC; and from Sonipat 36 undertrials were released under compoundable offences and 67 convicts were released who have undergone their sentence or are entitled to be released because of remission granted to them.



Table 8.1

A	UTPs eligible u/S.436, CrPC
B	UTPs eligible under Compoundable Offences
C	UTPs who are granted bail but are unable to furnish surety
D	UTPs eligible u/S.167, CrPC
E	UTPs eligible under Petty offences with 2 years max. imprisonment
F	Inmates u/S.107, 108, 109 and 151, CrPC
G	UTPs who are sick/infirm and require specialised medical treatment (S.437 CrPC)
H	UTPs eligible u/S.437(6), CrPC
I	Convicts who have undergone their sentence or are entitled to release because of remission granted to them

⁸ The Hon'ble Supreme Court of India, in its order dated 25th April, 2015, in the 'Re-Inhuman Conditions in 1382 prisons' (W.P. Civil No. 406/2013) case, directed NALSA along with the MHA and the State Legal Service Authorities (SLSAs) to constitute UTRCs within one month in all the districts of the country. UTRC are headed by the District and Sessions Judge with the District Magistrate, Superintendent of Police, Secretary, DLSA and Officer-in-charge of prison as the members. The committee is supposed to meet quarterly and review cases of prisoners eligible under various categories for review of cases or recommendation for release.

⁹ Gurugram, Hisar, Rewari, Bhiwani, Sonipat, Karnal, Kurukshetra and Ambala.

¹⁰ Although, this data includes 11 undertrials charged with petty offences who were released from Yamunanagar, even though their release was not recommended by the UTRC but by the camp court.

¹¹ Though the data suggested that Ambala doesn't have a functional UTRC.

PART I

Recommendations

1. Prison Administration & Infrastructure



Upgrade the Haryana Jail Manual to comply with recent standards and norms on the lines of the Model Prison Manual 2016.



&



Fill staff vacancies on an urgent basis

Upgrade the building and infrastructure of Ambala Central Jail

2. Prison Regime



&



Include a chapter in the revised Haryana Jail Manual on prison regime to be followed in each prison in conformity with national and international standards.



Replicate the good practice of enquiring whether a prisoner has legal representation at the time of admission.

Ensure that as far as possible, unless on their own request, undertrial prisoners are not made to do any kind of work in the prison.

Provide clean bedding to prisoners during admission.

Organise awareness programmes on personal hygiene among inmates.

Appoint sweepers to maintain cleanliness in the prison compound.

Allocate space in women enclosures for library.

Provide counselling to prisoners on video conferencing processes and proceedings.

3. Medical Facilities & Health



&



Fill the medical staff vacancies at the earliest. Orient and train Medical Officers (MOs) to deal with prisoners with care and due diligence.

Review the 'Proforma for Health Screening of Prisoners on Admission to Jail' prepared by the National Human Rights Commission to include space to document instances of alleged torture by police.



Ensure that medical officers should diligently document all injuries on the inmate and its causes as narrated by the inmates.



&



Women doctors be appointed in all the 15 women's wards.

Women prisoners must have access to the jail hospital.

Sanctioned strength of medical officers and para-medical staff should be in proportion to the prisoner population.

4. Visitation Rights & Facilities



&



Develop alternates for the cashless system for families that do not possess a debit card.

Consider use of other identity proofs in addition to Aadhar card for visits by family members.



Encourage work of Community para legal volunteers work towards establishing contact between inmates and their family members.



Take steps to establish lost contact with family members for prisoners who do not have any visits or calls.

5. Access to Information



Provide a hard copy of the history ticket to every prisoner at time of admission.

Provide training to inmates on how to use the e-Kiosk.



&



Link information, such as lawyers' names and the next date of hearing to the e-kiosks. And these kiosks should be linked to the Jail Legal Aid Clinic (JLAC) data.



Consider linking of the front office database to the kiosks or to the Phoenix Software database so that information is shared and updated regularly.



Organise legal aid awareness camps regularly in prisons.

Conduct training for convict para legal volunteers in order to impart legal information to inmates, identify urgent cases and keep track of legal aid cases.

6. Access to Legal Aid in Prisons



&



Include provisions on legal aid for prisoners in the revised Haryana jail manual.



&



Establish legal aid clinics in the women's ward and appoint women convict paralegal volunteers to manage them.



Ensure that the jail visiting lawyers and community paralegal volunteers regularly visit the women's enclosures.

Display the name and visitation details of the jail visiting lawyers at the 'chakkar' or the central area in all prisons.

Make available reading material on legal aid for persons in custody and rights of prisoners in all prison libraries.



&



Prepare standardised formats for the documentation of legal aid cases.



Ask the paralegal volunteers and jail visiting lawyers to keep separate information on convicts requiring legal assistance to file appeals in their cases. They should facilitate sharing of information between High Court Legal Services Committee and Supreme Court Legal Services Committee.

Provide copy of the appointment letters, which should include name and details of the legal aid lawyers to the concerned inmates.

Urge panel lawyers to meet their clients during court hearings and visit them in prison to update them about the progress in their cases.



&



Ensure that convict paralegals are provided wages or an honorarium for their work of managing jail legal aid clinics.

7. Vocational Training & Prison Labour



Vocational training programmes should be initiated in all jails.

Initiate training programmes, with a special focus on post release rehabilitation of inmates in all the jails.

Notify provisions related to prison labour, including clear definitions for the terms unskilled, semi-skilled and skilled.

8. Prison Oversight



&



Revise the Haryana Prison Manual to also include provisions on the Under-Trial Review Committees.

Constitute Board of Visitors for each prison. Non-Official Visitors should also be appointed and trained for each prison.

Ensure that Board of Visitors conduct regular inspections in all prisons and submit reports.

Prepare standardised templates for recording observations by the BOVs during visits.



Prison department.



The state government and prison department.



The legal services authorities.



PART: II

Vulnerable Categories of Prisoners

WOMEN PRISONER & THEIR CHILDREN

STANDARDS

Haryana Prison Manual

260. Female Deputy Superintendent. Duties of matrons and female warders.

- (1) In every Jail in which accommodation is provided for female prisoners, or in which such prisoners are ordinarily detained or are liable to be detained, there shall be a Female Deputy Superintendent or matron, and may be one or more female warders who shall, subject to the control of the Superintendent and Deputy Superintendent respectively, have complete charge of all female prisoners at any time committed to, or detained in the Jail.

567. Separation required by Act IX of 1894. - The requisition of the Prisons Act with respect to the separation of prisoners are as follows:-

(1) in a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the male prisoners.

263. Entrance door of female ward, how to be regulated. - When the matron is present on duty the entrance door to the female ward shall be locked, by the head warder, on the outside, and the head warder shall retain possession of the key of the lock. The entrance door to the female ward shall also be locked by the matron, on the inside.

264. Female warder not to permit males to enter female ward. - No female Warder shall permit any male prisoner to have access to or enter any female cell or ward or any female Jail or portion of any Jail allotted to or reserved for the use of or for occupation by female prisoners unless accompanied by an authorised Jail Officer and in accordance with the rules, regulations, directions and orders for the time being in force in that behalf...*

266. Duties of female warder in regard to sick and children. - (1) It shall be the duty of every female warder to call the attention of the medical subordinate to any female prisoner who complains of being, or appears to be, ill to satisfy herself that every female prisoner who is sick receives the special diet (if any) at any time prescribed for her by the Medical Officer, and that all female prisoners at any time in any special or convalescent gang, are duly supplied with any special or extra diet ordered for them, or any of them, by the Medical Officer.

(2) The female warder shall satisfy herself that every child, whether a prisoner or not at any time in the Jail, receives the diet prescribed for it.

928. Extra diet for nursing mothers. - A nursing mother admitted to jail with her child shall receive, in addition to the ordinary diet sanctioned for a female prisoner, 2 chatacks of flour baked into bread and 1/4 chatack of dal daily.

929. Diet scales for children. - A child admitted to jail with its mother shall receive according to age, one or other of the following allowances of food daily:- (a) If under 12 months - 360 ml. of milk, 1/4 chatack of sugar and 1/4 chatack of salt. (b) If over 12 and under 18 months - 460 ml. of milk, 2 chatacks of rice, 1/2 chatack of dal and 1/8 chatack of salt. (c) If over 18 months - 230 ml. of milk, 4 chatack flour, 1/2 chatack of dal and 1/8 chatack of salt. Extras when necessary shall be given as the Medical Officer may direct.

124. Duties as regards vaccination, pregnancy and serious disease. - It is the duty of the Medical Subordinate - (a) under the supervision of the Medical Officer, to see that every unprotected healthy convict who has to undergo a sentence which will detain him for a period exceeding one month in the jail is vaccinated as soon as possible after conviction, and record the result in the history-ticket, or, in the case of a child, in the history-ticket of its mother; (b) if he has reason to believe that any female prisoner is pregnant, to report the circumstances to the Medical Officer;*

*excerpt of the rules

9.1 Standards

Women prisoners are categorised as a vulnerable group in prisons due to their gender. Women prisoners often lack awareness about their rights. Due to the separation and, in many cases, abandonment by their families, they tend to suffer more frequently from mental illnesses such as depression. It is thus imperative to ensure that women prisoners do not suffer discrimination and are not subjected to any form of violence or exploitation.

Recognizing these vulnerabilities of women prisoners, the *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)* were adopted by the UN General Assembly in December, 2010. These rules guide policy makers, legislators, sentencing authorities and prison staff in reducing the imprisonment of women and in meeting the specific needs of imprisoned women.

Chapter XXVI of the Model Prison Manual, 2016, further affirms these principles and provides detailed provisions for women prisoners. Women prisoners find rare mention in the Haryana Prison Manual, thus necessitating a review of the existing provisions.

9.2 Observations

The team studied and evaluated the conditions of detention and facilities for women prisoners, as well as their children, during the visits. It interacted with women prisoners to understand their problems and the barriers they faced in detention.

Table: 9.1 Prison population (females) (January-December 17)

Sr. No.	Name of Prison	Prison Capacity	Actual Population
		Female	Female
1	Ambala	34	69
2	Bhiwani	10	36
3	Faridabad	250	64
4	Gurugram	192	56
5	Hisar 1	Nil	Nil
6	Hisar 2	81	47
7	Jhajjar	147	29
8	Jind	32	32
9	Kaithal	35	13
10	Karnal	172	99
11	Kurukshetra	44	23
12	Narnaul	21	35
13	Palwal	Nil	Nil
14	Panipat	Nil	Nil
15	Rewari	Nil	Nil
16	Rohtak	144	50
17	Sirsa	8	44
18	Sonipat	50	40
19	Yamunanagar	120	41

9.3 Administration and infrastructure of women enclosures

Haryana does not have an exclusive prison for women. They are confined in separate enclosures in the already existing jail complexes. Of the 19, only 15 prisons have women enclosures in Haryana. Of these, four prisons are overcrowded, with Sirsa housing 44 inmates in spaces meant to house eight (Table 9.1). The women enclosures are located near the main entrance of each prison, at a little distance from the male enclosures. The entrance is guarded by male warders on the outside, and female warders from within.

Haryana's female prisoner proportion of 6% is slightly higher than the national average (4.3%). As of December, 2017, there were 659 women prisoners in Haryana prisons. Among these 57.81% are undertrials and the remaining 42.18% are convicts.

Women enclosures are mandated to be managed by women staff. Though data was requested on vacancies in prison staff, data was not requested separately on women officers or guarding staff (refer to Table 9.2). Nonetheless, four jails did provide data on female guarding staff. In these jails the sanctioned and filled female prison official posts are 28 and 29 respectively, while there are four vacancies. Interestingly, Hisar I and Sirsa have stated that they have more female staff than the sanctioned posts.

Table 9.2 Female Prison Officials (Guarding Staff)

Jail	Sanctioned Posts	Filled Posts	Vacancy
Ambala	13	12	1
Hisar I	3	7	4 extra
Sirsa	6	7	One extra
Rohtak	6	3	3

The overall conditions in the female wards were found to be satisfactory; they were clean and spacious with open spaces available for sitting in the courtyard during winters. Toilets and barracks were found to be clean.

9.4 Prison regime

Admission: While the admission procedures are same for all prisoners, frisking is the search method followed on women inmates. Frisking is done at admission, and also before and after every court production. In addition to this, frisking is also part of surprise search operations. Prisoners from Gurugram jail complained to the team about the humiliation they suffered during one such operation. They said that in November, 2017, they were strip searched by women constables in a humiliating and harsh manner, as part of a prison-wide search operation for the recovery of mobile phones and other contrabands. The search is said to have been conducted jointly by the prison and police authorities.¹ *“Bohat mahilayen iss bezzati ke baad roti rahin kaafi dairtak,”* [“Several women cry a lot after such humiliation,”] said an inmate.

¹ Read more <https://aajtak.intoday.in/crime/story/haryana-gurgaon-police-bhondsi-jail-mobile-phone-prisoners-1-966358.html>, last accessed 14 August 2018.

Recommendations

Guidelines should be framed to make frisking and body searches more humane to ensure dignity of women prisoners.

Undertrials and convicts should not be kept in the same wards, and a clear segregation policy must be adopted by the prison department.

Permanent female doctors must be appointed for each female ward in the prisons.

Awareness camps should be held in collaboration with DLSAs to inform women prisoners about their rights, court proceedings, the provisions of parole, remission, furlough and pre-mature release.

Segregation: Some jails had separate wards for convicted and undertrial women, while in others, they were confined together. Separate wards for new entrants to prison are not available in the female enclosures.

Amenities: Like other prisoners, women too are provided only with utensils and everything else is required to be bought from the canteen. While the canteen is situated in the male enclosure, women are permitted to access the canteen during the lock-up time for male prisoners. Some inmates also said that they request female warders to buy commodities for them.

Sanitary napkins are provided in most jails, but the team came across cases where women were not aware about the provision of getting free sanitary napkins or at times, like in Karnal jail, women had to buy sanitary pads from the canteen as they were not being provided them by prison authorities. Women also said that they were forced to use cloth or rags in places where they were not being provided with sanitary napkins.

9.5 Medical facilities and health

At present, there are no permanent lady doctors in any prison in Haryana. Though the team did come across instances of lady doctors visiting some of the prisons, it found no specialised doctors such as gynecologists, dentists, psychiatrists and dermatologists, visiting the prisons.

In Central Jail Hisar II, a mini-hospital has been established in the female ward with a few beds; however, even here, the doctor visits only twice in a week. There was, however, a female nurse available in the hospital on all days.

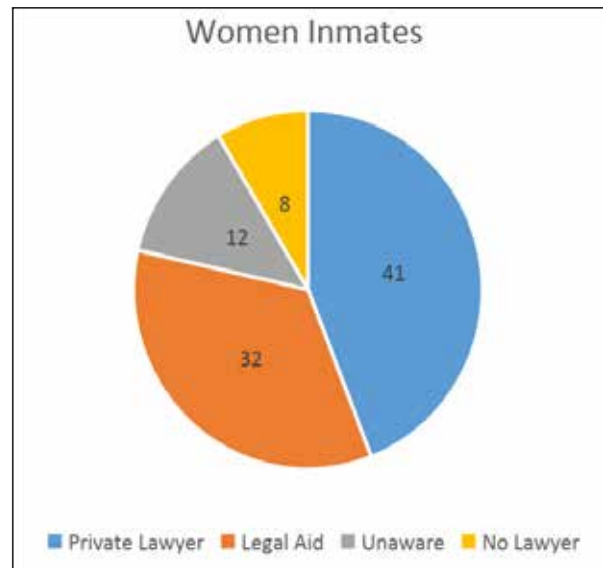
Gurugram had a female dentist for the general population. In jails like Sirsa, Kurukshetra and Bhiwani, a lady doctor visits weekly, while in Ambala and Yamunanagar, they had to be called from the city hospital as and when required.

Largely, the women have to depend on getting examined by male doctors, with whom they are not always comfortable, especially with regard to reproductive or menstrual health issues.

In Faridabad jail, our team spoke to a woman inmate who suffered from piles, but was hesitant in discussing it with the male doctor.

9.6 Access to legal aid in prisons

Out of the 93 female prisoners we interacted with, a third (32) of them had legal aid lawyers looking after their cases. However, there was general dissatisfaction with the quality of legal aid being provided to them. All of these 32 women stated that their relationship with their legal aid lawyer was dissatisfactory. During the course of our interaction, we also found eight women who claimed to be unrepresented by any lawyer and 12 women who were not aware about the status of their representation. The remaining 41 women were being represented by private lawyers.



Some women also alleged torture by investigative agencies and complained about the limited avenues available to get their issues addressed.² The most vulnerable were women from other states such as Bihar, Odisha, West Bengal, etc, who had earlier been involved in daily wage labour or domestic labour. Coming from lower socio-economic backgrounds, these women had little awareness of their cases and were often without any contact with their family.

None of the 15 female wards had a separate legal aid clinic. Women convict paralegals had been appointed in only a few jails and visits by jail visiting lawyers to the female section was also rare, with DLSAs appointing very few female jail visiting lawyers.

In Rohtak, the team found an efficient women paralegal who was helping other women prisoners with their applications, appeals, maintaining records of legal aid beneficiaries among other things.

9.7 Vocational training and prison labour

There is a dearth of programmes for vocational training and rehabilitation for women inmates. While the India Vision Foundation³ (IVF) is working in some prisons -- Gurugram, Faridabad, Bhiwani, Jhajjar and Rohtak -- there are no government or non-governmental organisations working in other prisons.

IVF has been providing skill-development trainings, engaging prisoners in activities and holding interactive sessions that give women prisoners' emotional

² For more details see Chapter 12 Torture Diaries.

³ India Vision Foundation (IVF) established in 1994 by Dr. Kiran Bedi aims at “empowering prison inmates and emphasises on the education of their children”. Focusing on areas of education for children of prisoners, skill development projects for inmates and training programmes, they are working in the jails of Delhi, Haryana and Uttar Pradesh. Further information on IVF’s work can be found on indiavisionfoundation.org.

Recommendations

Jail legal aid clinics should be established inside all female wards.

There is an urgent need to appoint women jail-visiting lawyers and convict paralegals to cater to the women’s legal aid issues.

and mental support. In Gurugram, IVF also assisted in the procurement of raw material so that items such as bags can be stitched by the women prisoners and sold outside. The money obtained is put in the prisoner welfare fund.

While women prisoners can enroll for the National Institute for Open Schooling (NIOS) and Indira Gandhi National Open University (IGNOU) courses, they do not have access to classrooms, as these areas are situated in the male prison complex. Similarly, libraries too are located in the male section of the prisons that women cannot access. We found a library in Hisar II, which was being run by a teacher deputed by the District & Sessions Judge. This teacher also taught and counseled prisoners and seemed to have a positive impact on them.

Good Practice

In Hisar Central Jail II, Ms. Sheila Chaudhari, a teacher, has been deputed by the District & Sessions Judge. She helps women in pursuing education through NIOS. 12 women have completed education under her guidance and some have also been enrolled in BA courses. Ms Chaudhari also maintains a small library for the women inmates.

9.8 Prison oversight

Women prisoners are able to convey their grievances to the district and sessions judges or DLSA representatives during their prison visits. The team witnessed a few of these visits in Gurugram and Hisar where the DLSA Secretary interacted with the women prisoners.

Recommendations

The presence of social workers or NGO volunteers can help women and is sorely needed.

Trained teachers can help the women inmates develop an interest in reading, pursuing formal education, and this can also lead to successful counselling.

9.9 Children of women prisoners

Standards: Many countries around the world permit children to stay with their incarcerated mothers till a certain specified age.⁴ This practice is acknowledged by many as being a child's right to be with their mother, yet, it raises concerns about the safety and well-being of the child. Rule 29 of the Nelson Mandela Rules, 2015, states that, "A decision to allow a child to stay with his or her parent in prison shall be based on the best interests of the child concerned". It further lays down key consideration points where children are allowed to remain in prison with a parent.

Chapter XXVI of the Model Prison Manual, which deals with women prisoners, also includes provisions for the care and protection of children of women prisoners. It also reiterates the guidelines set out by the Supreme Court of India in its landmark judgment in *R.D. Upadhyay vs. State of A.P. & Ors*⁵ where the court issued several guidelines to ensure the holistic development of pregnant prisoners and the children of women prisoners. They pointed out specific infrastructural requirements such as "minimum requirement is the existence of

⁴ <https://www.loc.gov/law/help/children-residing-with-parents-in-prison/foreign.php>.

⁵ *R.D. Upadhyay vs State Of A.P. & Ors*, AIR 2006 SC 1946.

a Balwadi for infant children, and a crèche for those under the age of two. The Balwadi should be manned by a trained Balwadi teacher and should have the facilities of a visiting psychiatrist and pediatrician”.

The Haryana Prison Manual permits women prisoners to keep their children who are aged less than six years⁶ confined with them. When the child attains the age of six, or upon the death of the female prisoner, the jail manual states that it is “the duty of the Superintendent to contact the District Magistrate of which the mother was a resident so that the child can be handed over to the relatives or be placed in an orphanage or being entrusted to some respectable person to be brought up at the expense of Government, if necessary, until it attains an age to earn a livelihood.”

The needs of such children are slightly different from the needs of a child staying in a more natural environment of a secure household. Thus, special attention is warranted to ensure their care and protection while in custody. Their overall well-being and development is the prerogative of the state that cannot be neglected.

Their life inside prison: According to data, there are 66 children staying with their mothers in 12 female wards in jails in Haryana. According to the Haryana Prison Manual, even male prisoners can keep their children below the age of four years⁷ with them in the prison. However, this provision does not seem to be in practice, since we did not come across a single such case in any of the 19 jails.

Upon attaining the age of six years, the children are either sent into the custody of their relatives or to a shelter home. However, this poses practical difficulties wherein the female prisoner often lose touch with the child, once she moves out of the prison.

Table: 9.3 Women Inmates and Their Children

S. No.	Name of the Prison	Total Number of Women Inmates		Number of Foreign National Women Inmates		Number of Children in Prison	
		UTP	Convict	UTP	Convict	Male	Female
1	Gurugram	37	19	1	0	2	2
2	Faridabad	38	26	-	-	3	1
3	Palwal	Nil	Nil	Nil	Nil	Nil	Nil
4	Rewari	Nil	Nil	Nil	Nil	Nil	Nil
5	Narnaul	22	13	-	-	2	1
6	Ambala	300	19	1	-	3	5
7	Yamunanagar	71	33	Nil	Nil	--	2
8	Kurukshetra	13	10	Nil	Nil	2	2
9	Kaithal	5	8	0	0	0	0
10	Karnal	58	41	0	0	4	4
11	Hisar 1	Nil	Nil	Nil	Nil	Nil	Nil

⁶ Haryana Jail Manual: 832. Children of female prisoners- (4) Any female prisoner may be allowed to retain her child with her until it is four or with the approval of the Superintendent even up to 6 years of age if she so desires.

⁷ Haryana Jail Manual: 832-A. Children of male prisoners. - (1) A child under the age of 4 years shall be admitted to jail with its father if its mother is dead and no friend or relative can be found to take charge of it.

S. No.	Name of the Prison	Total Number of Women Inmates		Number of Foreign National Women Inmates		Number of Children in Prison	
12	Hisar 2	247	25	Nil	Nil	9	9
13	Bhiwani	20	16	Nil	Nil	Nil	1
14	Sirsa	27	17	nil	nil	1	Nil
15	Rohtak	17	33	0	0	2	2
16	Sonipat	27	13	Nil	Nil	1	1
17	Panipat	nil	Nil	Nil	Nil	Nil	Nil
18	Jind	22	10	NIL	NIL	5	2
19	Jhajjar	19	10	--	--	--	--

Table: 9.4 Crèche Facilities

S. No.	Name of the Prison	Whether Balwadi/ crèche facilities available inside	If yes, who runs Balwadi/ crèche facilities?	Are children provided education?	If yes, who provides education?
1	Gurugram	Yes	IVF	YES	IVF
2	Faridabad	Yes	NGO	Yes	NGO
3	Palwal	No	NA	NA	NA
4	Rewari	No	N/A	N/A	N/A
5	Narnaul	Yes	BY FEMALE WARD	YES	BY WOMEN CONVICT TEACHER
6	Ambala	Yes	--	Yes	Government School Jail Land, Ambala City
7	Yamunanagar	Yes	Jail Administration	Yes	Educated female warder/inmates
8	Kurukshetra	Yes	Jail Administration	Yes	IGNOU Staff
9	Kaithal	Yes	<i>Bal Sevika</i> appointed by Child Development Department Kaithal	Yes	<i>Bal Sevika</i>
10	Karnal	Yes	Prison Administration with the help of Social Welfare Department	Yes	Play school in Prison and children are also enrolled in outside schools.
11	Hisar 1	Nil	Nil	Nil	Nil
12	Hisar 2	Yes	Female teacher has been deputed to run crèche through the office of the ADC Hisar	Yes	Female Teacher(J.B.T) is deputed to provide education through the office of D.E.O., Hisar
13	Bhiwani	Yes	--	Yes	Yes, government teacher
14	Sirsa	Creche	Jail Administration	No	No
15	Rohtak	Yes	Convict Teacher	Yes	Convict Teacher
16	Sonipat				
17	Panipat	Nil	Nil	Nil	nil
18	Jind	Yes	CHILD DEVELOPMENT OFFICE, JIND	CHILD AGE BELOW 3 YEARS	No
19	Jhajjar	Yes	Managed at own level	Present no children confined	NA

Moreover, for prisoners who have no kin on the outside, it is difficult for the mother to know the well-being of the child. Jaya,⁸ a convict in Ambala jail, has never met her son ever since her and her husband's imprisonment eight years ago.

⁸ Name changed.

All the 15 female enclosures in the jails of Haryana have *Balwadi*/crèche facility. Most of these crèches were found to have a children-friendly environment with toys, blackboards, charts, etc. Either an external person was deployed to run the crèche, teach children and women, or an educated inmate was given this job, as was the case in Sirsa, where an inmate was teaching children. Infants were given a special diet with milk, fruits, dal and rice that was often given as khichdi and biscuits.

The crèche in Yamunanagar was found to be non-functional, while in Rohtak, although the crèche facility was available but no teacher was deployed to teach the kids. A *Bal Devika*, or a teacher, were found to be visiting Hisar Central Jail II and Kaithal.

Some jails also had teachers appointed either from outside or from amongst the women convicts, who provided the children with basic education. Children in Ambala and Karnal jail were also enrolled in government schools located outside the main jail complex, but on the jail land.

CHAPTER 10

PRISONERS WITH MENTAL ILLNESS

STANDARDS

Mental Healthcare Act 2017

2. (1) (w) “prisoner with mental illness” means a person with mental illness who is an under-trial or convicted of an offence and detained in a jail or prison.

103. (6) The appropriate Government shall setup mental health establishment in the medical wing of at least one prison in each State and Union territory and prisoners with mental illness may ordinarily be referred to and cared for in the said mental health establishment.

31. (2) The appropriate Government shall, at the minimum, train all medical officers in public healthcare establishments and all medical officers in the prisons or jails to provide basic and emergency mental healthcare.

73. (1) The State Authority shall, by notification, constitute Boards to be called the Mental Health Review Boards, for the purposes of this Act. & 82. (1) (f) Subject to the provisions of this Act, the powers and functions of the Board shall, include all or any of the following matters, namely to visit and inspect prison or jails and seek clarifications from the medical officer in-charge of health services in such prison or jail. *

93. (3) The medical officer of a prison or jail shall send a quarterly report to the concerned Board certifying therein that there are no prisoners with mental illness in the prison or jail.

103. (4) The Board may visit the prison or jail and ask the medical officer as to why the prisoner with mental illness, if any, has been kept in the prison or jail and not transferred for treatment to a mental health establishment.

NHRC Guidelines on Mentally Ill Persons Detained in Prisons:

In order to prevent or to ensure early detection of mental illness, all prisoners should be provided psychiatric and psychological counselling. For this purpose, collaborations should be made with local psychiatric, medical institutions and non-governmental organisations.

Every central and district jail should have services of a qualified psychiatrist who would be assisted by a psychologist and a social worker trained in psychiatry.

In order to prevent or to ensure early detection of mental illness, all prisoners should be provided psychiatric and psychological counselling.

For this purpose, collaborations should be made with local psychiatric, medical institutions and non-governmental organisations.

NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015

The SLSAs will carry out inspection of all jails with the assistance of the State Mental Health Authority (SMHA) or any other team constituted by the High Court or under the directions of the High Court to ascertain whether there are any mentally ill and mentally disabled persons in the jails and if there are, to immediately seek appropriate directions from the High Court with regard to their shifting out and their treatment.

The SLSAs will in coordination with the SMHA constitute a team of psychiatrists/psychologists /counsellors to visit the jails and assess the state of mental health of the inmates in jail. In compliance of the orders of the Supreme Court of India, the Judicial Magistrates should also send quarterly reports to the High Court setting out the number of cases screened and sent to places of safe custody and the action taken by the Judicial Magistrates thereon.

**excerpt of the rules*

10.1 Standards

Inmates with mental illness are also categorised as highly vulnerable section of the prison population. Ideally, persons with mental illness or disabilities should not be confined in prisons; in practice, however, they continue to be. While there are some restrictions against the confinement of non-criminal persons with mental illness (persons against whom no accusations or charges exist), existing laws permit the detention of undertrials and convicts suffering from mental illness in prisons. Rule 5 of the Nelson Mandela Rules, 2015, states that, “Prison administrations shall make all reasonable accommodation and adjustments to ensure that prisoners with physical, mental or other disabilities have full and effective access to prison life on an equitable basis”.

The Model Prison Manual, 2016, under Rule 17.03 states that, “The mental health status of a prisoner should be studied before his classification at the time of admission in the prison. Prisoners certified as mentally ill should not be confined in prisons and instead appropriate measures should be taken for their transfer to special institutions”. The provisions of the Haryana Prison Manual, however, are very outdated and still permit the confinement of non-criminal persons with mental illness. Emphasising upon the ill effects of incarceration on such prisoners, the Supreme Court had observed in **Sheela Barse vs. Union of India**¹ that “*when a mentally ill person² is sent to jail, he is sent to an institution which is essentially geared towards security – the security of society from the dangerous... The mentally ill being inducted into this set up are managed as dangerous individuals and not as sick persons. This results in a deprivation of liberty in several ways which is more excessive than is required either for the protection of the mentally ill person or society.*”

10.2 Observations

The team focused on procuring information on the detention of prisoners with mental illness and to assess facilities for mental healthcare of prisoners.

10.3 Place of confinement

In most prisons where the team came across prisoners with mental illness, they were confined in a separate ward, usually situated in or near the hospital complex. However, in Kaithal and Rewari, there were no separate enclosures and they were confined with other prisoners. The barrack meant for prisoners with mental illness in

¹ Sheela Barse vs. State of Maharashtra on 18 September 1987, JT 1988 (3) 15.

² The Mental Healthcare Act 2017, in section 2(s), defines Mental Illness as “means a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognise reality or ability to meet the ordinary demands of life, mental conditions associated with the abuse of alcohol and drugs, but does not include mental retardation which is a condition of arrested or incomplete development of mind of a person, specially characterised by subnormality of intelligence.”

Recommendations

Haryana Prison Manual needs to be revised to make it conform with the Supreme Court orders and the change in laws on the confinement of persons with mental illness in prisons.

Mentally incapacitated prisoners need to be segregated from other inmates so both groups can live in environments suitable for them.

Imminent need for psychiatrists, psychologists and counselors.

Gurugram was observed to be barren in contrast to the otherwise green prison complex. The team was not permitted to inspect the cells in these barracks, so an in-depth assessment could not be made on living conditions for the mentally ill.

10.4 Particulars of prisoners with mental illness

We found that the data received from the prisons has some inconsistencies. According to the data, there are only 44 prisoners with mental illness in three jails – Gurugram (42), Rewari (1), and Kaithal (1). However, the team also found prisoners with mental illness in other jails such as Karnal and Hisar, and these had not been reported. We also found that despite not being mentioned anywhere in the data for prisoners with mental illness, the trials for two Yamunanagar inmates had been suspended since they were deemed “mentally unfit” (Table 10.1).

Among the listed 44 prisoners with mental illness, 21 are undertrials (20 males, 1 female) and the remaining 23 are convicts (22 males, 1 female). Those confined in Rewari and Kaithal (one each) were diagnosed with behavior disorder and schizophrenia respectively at the time of admission, while, surprisingly, for the remaining 42 in Gurugram, ‘drug addiction’ was stated as the mental disorder. Information on the period of detention of these inmates was provided only by Rewari and Kaithal. The inmate in Rewari has been under detention for less than three months, and the Kaithal inmate has been imprisoned for more than five years.

Prisoners provided psychiatric treatment: According to the data, 23,482 inmates had been provided psychiatric treatment between January and December, 2017. Of these, 22,267 were from Hisar II, and included 21,420 undertrial males, 204 undertrial women, 628 convicted males and 15 convicted females. The remaining 1,215 prisoners included 444 undertrials (413 males, 31 females) and 771 convicts (708 males and 63 females) and were confined in nine district and central jails.³

Table 10.1 Prisoners with Mental Illness (Jan-Dec’17)

Sr. No.	Name of Prison	Number of inmates given psychological counseling		Number of prisoners with mental illness		Number of psychologist visits	Number of inmates given psychiatric treatments		Number psychiatrist visits	Number of inmates transferred to psychiatric treatment hospitals	Number of undertrials whose trials are suspended because they are unfit to stand trial
		UTP	Convict	UTP	Convict		UTP	Convict			
1	Gurugram	21	21	21	21	Nil	21	21	Nil	2	Nil
2	Faridabad	--	--	--	--		--	--	--	--	--
3	Palwal	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
4	Rewari	Nil	Nil	Nil	1	Nil	Nil	1	Nil	Nil	Nil
5	Narnaul	Nil	Nil	Nil	Nil		Nil	Nil	Nil	Nil	Nil
6	Ambala	-	-	-	-	No	119	138	5	162	--
7	Yamunanagar	420	458	Nil	Nil		No	--	--	1	2
8	Kurukshetra	180	25	0	0	35	0	0	28	Nil	Nil

³ Gurugram, Ambala, Kaithal, Karnal, Hisar I, Rohtak, Sonipat, Hisar II and Rewari.

Sr. No.	Name of Prison	Number of inmates given psychological counseling		Number of prisoners with mental illness		Number of psychologist visits	Number of inmates given psychiatric treatments		Number psychiatrist visits	Number of inmates transferred to psychiatric treatment hospitals	Number of undertrials whose trials are suspended because they are unfit to stand trial
9	Kaithal	0	1	0	1	4	0	1	4	0	0
10	Karnal	20	14	0	0	10	20	14	10	34	0
11	Hisar 1	-	-	-	-		178	75	73	243	-
12	Hisar 2	Nil	Nil	Nil	Nil		21,624	643	3	328	Nil
13	Bhiwani	Nil	Nil	Nil	Nil		Nil	Nil	Nil	Nil	Nil
14	Sirsa	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
15	Rohtak	51	336	--	--	9	100	516	9	--	--
16	Sonipat	Nil	Nil	Nil	Nil		16	4	--	20	--
17	Panipat	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
18	Jind	--	--	--	--	--	--	--	--	--	--
19	Jhajjar	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

10.5 Mental healthcare facilities

There are no psychiatrists visiting the Gurugram and Sonapat prisons even though inmates in these prisons were reportedly being provided psychiatric treatment. Prison doctors told the team that there are hundreds of inmates suffering from issues such as depression, anxiety, drug withdrawal etc. confined across the state. Without any permanent positions for full-time psychologists or psychiatrists in the jail hospital, the medical officers are forced to deal with cases of mental illnesses with limited resources, such as the lack of specialised caregivers,⁴ counsellors and doctors who are better equipped and trained to deal with mental health or adequate availability of medicines for treating these disorders.

Therefore, the lack of proper mental healthcare was very much evident in all the prisons. This problem has also found mention in **Sheela Barse vs. Union of India**,⁵ where it is noted that the “treatment for mental illness is not provided only by psychiatrists. Such treatment has to be provided by a mental health team of clinical psychologists, psychiatric-nurses and social workers”. There seemed to be no specialised mental healthcare programmes in any prison either. Some inmates expressed their discontent at not being referred to PGIMS⁶ Rohtak, which is the only government hospital in the state that provides specialised treatment for the mentally ill. The team also learned that most prisoners with mental illness are not in contact with their families since these families seemed to have abandoned them. Broken social ties cause further deterioration in their mental health.

⁴ 2 (1) (c) “care-giver means a person who resides with a person with mental illness and is responsible for providing care to that person and includes a relative or any other person who performs this function, either free or with remuneration.” The Mental Healthcare Act 2017.

⁵ Sheela Barse Vs. Union of India, 1993(3)RCR(Criminal)305.

⁶ Pandit Bhagwat Dayal Sharma Post Graduate Institute of Medical Sciences.

Recommendations

Proper living conditions and access to good healthcare and legal aid should be provided to prisoners with mental illness.

Community and Convict PLV's should be trained to provide counseling to prisoners suffering from mental illness. Community PLV's can be assigned the task of establishing lost contact between inmates and their families.

CHAPTER 11

FOREIGN NATIONAL PRISONERS

STANDARDS

*Recommendations for the treatment of foreign prisoners**

- 1. The allocation of a foreign prisoner to a prison establishment should not be effected on the grounds of his nationality alone.*
- 2. Foreign prisoners should have the same access as national prisoners to education, work and vocational training.*
- 3. Foreign prisoners should be eligible for measures alternative to imprisonment, as well as for prison leave and other authorised exits from prison according to the same principle as nationals.*
- 4. Foreign prisoners should be informed promptly after reception into a prison, in a language which they understand and generally in writing, of the main features of the prison regime, including relevant rules and regulations.*
- 5. The religious precepts and customs of foreign prisoners should be respected, with reference, above all, to food and working hours.*
- 6. Foreign prisoners should be informed without delay of their right to request contacts with their consular authorities, as well as of any other relevant information regarding their status. If a foreign prisoner wishes to receive assistance from a diplomatic or consular authority, the latter should be contacted promptly.*
- 7. Foreign prisoners should be given proper assistance, in a language they can understand, when dealing with medical or programme staff and in such matters as complaints, special accommodations, special diets and religious representation and counselling.*
- 8. Contacts of foreign prisoners with families and community agencies should be facilitated, by providing all necessary opportunities for visits and correspondence, with the consent of the prisoner. Humanitarian international organizations, such as the International Committee of the Red Cross, should be given the opportunity to assist foreign prisoners.*
- 9. The conclusions of bilateral and multilateral agreements on supervision of and assistance to offenders given suspended sentences or granted parole could further contribute to the solution of the problem faced by foreign offenders.*

** Adopted at the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, Italy, 26 August to 6 September 1985, A/CONF. 121/10, 25 April 1985, Annex II.*

**excerpt of the rules*

11.1 Standards

Foreign national prisoners whose embassies in India are not able to offer strong protection often find themselves at the receiving end of the criminal justice system. Language barriers and inadequate understanding of legal system further adds to their vulnerability. Foreign prisoners are recognised as a ‘category with special needs’ in the *UN Handbook on Prisoners with Special Needs*,¹ which states that “despite the high proportion of foreigners in prisons worldwide, in the vast majority of countries, there are no policies or strategies in place to deal with foreign national prisoners”. The *European Union (EU)* has implemented some policies to address the special needs of foreign prisoners, and to place them at par with other prisoners.² Additionally, the model agreement on the transfer of foreign prisoners and recommendations, which was adopted in 1985 by the *Seventh United Nations Congress on the Prevention of Crime and Treatment of Offenders*, also puts forth recommendations for the treatment of foreign prisoners, which try to place foreign prisoners at par with the rest.³

The Nelson Mandela Rules, 2015, also do not contain any specific rules governing the detention of foreign nationals, and neither does the Model Prison Manual 2016. Both, however, do state that foreign nationals shall be permitted reasonable facilities to communicate with the diplomatic and consular representatives of their countries as well as their families. The Haryana jail manual does not mention any procedures or standards with regard to the foreign national prisoners, except for their dietary requirements.⁴

11.2 Observations

Foreign national prisoners (FNP) face very different issues from those faced by others. Lack of family contact, language barriers and the lack of knowledge about their cases often exposes them to certain vulnerabilities that call for special attention from prison authorities. The team interacted with foreign nationals confined in Haryana Jails to highlight key issues and problems.

11.3 Particulars of foreign nationals in prisons

There are 48 FNPs in Haryana jails. Of these, 32 are undertrials, 15 are convicts and one is a detainee who has completed his sentence. These prisoners were

¹ http://www.unodc.org/pdf/criminal_justice/Handbook_on_Prisoners_with_Special_Needs.pdf.

² The Council of Europe, Committee of Ministers, Recommendation No. R (84) 12 states “13. Foreign prisoners, who in practice do not enjoy all the facilities accorded to nationals and whose conditions of detention are generally more difficult, should be treated in such a manner as to counterbalance, so far as may be possible, these disadvantages.”

³ See section on standards.

⁴ Ibid.

Recommendations

The provisions of the Haryana Prison Manual must be revised to include provisions governing the confinement of foreign nationals.

Prison officers and staff should undergo specialised training on the management and welfare of foreign national prisoners.

Jail visiting lawyers should ensure that they regularly inform FNPs of their case updates in a language they understand.

Relevant embassies must also be informed immediately upon the admission of a foreign national in prison, so that consular access may be promptly provided.

Recommendations

FNPs should be permitted to use the PICS service and make ISD calls or use video conferencing to contact their family members.

**FNP cases for consular access can be communicated by the respective DLSAs to the District and Sessions Judge and then consular access can be sought through that channel.*

Special diet as per their needs should be also provided by the prison department.

predominately from African countries, Bangladesh and Nepal. However, this data is likely to be incomplete and incorrect, because as our team discovered in Karnal, a jail official said that they did not count Bangaldeshi nationals as foreigners because they are assumed to belong to West Bengal, and are therefore considered Indians. We found that even Nepalese prisoners were considered Indians in some prisons. Only 10 of the 19 prisons detain foreign nationals, and we interacted with foreign nationals in nine prisons during our visits.⁵ We conducted detailed interviews of 29 FNPs: nine each from Nigeria and Nepal, eight from Bangladesh, one each from Canada and Afghanistan, and one of unknown nationality.

11.4 Legal representation

11 FNPs were represented by legal aid lawyers, 13 by private lawyers, while 5 FNPs told us that they were unrepresented. Two Nigerian nationals said they were not content with the services provided by their lawyers.

11.5 Consular access and repatriation process

Consular access must be provided immediately upon arrest or upon imprisonment; however that remains a far reality for these prisoners. Of the 48 FNPs in Haryana, only six had been provided consular access.

We found that only in the Karnal District Jail, the Canadian Embassy had been in constant touch with the imprisoned Canadian national through the Prison Inmate Calling System (PICS), and conducted regular visits to ensure the inmate's communication with his family. Other prisons and embassies should use this as an example of the type of communication that ought to be established and maintained from the time of arrest until repatriation.

We also found that between January 1 and December 31, 2017, only one FNP was repatriated. We even came across a case in Karnal district jail where an inmate was still imprisoned and awaiting repatriation despite completing his sentence due to lack of nationality verification.

11.6 Contact with family

According to the jail data, out of the total 48 FNPs, only 20 had contact with their family in five jails,⁶ though the data did not indicate the mode of communication. Despite the existence of multiple telephone machines under PICS, FNPs are not permitted to make international calls to their relatives, in contravention of rules.

⁵ District Jails of Rewari, Palwal, Yamunanagar, Kaithal, Bhiwani, Rohtak, Panipat, Jhajjar and Central Jail I, Hisar do not have any FNPs.

⁶ District jails of Karnal, Sirsa, Jind and Central Jails of Ambala and Hisar 2.

Lack of access to family not only leaves FNPs lonely, it also means they have no means to procure funds to use jail canteens. While other inmates can buy essentials such as raw vegetables, coal, oil, ghee and spices, etc, from the canteen to prepare their own food, FNPs cannot not enjoy this facility due to lack of funds. There are also cases where the families of some FNPs cannot meet them despite living in India because they lack the Aadhaar cards that are a mandatory requirement for *mulaqats*.

11.7 Diet

During the interviews, FNPs shared their grievances over the diet they are provided in jails. The special diet mentioned in the Haryana jail manual for them was not being followed in any of the jails. We were informed that initially, Nigerian prisoners in Faridabad District Jail were given a special diet containing milk, eggs and bread, but that has since been revoked.

11.8 Language barriers

In addition to improper diets, FNPs also spoke about the language barriers they faced which added to their miseries in prison. In most cases, there was minimal communication between FNPs and other prisoners and even jail officials.

A talk with Joshua,⁷ a Nigerian national in a Haryana jail faced underscored these problems. Suffering from a form of skin allergy for the past four months, he was not satisfied with the treatment and medication being provided by the jail hospital. He also said that the diet given to him was inadequate as it did not contain rice, which was a staple for him. He also said that he found it extremely hard to communicate with the other inmates.

11.9 Discrimination

Some prisoners also complained of discrimination, and spoke of being subjected to racial slurs and abuses by other prisoners. Most Nigerian inmates told us that harassment and name-calling were par for the course in the prisons, with other prisoners labelling and making assumptions about them. Prisoners from African countries, for instance, are considered to be drug peddlers.

Recommendations

**Telephone or video conferencing can be used by the prison department for communication between the FNP and the respective consulate.*

**VC should also be used to establish contact with family members abroad.*

**Jail authorities should bring in interpreters to communicate with FNPs who do not know the local language. Hence assistance may be sort from the respective embassies in this regard.*

**FNPs can be allowed to make ISD calls from PICS machines once the numbers are verified by the concerned embassy as the local police cannot verify ISD numbers.*

Sensitivity and awareness programmes should be organised for prisoners, to reduce instances of racial profiling and other forms of discrimination.

⁷ Name changed.

PART II

RECOMMENDATIONS

9. Women prisoners & their children



&



Establish exclusive women prisons in the state, especially in district with higher number of women prison population.

Ensure that there is segregation between undertrials and convicts, they should not be kept in the same cells.

Frame proper guidelines for conducted body searches on inmates, especially women prisoners.



Special facilities should be provided through which women can be in touch with their children outside the prison. Special visitation rights, including inter-personal meetings, should also be permitted in such cases.

10. Prisoners with Mental Illness



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Ensure appointment of psychiatrists and clinical psychologists to ensure mental healthcare services are provided to all prisoners.



Ensure that special care and attention is provided to all prisoners with mental illness, with a special focus on ensuring effective legal representation, living conditions and access to proper treatment.



&



Community para legal volunteers (PLVs) should be assigned the task of establishing communication between inmates with such illnesses and their family members (for cases where the family has lost contact with the inmate). Convict PLVs can also be trained to provide counselling to such inmates.

11. Foreign National Prisoners



&



Revise the provisions of the Haryana Prison Manual to include regulations on the confinement of foreign nationals.



Conduct trainings for prison officers and staff on the management and welfare of foreign national prisoners.



Jail visiting lawyers should ensure that they regularly inform foreign national prisoners of their case updates in a language they understand.



&



Ensure that concerned embassies are informed immediately upon the admission of a foreign national in prison, so that consular access is promptly provided.

Frame policies to ensure that foreign national prisoners are permitted to use the telephone facilities to make international calls or use Vidyo Application/video conferencing to contact their family members.

Ensure that special diet as per their needs is given.



Hire interpreters to communicate with foreign national prisoners who do not know the local language.



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Should organise sensitivity and awareness programmes for prisoners, to reduce instances of racial profiling and other forms of discrimination.



Prison department.



The state government and prison department.



The legal services authorities.



PART: III

Voices from Within



CHAPTER 12

TORTURE DIARIES: TORTURE IN POLICE CUSTODY

STANDARDS

“Drunk policemen touched my private parts while I lied naked on the floor of the cell. Any form of resistance from my side was met with severe physical torture in the form of electric shocks, immersing my face in water and beating me with sticks.”

Haryana Prison Manual

123. Examination of newly admitted prisoners. - The Medical Subordinate shall examine all newly admitted prisoners carefully and, under the supervision of the Medical Officer, record in the admission register and history-tickets, all the particulars required...Note - When a prisoner with injuries on his body is admitted into a prison from Police custody, his medical examination shall be conducted in the manner prescribed. *

475. Prisoners to be examined on admission. (1) When a prisoner with injuries on his body is admitted into a prison from Police custody he shall be examined immediately by a responsible Medical Officer. If the examination reveals unexplained injuries not already recorded in the medico-legal report accompanying the prisoner a report shall at once be made to the District Magistrate and Superintendent of Police and arrangements shall also be made to have him examined immediately by the Civil Surgeon of the district... (3) In the case of female prisoners the search and examination shall be carried out by the matron under the general or special orders of the Medical Officer.*

*excerpt of the rules

12.1 Custodial Violence at the Police Station¹

“I can never forget those four dreadful days of my life when I was in police custody after my arrest earlier this year. Beating me continuously with a baton was not enough for them (police), they tied my private parts with a rope and hung at brick from it, tugging at my private parts.”

This is **Kumar’s**² story. He was reportedly tortured so severely by the CIA unit of the Haryana police crime branch that he sustained serious internal injuries in his scrotum that kept him from walking properly. He underwent two surgeries while in judicial custody. Kumar has alleged that the jail medical officer did not record his testimony during his first medical checkup after entry into the Hisar Central Jail I. He also alleged that despite telling the police that he was 17 years old at the time of his arrest, the police deliberately recorded his age incorrectly. After the CHRI team met him while he was undergoing treatment after the reported torture, his case was brought to the notice of the authorities and this resulted in his transfer to an observation home after his documents proving his age were verified.

Kumar’s ordeal is just one of the many that the team came across during their jail visits. Documenting cases of torture, especially torture in police custody, was not a part of the framework of the team’s study but in jail after jail, inmates shared stories of torture and we felt this deserved mention and appropriate action from authorities.

This chapter is, therefore, dedicated to individuals who have been subjected to degrading, inhuman and often severe forms of torture by the Haryana police. These narratives demonstrate how using torture is now an alarmingly common practice among investigative agencies in the state. Conversations around this issue with other stakeholders such as medical officers and prison officials also made it clear to us that torture has become an accepted norm.

12.2 Revelations

Out of 475 inmates that the CHRI team interacted with, 227 (47.78%) said that they had been subjected to degrading and inhuman treatment, including torture, during police remand. Inmate narratives and their testimonies of torture revealed to us details of the methods and techniques used by the police. These included verbal abuse and slapping, as well as more extreme methods such as giving electric shocks, water boarding, sleep deprivation, harm to sexual parts of the body. Regrettably, some of these methods (beating the soles of the feet with a baton, water boarding, hanging upside down, rolling baton on the thighs, giving electric shocks, etc) don’t leave visible marks on the body, which makes it difficult for victims to prove their allegations and register complaints.

Jasjeet, an undertrial at the Ambala central jail, told us that in the eight days he was in police custody, he was subjected to severe forms of physical abuse, which included being given electric shocks, repeatedly being beaten with a slipper on his head, and having water forced up his nostrils.

¹ Although this report is on the overall conditions of all the jails of Haryana, it is pertinent to mention about the treatment meted out to persons at their very first interaction with the criminal justice system, that is, after they are arrested.

² All names have been changed in this chapter to withhold the identity of the inmates.

Salman, an alleged juvenile in Panipat jail had a similar story. He too had water forced up his nose, and his soles were beaten with a baton. He claimed that the police was attempting to force him to confess to a crime he did not commit and when he refused, he was given electric shocks in his private parts. Salman was unaware of the offences he was accused of.

Baton beating appeared to be a routine practice in the area, according to the stories of several inmates. Often, the extent of this abuse was much higher. **Sumit** said, “Throughout the week that I was in police custody, I was hit repeatedly with a baton. To humiliate me further, the police immersed my face in water, and after stripping me naked, they hung me upside down”. More than the physical torture, it was the humiliation that still traumatizes him, he told us.

“Drunk policemen touched my private parts while I lay naked on the floor of the cell. If I resisted, I was punished with severe physical torture in the form of electric shocks, immersing my face in water and beating me with sticks,” said **Reema**. Kept in police custody for seven days without being produced before the magistrate, she was reportedly severely tortured by male police officials. 39-year-old **Zainab** too was kept in police custody for 15-16 hours. She was given rape threats and asked to remove her salwar in the presence of policemen. She is still traumatized.

Indu faced custodial torture for all three days she was in police custody. Apart from verbal abuse by male police officials, throughout the day, she was kept in the male section of the jail and was beaten up every couple of hours. She was only sent to the women lock-up at night.

“One policeman put his leg on my thigh and threatened to strip me and said that he would put chilies in my vagina. I was beaten continuously for three days and given electric shocks. Out of fear and because I was threatened, I did not disclose my ordeal in front of the magistrate or even the doctor during the medical examination,” said **Anchal**, whose account confirmed that in such cases, production in front of a magistrate is nothing but a mere procedure. She was not allowed to talk and the magistrate too did not make an efforts to ask about her condition in police custody.

CIA or the Crime Investigation Agency of the Haryana police appeared to be responsible for a bulk of the torture stories we heard. The CIA has been infamous³ for using to extracting or coerce information from arrested persons or also illegally detaining people. A CIA unit is present in each district of the state. A.R. Desai in his book ‘Violation of Democratic Rights in India’⁴ goes on to say that torture has been institutionalised in Haryana in the form of CIA and that CIA men excel in interrogation and not investigation.

Forced to stay in the custody of CIA 1, Panipat, for three days, **Chandan** too faced custodial torture. “I was made to sign certain documents forcefully without being informed about what I was signing. I was given electric shocks 4-5 times and was beaten up with lathis after being stripped”.

³ <https://timesofindia.indiatimes.com/city/chandigarh/install-cctv-cameras-in-all-cia-police-stations-of-punjab-haryana-hc/articleshow/61059660.cms>

⁴ ‘Violation of Democratic Rights in India’, 1986.

In another case, the CIA 2, Yamunanagar, extracted a coerced confession from **Alam** after keeping him in custody for four days. While in custody, he was forced to confess on video, however, this confession had been extracted after torturing him by immersing his face in water and hitting him on the soles of his with a baton. These narratives indicate a clear violation of multiple laws, including non-compliance of the checks within the criminal justice system vis-a-vis protection of persons in custody from any form of violence or inhuman treatment. Despite of the existence of several constitutional and statutory provisions, custodial torture continues to prevail in the country and Haryana is no exception.

We did not find a single prison that accepted complaints from inmates about police torture after their admission. During the first medical examination after entry, most inmates who complained of torture and related health issues were simply given painkillers. During our interactions, medical officers confessed that they did not document allegations of torture during police custody made by new entrants. This practice is highly problematic, as torture and custodial violence appears to have been internalised by these authorities. Lack of documentation of external injuries on prisoners leaves little or no scope for an enquiry on their allegations. The perpetrators of torture, especially bodies like the CIA, thus enjoy impunity.

12.3 Standards

In addition to the presence of international safeguards such as the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT)⁵, safeguards against torture exist in India under the Constitution, judgments of the Supreme Court and guidelines of the National Human Rights Commission. The UNCAT, signed yet not ratified by India, clearly defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a **public official or other person acting in an official capacity**. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.” However, India is yet to enact any domestic law exclusively for curbing custodial torture and holding the perpetrators responsible. As a result, acts of torture continue unabated and unchallenged.

The National Human Rights Commission (NHRC), a statutory body created under the Protection of Human Rights Act (1993), in its annual report (2015-2016) stressed on the fact that custodial violence continues to be rampant in the country. According to the report, custodial torture “represents the worst form of excesses by public servants entrusted with the duty of law enforcement”.⁶ NHRC’s investigating team between 2015 and 2016 reported and analysed 1,827 cases of custodial torture, allegations of threat to life, fake encounters, illegal detention, false implication and other complaints of human rights violations. The report recorded a total of 3,848 cases of custodial deaths, out of which 3,606 were cases of deaths in judicial custody and 242

⁵ <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx> Last accessed on 19th August 2018.

⁶ National Human Rights Commission, Annual report 2015-2016, pg.38. http://nhrc.nic.in/Documents/AR/NHRC_AR_EN_2015-2016.pdf. Last accessed on 3rd August 2018.

deaths that occurred in police custody. These numbers only include cases that were reported to the NHRC. Although, all deaths in custody may or may not be results of torture, however, NHRC reiterates that no assumption should be made without thorough enquiry by the appellate authority.

The 273rd report⁷ of the Law Commission of India strongly recommended the enactment of the Prevention of Torture Bill, 2017, for the implementation of the UNCAT. The report also highlighted that despite the existence of landmark judgments and interventions by the Supreme Court itself on multiple occasions, instances of torture come up across the country. This bill, once enacted, will make torture a separate crime, diminishing the scope for impunity enjoyed by police and other state agents.

Within India's domestic law too, there are multiple provisions that can act as a check against torture in custody. Unfortunately, these checks have failed to prevent torture, as is clear from the narrations of the prisoners we met.

Recommendations

**In the consultation it was acknowledged that majority of the accused are subjected to custodial violence in police custody. There is a need from the prison's side to put in checks by working towards the detection of custodial violence and adoption of subsequent remedial measures.*

⁷ 'Implementation of 'United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment' through Legislation', Law Commission of India report no. 273, Government of India, October 2017 <http://lawcommissionofindia.nic.in/reports/Report273.pdf>. Last accessed on 3rd August 2018.

CHAPTER **13**
**YOUNG OFFENDERS OR
JUVENILES?**



STANDARDS

“CIA threatened me not to disclose my age to anyone. I am 16 years old but they wrote my age as 19 years”

“I was not produced before a magistrate by the police.”

The Juvenile Justice (Care and Protection of Children) Act, 2015

8. (3) The functions and responsibilities of the Board shall include—(m) conducting regular inspection of jails meant for adults to check if any child is lodged in such jails and take immediate measures for transfer of such a child to the observation home; and

10. (1) As soon as a child alleged to be in conflict with law is apprehended by the police, such child shall be placed under the charge of the special juvenile police unit or the designated child welfare police officer, who shall produce the child before the Board without any loss of time but within a period of twenty-four hours of apprehending the child excluding the time necessary for the journey, from the place where such child was apprehended: Provided that in no case, a child alleged to be in conflict with law shall be placed in a police lockup or lodged in a jail.

“Meri umr 17 saal hai, police ne mujhe phone chori ke case mein pakda aur police station leja ke bobat maara. Mujhe jail mein ek maheene se zyada samay ho gaya hai lekin abhi tak meri parivaar walon ko nahi pata hai ke mujhe arrest karke yahan laaya gaya hai. Issi kaaran mere paas koi vakeel bhi nahi hai. HIV+ hone ke kaaran mai jail hospital mein he rehta hoon aur iss baat se anjaan hoon ke jail ke andar se bhi hume sarkaari vakeel niyukt kiya ja sakta hai.”

[I am 17. The police arrested me over a case of phone theft and beat me a lot after taking me to the police station. I have been in jail for over a month, but my family still doesn't know that I have been arrested and brought here. This is why I don't have a lawyer either. Since I am HIV+, I stay in the jail hospital, and did not know that we can get a lawyer from within the jail]

This is the story of **Ravi***, who told us he was 17 at the time of his arrest. He was only one of the 38 alleged juveniles that the team came across during their visits.¹

13.1 Standards

The existing legal framework prohibits the confinement of any person below the age of 18 years in a prison. Any person who has not attained the age of 18 years is defined as a child under the Juvenile Justice (Care and Protection of Children) Act, 2015. Further Sec 12(2) and 12 (3) of the Act permits the confinement of any child accused of an offence only in an observation home or place of safety. The Act further assigns the Juvenile Justice Board the responsibility to conduct regular inspection of jails meant for adults to check if any child is lodged in such jails and take immediate measures for transfer of such a child to observation homes.²

It is evident from the above-mentioned provisions that as per Indian law, any person below the age of 18 cannot be confined in jails meant for adults. Moreover, Rule 5.66 of the Model Prison Manual 2015 also provides that “if a prisoner looks younger than his age, the matter may shall be referred back to the court concerned after the due medical examination on the determination of his/her age for further directions, as no juvenile shall be kept in prison in any case and they are sent to the juvenile institution laid down in the Juvenile Justice Act”.

Despite these provisions, the Haryana Prison Manual contains a whole chapter on Juvenile Prisoners (Chapter 30) and permits the confinement of juveniles aged 15 years and above in prisons.³ This stands in complete violation of existing law and principles.

13.2 Revelations

During their visits, the team came across 38 alleged juveniles.⁴ These included two inmates who claimed to be juveniles at the time of committing the offence and 36 others, who said that they were still younger than 18. We found a wide range of problems that these inmates faced from the time of their arrest to their detention in prison.

a) Misrepresentation of age: According to the alleged juveniles, despite mentioning their age, they were ignored by the police officers who marked their age as 18 years or above. They were also not asked for any

¹ The actual number of alleged juveniles might be higher as the team did not interact with all prisoners.

² Sec 8 (m) Juvenile Justice (Care and Protection of Children) Act 2015.

³ Rule 838.

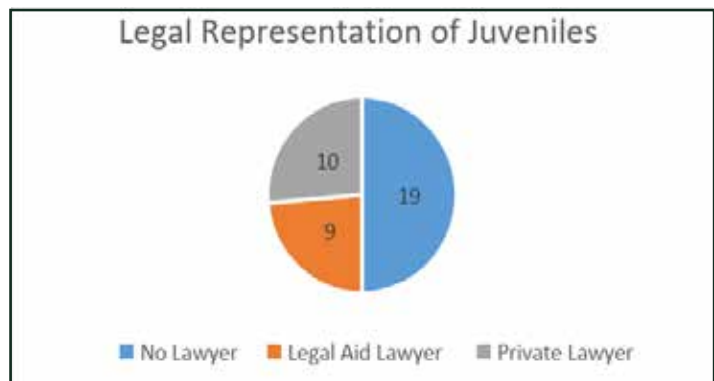
⁴ Highest number of Juveniles were interviewed from Karnal, in total 10.

documents that could help determine their age, such as school certificates, birth certificates, Aadhaar cards, etc, despite 15 of them informing the team that their families possessed these. The police officers also did not inform them of their rights.

b) Delay in production: 35 of the 38 persons alleging juvenility also said that they were presented before a magistrate between two to seven days after the arrest, during which they were kept in police custody.

c) Lack of action by prison officials: Despite several of these prisoners appearing to be juvenile, prison officials did not take any action to refer their cases to the concerned court.

d) Awareness and legal representation: Of the 38, six were completely unaware about their case details, while the rest vaguely knew either the section or the offence they had been charged under. Moreover, most did not even know what juvenility meant, or the procedure to be followed in cases where the accused is a juvenile.



19 such prisoners were unrepresented in the court while nine were represented by legal aid lawyers and the remaining had private counsel looking after their cases.

e) Contact with the outside world: Of the 38, 23 had no visits for *mulaqat*. In a few cases, the families were not aware of their confinement, while the families of some other inmates lived outside Haryana. There were also few cases where families were unable to visit for lack of required documents for *mulaqat*, and in some cases, the families did not want to meet them.

No *mulaqat* from family members also meant that these prisoners could not avail facilities such as Prison Inmate Calling System (PICS) and canteens, nor could they receive day-to-day essentials such as clothing or proper bedding, since these require money. Despite being under-trials, these prisoners had to do odd jobs such as washing clothes of other inmates, cleaning toilets, preparing *tadka* for food to be able to receive basic essentials like soap, oil, second-hand clothes, etc.

13.3 Visits by the Juvenile Justice Board

The team came across two members of the Juvenile Justice Board (JJB) in the Sirsa district jail, who were making a regular visit in compliance with an order⁵ passed by the Member Secretary, Department of Women and Child Development. These visits were primarily to be made to ensure that there are no juveniles in prison. The orders were issued to all JJBs across the state. The order had been issued in November, 2017, however, it was only during the CHRI team's visit to Sirsa district jail in May, 2018 that they came across JJB members making such visits.

⁵ Order no. 15835 - 76 dated 25/07/2017 and order no. 18873 - 94 dated 03/11/2017.

The JJB team said that during each visit, they met with all inmates claiming to be juvenile asked them for a proof of identity to determine their age. If the inmate produced the requisite document, then the case would be transferred to the Juvenile Justice Board. However, while this seems to be a good practice in compliance of Sec 8(m) of the Juvenile Justice (Care and Protection) Act, 2015, in reality, the chances of prisoners having their identity documents, such as birth or school certificates, voter cards or Aadhaar cards with them is very slim. The prisoners our team interacted also said that such documents were with their families, many of whom were unaware of their confinement.

13.4 Recommendations

Police department:

1. The police authority should follow the law at the time of arresting a person. In case of uncertainty of age of the arrested person, measures should be taken to determine whether the concerned person is a minor or an adult.
2. Guidelines for making arrests as mentioned in **D.K. Basu Vs. State of West Bengal**⁶, should be followed at all times. As per these, the family members of the arrested person should be informed about the arrest.
3. The apprehended child in conflict with law should be placed in the custody of special juvenile police unit⁷.
4. The said person should be produced before the Juvenile Justice Board within 24 hours. This needs to be followed even when there is a shred of doubt about the age of the person.
5. The investigating officers, while making the arrest, should mention the age of the person in the Arrest Memo. It would be the duty of the police officer to ascertain the claimed age by asking the apprehended person if they possess any age proof, etc.⁸
6. Arrangements should be made to procure age determination documents/ID proofs of the apprehended person.
7. Police officers should be given sensitisation trainings on issues pertaining to children in conflict with law and the legality around their arrest as per the Juvenile justice (Care and Protection) Act, 2015.

Prison department:

1. The officer-in-charge during the apprehended person's entry in the prison and the chief medical officer during the first medical checkup should ensure that no juveniles are admitted into the prison.
2. If the officer-in-charge suspects that the person being admitted is a juvenile, they must immediately segregate the person from adult offenders.
3. Separate barracks should be allotted to young offenders in all jails. Following the jail manual, inmates below the age of 21 years should be kept separately and their association with older inmates should be restricted.

⁶ D.K. Basu v State of W.B (1997) 1 SCC 416.

⁷ Section 55 of the Juvenile Justice (Care and Justice Protection) Act 2015 defines "special juvenile police unit" as a unit of the police force of a district or city or, as the case may be, any other police unit like railway police, dealing with children and designated as such for handling children under section 107.

⁸ 'Court on its own motion Vs. Department of Women and Child Development & Ors.', Delhi High Court, Order dated 11/5/2012 [W.P. (C) 8889/2011].

4. Focus must be on introducing reformatory and rehabilitative schemes and programmes for young offenders, taking into account their social and psychological needs.
5. Steps should be taken to establish contact with family members of juveniles and young offenders, informing them about their ward's judicial remand.
6. Inmates, whether undertrials or convicts, should be prevented from working on menial tasks or for other prisoners inside the prison.

District Legal Service Authorities:

1. The DLSA secretary should make regular visits, twice a month, as per the Haryana SLSA instruction, to the prisons in their jurisdictions.
2. During these visits, efforts should be made to identify persons aged less than 18. If the DLSA Secretary comes across such a case, this information should be shared with the Child Welfare Committee.
3. The DLSA Secretary should also ask the members of the jail legal aid clinics to immediately inform them if they come across a juvenile in prison.
4. Schemes should be devised to ensure the presence of para-legal or panel lawyer at police stations to ensure compliance with the procedures laid down in case of the apprehension or arrest of person below the age of 18.
5. Remand lawyers/legal aid counsels in magistrate courts should be directed to be vigilant during the production hearing of cases where the accused appears or claims to be a juvenile and to bring this fact to the attention of the concerned court.
6. The officer in charge of prisons should be asked to identify such instances and immediately inform the DLSA representative.

Juvenile Justice Board/Child Welfare Committee:

1. The JJB and CWC should make regular visits to the jail to identify juveniles. JJB members should visit the young offenders ward and identify persons that either claim to be juveniles or visibly look less than 18 years of age.

***Judiciary:**

1. It is also the duty of magistrates to check cases of alleged juveniles being tried in regular courts and confined in prisons at the time of production and subsequent remand. They must take appropriate and prompt action whenever such cases are brought to their notice.

CHAPTER **14**
**GRIEVANCES OF THE
GUARDIAN**



STANDARDS

*“...everyone talks about prisoners’
rights, what about ours?”*

**All India Committee on Prison
Reforms 1980 - 83**

CHAPTER XXIV: DEVELOPMENT OF
PRISON PERSONNEL

602. (a) There should be an in-built mechanism in the prison department for continuous and systematic study of the manpower needs. 608. An all India service to be called the Indian Prisons and Director of

609. Prison personnel should be paid salaries and allowances at par with those of equivalent ranks in the police department.

611. Three-shift system of duties should be introduced in prisons.

612. Every member of the staff should be allowed a day off once a week.

613. Adequate leave reserve staff should be provided.

619. All good work done by prison personnel should be given proper publicity.

623. Proper forum should be provided at the institutional and State levels for prison personnel to ventilate grievances.

Recommendations

**It was informed by the Prison Department that the restructuring process of the prison staff is underway.*

The prison department must strive to have “adequate training reserve and leave reserve should be provided in each cadre of the service” as recommended by the All India Jail Reforms Committee, (commonly known as the Mulla Committee).

The prison department must inform all ranks of staff about these medals and awards. It must send nominations for all categories of awards every year and must encourage staff to strive for excellence.

“... Everyone talks about prisoners’ rights, what about ours?”

A discussion on prison conditions and prison reforms is incomplete without the inclusion of voices from those who are tasked with managing the prison institutions. The absence of focus on problems faced by prison administration by the judiciary or civil society is conspicuous. Prison officials in charge of the overall functioning of the jails often find themselves overburdened and under constant strain to work with insufficient resources. A single untoward incident in their prisons can result in their getting suspended or transferred, sometimes without even an enquiry. For those who have inculcated good administration practices in their prisons, there is often no acknowledgment; therefore, incentives for good performance are hard to find. Unfortunately, while incidents of prison officers meting ill treatment to prisoners often gets highlighted in media reports, incidents of extortion by prisoners (as is the case with high profile inmates) is rarely spoken about. We cannot proceed to reform prisons without acknowledging the existence of officers who believe in reformatory and rehabilitative aspects of prisons.

Our interactions with prison officials brought to the fore the various issues faced by them that hamper effective and humane management of prisons.

14.1 Shortage of staff

As discussed at the beginning of the report, shortage of staff causes undue stress and increased workload on existing officers. There is also an acute shortage of technical staff, we were told. Though most jails have at least one member of the technical staff, jails in Rewari, Palwal, Jind, Panipat, Sonapat and Gurugram do not. This lack delays the resolution of technical problems in the prison management software, Phoenix, Prison Inmate Calling System, e-history kiosks and canteens.

Hisar Central jail I is the only prison to have an appointed a teacher under the sanctioned educational unit post. No other jail has made this appointment, clearly indicating the lack of focus in this field. Some prison officers also discussed with us problems caused by the shortage of psychologists, psychiatrists, and counsellors, etc., which often meant they had to take on the role of counsellors or confidantes for certain prisoners. In Faridabad, the women posts are vacant. An officer there said, “Three women warders are needed for *mulaqat* alone and if the sanctioned posts are not filled, it creates a problem”.

Prison officials suggested that the number of sanctioned staff should be revised and increased accordingly in all jails and that this should be based on the prison population and area of the jail.

14.2 Promotions and postings

This issue was brought up by almost all the jail officials that the team interacted with. According to them, promotions are a rarity and very slow to come by, especially for the guarding staff. There was an instance where an official was promoted only once in his 32 years of service.

Prison officers, as per the rules in Haryana, cannot be posted in their home district. Given the job requirements, this meant that they almost never get a chance to meet their families.

An official in the Sirsa district prison suggested that a set distance range could be set up and job postings could be given within the range of three districts from the home district.

14.3 Erratic working hours and leaves

Almost all the jail warders spoke about the problem of erratic working hours. Their eight-hour duty – which comprises four-hour morning and four-hour night duty periods -- seemed erratic because in addition to these eight hours, they are also called upon anytime during medical or security emergencies. They told the team that high staff vacancies also added to their woes, as they were made to compensate for the vacant posts. In addition, a large part of their duty is spent standing which can be both physically and mentally stressful, if proper resting periods are not provided in between.

The guarding staff suggested that there should be continuous eight-hour duty shifts instead of the current system. They also felt that they were not being paid fairly for the intense work they did and suggested that they be compensated with overtime allowance for any extra hours that they had to put in.

The Superintendent of District Jhajjar Jail said, “The *nigraan* duty is more than 10 hours long. Along with being responsible for managing the barracks, they are also responsible for lock-ins and lock-outs”. Long and erratic shifts can indeed be grueling and uncomfortable.

Officials also discussed issues related to leaves with our team. In Rohtak, an official said that while warders and head warders are given a one-day rest after every seven-day period, assistant superintendents and sub-assistant superintendents get a day off after 10 days of work. However, the provisions that regulate this -- or reasons thereof -- could not be ascertained. Moreover, since warders are generally posted in areas far from their home districts, the single day relaxation period is almost always inadequate to allow them to visit their families. The irony

Recommendations

The prison department must implement the recommendations of the Mulla Committee – The Inspector General of Prisons and Director of Correctional Services should prepare a panel of officers for attending conferences and special training courses in the country and abroad. Study teams of senior officers should be deputed to visit correctional institutions in various states in the country as also those in other countries.

**Guidelines should be issued at the head office level to permit every member of the staff to take a day off once a week.*

Every staff member should be allowed a day off in a week as recommended by the Mulla Committee.

Recommendations

Prison staff should be trained in the use of devices for dispersing mobs so they can minimise the use of force as recommended by the Mulla Committee. All ranks of prison staff must also be trained in unarmed combat training techniques.

**Training of prison staff should also include field trips to other states. As is also suggested in BPRD training manual on prison officers.*

The performance of technical, executive and supervisory personnel functioning the fields of work programmes and vocational training at every level should be evaluated on the basis of the performance of individual staff member, as recommended by the Mulla Committee.

here is that while prisoners are permitted visits with their family members each week, prison staff are denied that.

14.4 Lack of arms, ammunition for security purposes

In 2017, the Report of the Comptroller and Auditor General of India¹ noted that there was a shortage of arms and ammunition in the jails of Haryana, which could adversely impact the security of jails. This was also reiterated in the team's conversations with prison officials who cited security concerns as one of the biggest problems in prison management. Security issues were particularly severe in prisons in Sonipat, Jhajjar, Rohtak and Gurugram that confine rival gangs. The presence of notorious gangs in jails have, in the past, also led to attacks on the jail staff. Calls made by gang members through the Prison Inmate Calling System have, in the past, been intercepted by the police in some cases, due to which such attacks could be being prevented.

Some prison officials suggested that arms be provided to them, especially in jails where security risks are higher to deal with such emergency situations.

14.5 Outlook towards inmates

During their visits, our team realised that prison officers' outlook towards prisoners was different in each prison. Some held security to be most crucial, while yet others held inmate well-being to be of the utmost importance and emphasised on the need to deal with prisoners in a tactful manner -- especially young prisoners. They spoke about the multiple roles they took on, including being counsellors or support systems for some prisoners.

The Superintendent of the Palwal District Jail shared with us a personal experience that he said influenced his outlook towards prisons and prisoners. "When I was in college, some of my friends were detained since they were active in student politics at that time. I used to go and meet them when they were confined in prison. It was during these meetings and later, when they shared their experiences that I understood how difficult life inside prisons could be, not just for inmates but also for their family members". He said that he considered the jail to be like his family and that this was how he treated the inmates too. Good governance by superintendents was also corroborated by inmates when the team spoke to them.

¹ 'Social, General and Economic Sectors (Non-Public Sector Undertakings) for the year ended 31 March 2017: Government of Haryana', Report of the Comptroller and Auditor General of India, pg. 35.

14.6 Comparison with police cadres

Many jail officials made comparisons between facilities for police officials with the ones available to them. An official in Rohtak prison said, “An inspector-level official in the police gets 12 months + 1 month pay but this does not happen in prison services. Similarly, in prison services, ration allowance is given only till the level of the head warder, but the ranks above that don’t get this allowance, unlike the police services where this facility is provided till inspector rank. Even then, there is a difference in the allowance rate and it varies between the two services. It is Rs 150 per month for prison officials, but it is Rs 850 a month for police officials”. He wished for rules to be made consistent in both services and also for educational allowance to be provided similar to other government departments.

14.7 Involvement in decisions

Some prison staff also felt that their opinions were not considered while developing jail infrastructure. Since those designing architectural plans often have no firsthand experience of jails functioning, not involving jail officials often leads to issues popping up later; for instance, Panipat Jail ended up with low walls and no seating arrangements for the guarding staff.

Recommendations

**The correctional staff should be paid salaries and allowances at par with those on equivalent ranks in the Police Department, this has been noted in the reports of the following committees as well:*

- a) The All India Committee on Jail Reforms headed by Justice A.N. Mulla*
- b) Committee of State of Haryana constituted by the then Hon’ble Chief Justice T.S. Thakur and Hon’ble Justice Jasbir Singh, Punjab and Haryana High Court while disposing CWP No. 8924 of 2007*
- c) The committee of Model Prison Manual 2016 including the members of NALSA, NHRC and civil society groups constituted by Hon’ble Supreme Court of India in the matter ‘Suo Moto petition (Civil) No.406 of 2013 titled Re: Inhuman Conditions in 1382 prisons’ in India.*



PART: IV

Jail Wise Information Sheets

AMBALA CENTRAL PRISON

PRISON STAFF	Executive Staff			Guarding Staff			Medical Personnel		
	S	A	V	S	A	V	S	A	V
	13	11	2	208	208	0	9	2	7
	Educational Personnel			Technical Personnel			Agricultural Personnel		
	S	A	V	S	A	V	S	A	V
	0	0	0	4	1	3	0	0	0
PRISON OCCUPANCY	Undertrials			Convicts			Civil		
	M	F	T	M	F	T	M		
	777	50	827	393	19	412	0		
	62.71	4.04	66.75	31.72	1.53	33.25			
PERIOD OF DETENTION	0-3 Months		3-6 Months		6 Months-1 Year		1-3 Year		
	UT	C	UT	C	UT	C	UT		
	209	61	196	26	326	40	88		
	25.27	14.81	23.70	6.31	39.42	9.71	10.64		
DEATHS IN PRISONS	Natural Deaths	Suicide	Suicide Execution	Deaths Due to assault by outside elements	Murder by inmates	Death due to firing	Deaths Due to Negligence/Excess by Jail Personnel		
	2	2	Nil	1	Nil	Nil	Nil		
BUDGET (In RS.)	Allocated 2013-2014	Spent 2013-2014	Unspent 2013-2014	Allocated 2014-2015	Spent 2014-2015	Unspent 2014-2015	Allocated 2015-2016		
	108989170	108649756	339414	125912247	125820955	91292	150633836		
MENTALLY ILL	Number of prisoners with mental illness				Number of inmates given psychiatric treatment				
	UT		C		UT		C		
	M	F	M	F	M	F	M		
	-	-	-	-	98	11	131		
VULNERABLE CATEGORIES	Women		Children of prisoners		Foreign National Prisoners				
	UT	C	M	F	UT		C		
	300	19	3	5	9		4		

Sanctioned S

Actual Strength A

Vacant V

Total T

Male M

						COMMENTS	
Welfare Units			TOTAL				
S	A	V	S	A	V	The given data shows that there is no staff vacancy in the guarding staff unit, however, that is not the case. Against a sanctioned post of 208 male and female warders and head warders, 169 positions are filled. The prison has additionally employed 39 warders who are ex-servicemen, on contractual basis to fill up the vacant posts. Apart from this, the executive unit is short of two people officers and the one sanctioned welfare post is vacant.	
1	0	1	296	258	38		
Ministerial Personnel							
S	A	V					
61	36	25					
			Total Prisoners				
			1239			The total population in Ambala central prison is 1239 and out of these 66.7% are undertrials prisoners.	
		3-5 Years		5 Years and Beyond		TOTAL	
C	UT	C	UT	C	UT	C	Majority of the undertrials in Ambala central jail, 39.42%, have been in jail for more than six months but less than a year, while majority of the convicts, 37.62%, have been in jail for five years and more, it is important to note that five undertrials have also been in jail for this period.
120	5	50	5	155	827	412	
29.13	0.60	12.14	0.60	37.62			
Others					TOTAL		A total of five inmates died in the prison; out of which two deaths occurred due to natural causes, two were suicides. Reason for the remaining one death was attributed to assault by outside elements by Ambala jail.
Nil					5		
Spent 2015-2016			Unspent 2015-2016			The unspent budget rate stand at 0.31%, 0.07% and 1.28% for 2013-14, 2014-15 and 2015-16 respectively.	
148712124			1921712				
	Number of Inmates transferred to psychiatric treatment hospital		Number of Undertrials whose trials are suspended because they are unfit to stand trial		Number of Visits by psychiatrist		Out of the 247 inmates given psychiatric treatment, 162 were transferred to a psychiatric hospital. A psychiatrist visited the jail five times in the one year time period for which the data was sought.
F							
7	162		-		5		
D			SC			Ambala central jail has the highest number of women inmates, a total of 319 along with eight children of inmates. There are 13 FNPs housed in the jail, out of which nine are undertrials and four are convicts.	
Nil			Nil				

Female F	Undertrial UT	Convict C	Detenue D	Sentence Completed SC
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BHIWANI DISTRICT PRISON

PRISON STAFF	Executive Staff			Guarding Staff			Medical Personnel		
	S	A	V	S	A	V	S	A	V
	8	6	2	164	135	29	3	3	0
	Educational Personnel			Technical Personnel			Agricultural Personnel		
	S	A	V	S	A	V	S	A	V
	1	0	1	1	1	0	0	0	0
PRISON OCCUPANCY	Undertrials			Convicts			Civil		
	M	F	T	M	F	T	M		
	571	30	601	271	16	287	12		
	63.44	3.33	66.78	30.11	1.78	31.89	1.33		
PERIOD OF DETENTION	0-3 Months		3-6 Months		6 Months-1 Year		1-3 Year		
	UT	C	UT	C	UT	C	UT		
	219	71	158	49	124	53	88		
	49.23	23.74	17.55	16.39	13.77	17.72	9.77		
DEATHS IN PRISONS	Natural Deaths	Suicide	Suicide Execution	Deaths Due to assault by outside elements	Murder by inmates	Death due to firing	Deaths Due to Negligence/Excess by Jail Personnel		
	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
BUDGET (In RS.)	Allocated 2013-2014	Spent 2013-2014	Unspent 2013-2014	Allocated 2014-2015	Spent 2014-2015	Unspent 2014-2015	Allocated 2015-2016		
	58803228	58808228	-5000	86629523	86329523	300000	91817546		
MENTALLY ILL	Number of prisoners with mental illness				Number of inmates given psychiatric treatment				
	UT		C		UT		C		
	M	F	M	F	M	F	M		
	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
VULNERABLE CATEGORIES	Women		Children of prisoners		Foreign National Prisoners				
	UT	C	M	F	UT		C		
	20	16	0	1	Nil		Nil		

Sanctioned S

Actual Strength A

Vacant V

Total T

Male M

COMMENTS

Welfare Units						TOTAL		Overall staff vacancy in Bhiwani district prison is 18.5%. The executive department is short of two people. Three medical officers that have been appointed include two on contractual basis and one on deputation. There is no sanctioned post in the welfare and agriculture unit hence, no official is even appointed in these unit. There is a sanctioned post of a teacher but that is lying vacant.
S	A	V	S	A	V			
0	0	0	179	146	33			
Ministerial Personnel								
S	A	V						
1	1	0						
Total Prisoners								
						900		Undertrial prisoners constitute 66.7% of the prison population while convicts are 31.89%.
3-5 Years			5 Years and Beyond		TOTAL		49.23% undertrial inmates have been in prison for less than six months, while majority of the convicted population, 26.42% have been in prison for 1-3 years.	
C	UT	C	UT	C	UT	C		
79	2	26	Nil	21	591	299		
26.42	0.22	8.69	0.00	7.02				
Others					TOTAL		No deaths occurred in Bhiwani jail during the one year time period.	
Nil					Nil			
Spent 2015-2016			Unspent 2015-2016					In the year 2013-2014, Bhiwani district jail exceeded the expenditure by Rs.5000 but in 2014-2015 the allocated budget was unspent by 0.35%. A perfect balance was met in 2015-2016.
91817546			0					
F	Number of Inmates transferred to psychiatric treatment hospital	Number of Undertrials whose trials are suspended because they are unfit to stand trial	Number of Visits by psychiatrist					Bhiwani district jail did not provide information or data in this regard.
Nil	Nil	Nil	Nil					
D		SC						Bhiwani district jail houses 36 women inmates and one child of a woman inmate. No FNPs are there in this jail.
Nil		Nil						

Female F	Undertrial UT	Convict C	Detenue D	Sentence Completed SC
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FARIDABAD DISTRICT PRISON

PRISON STAFF	Executive Staff			Guarding Staff			Medical Personnel		
	S	A	V	S	A	V	S	A	V
	21	14	7	296	180	116	7	6	1
	Educational Personnel			Technical Personnel			Agricultural Personnel		
	S	A	V	S	A	V	S	A	V
	0	0	0	6	1	5	0	0	0
PRISON OCCUPANCY	Undertrials			Convicts			Civil		
	M	F	T	M	F	T	M		
	1193	38	1231	960	26	986	4		
	53.71	1.71	55.43	43.22	1.17	44.39	0.18		
PERIOD OF DETENTION	0-3 Months		3-6 Months		6 Months-1 Year		1-3 Year		
	UT	C	UT	C	UT	C	UT		
	523	113	286	106	213	141	206		
	42.49	11.41	23.23	10.71	17.30	14.24	16.73		
DEATHS IN PRISONS	Natural Deaths	Suicide	Suicide Execution	Deaths Due to assault by outside elements	Murder by inmates	Death due to firing	Deaths Due to Negligence/Excess by Jail Personnel		
	6	2	Nil	Nil	Nil	Nil	Nil		
BUDGET (In RS.)	Allocated 2013-2014	Spent 2013-2014	Unspent 2013-2014	Allocated 2014-2015	Spent 2014-2015	Unspent 2014-2015	Allocated 2015-2016		
	12 25 04 613	11 98 78 527	2626086	142007022	141990821	16201	160094029		
MENTALLY ILL	Number of prisoners with mental illness				Number of inmates given psychiatric treatment				
	UT		C		UT		C		
	M	F	M	F	M	F	M		
	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
VULNERABLE CATEGORIES	Women		Children of prisoners		Foreign National Prisoners				
	UT	C	M	F	UT		C		
	38	26	3	1	5		2		

Sanctioned S

Actual Strength A

Vacant V

Total T

Male M

N						COMMENTS		
Welfare Units			TOTAL			Overall staff vacancy in Faridabad district jail is at 43.21%. Technical staff unit has the maximum vacancy with just one person appointed against a sanctioned strength of six. Lone post of a welfare officer is also left vacant.		
S	A	V	S	A	V			
1	0	1	368	209	159			
Ministerial Personnel								
S	A	V						
37	8	29	Total Prisoners			Out of the total prison population of 2221 inmates, 55.4% are undertrials.		
			2221					
3-5 Years		5 Years and Beyond		TOTAL		While majority, 42.49%, of the undertrial inmates have been in the prison for three months or less, there is one undertrial who has been in prison for more than five years and two have been there for more than three years but less than five. Majority of the convicts, i.e. 33.3% have been in prison for a period between 1-3 years; 11.52% convicts have been in the jail for five years and beyond.		
C	UT	C	UT	C	UT			C
330	2	186	1	114	1231			990
33.33	0.16	18.79	0.08123	11.52				
Others					TOTAL		Out of the total seven deaths in Faridabad district jail, death of six was attributed to natural causes, however, one inmate committed suicide.	
Nil					7			
Spent 2015-2016			Unspent 2015-2016			In the financial year 2013-2014 only 2.15% budget was left unspent, while in the year 2015-2016 only 2.94% money was unspent.		
155388011			4706018					
F	Number of Inmates transferred to psychiatric treatment hospital		Number of Undertrials whose trials are suspended because they are unfit to stand trial		Number of Visits by psychiatrist		Faridabad district jail did not provide information or data in this regard.	
Nil	Nil		Nil		Nil			
D			SC			Faridabad district jail houses a total of 64 women inmates along with four children of prisoners. In total there are seven FNPs, including both undertrials and convicts.		
Nil			Nil					

Female F	Undertrial UT	Convict C	Detenue D	Sentence Completed SC
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GURUGRAM DISTRICT PRISON

PRISON STAFF	Executive Staff			Guarding Staff			Medical Personnel		
	S	A	V	S	A	V	S	A	V
	10	7	3	309	172	137	5	4	1
	Educational Personnel			Technical Personnel			Agricultural Personnel		
	S	A	V	S	A	V	S	A	V
	1	0	1	2	0	2	Nil	Nil	Nil
PRISON OCCUPANCY	Undertrials			Convicts			Civil		
	M	F	T	M	F	T	M		
	1366	37	1403	729	19	748	10		
	97.36	2.64	64.92	97.46	2.54	34.61	0.46		
PERIOD OF DETENTION	0-3 Months		3-6 Months		6 Months-1 Year		1-3 Year		
	UT	C	UT	C	UT	C	UT		
	554	70	285	102	317	120	234		
	39.49	9.36	20.31	13.64	22.59	16.04	16.68		
DEATHS IN PRISONS	Natural Deaths	Suicide	Suicide Execution	Deaths Due to assault by outside elements	Murder by inmates	Death due to firing	Deaths Due to Negligence/Excess by Jail Personnel		
	5	1	Nil	Nil	Nil	Nil	Nil		
BUDGET (In RS.)	Allocated 2013-2014	Spent 2013-2014	Unspent 2013-2014	Allocated 2014-2015	Spent 2014-2015	Unspent 2014-2015	Allocated 2015-2016		
	146944090	145901227	1042863	149777318	149558862	218456	176132412		
MENTALLY ILL	Number of prisoners with mental illness				Number of inmates given psychiatric treatment				
	UT		C		UT		C		
	M	F	M	F	M	F	M		
	19	2	20	1	19	2	20		
VULNERABLE CATEGORIES	Women		Children of prisoners		Foreign National Prisoners				
	UT	C	M	F	UT		C		
	37	19	2	2	3		4		

Sanctioned S

Actual Strength A

Vacant V

Total T

Male M

COMMENTS

Welfare Units						TOTAL		<p>In total there is 43.9% staff vacancy in Gurugram district jail. Maximum vacancy being, 44.3%, in the guarding staff unit, followed by the executive staff that is short by 30%, while both the posts in the technical and educational personnel unit have been kept vacant. Apart from this there is one welfare officer appointed in the jail as per the sanctioned post, however, the jail is short of one medical personnel. No posts have been sanctioned under the categories of 'Agricultural Personnel' and 'Ministerial Personnel'.</p>
S	A	V	S	A	V			
1	1	0	328	184	144			
Ministerial Personnel								
S	A	V						
Nil	Nil	Nil						
Total Prisoners								
						2161		<p>Out of the total 2161 prisoners, 64.9% consist of under-trial prisoners.</p>
3-5 Years			5 Years and Beyond		TOTAL		<p>Majority of the under-trial prisoners, i.e. 39.36% have been in prison for less than three months, while majority of the convicts, 33.82% to be precise, have been in prison for 1-3 years. There are 15.24% convicts that have been in jail for five years and more. About 16.68% undertrials have been in jail for more than a year but less than three years, however, 0.93% undertrials have been in jail for more than three years.</p>	
C	UT	C	UT	C	UT	C		
253	13	89	0	114	1403	748		
33.82	0.93	11.90	0	15.24				
Others						TOTAL		<p>In total there were six deaths inside the prison, out of which five prisoners died natural deaths while one committed suicide.</p>
Nil						6		
Spent 2015-2016			Unspent 2015-2016					<p>The jail authorities have been able to utilise the budget as the figures denote. In the financial year 2013-2014 only 0.7% budget was left unspent, while in the year 2015-2016 only 1.4% money was unspent.</p>
173564137			2568275					
F	Number of Inmates transferred to psychiatric treatment hospital		Number of Undertrials whose trials are suspended because they are unfit to stand trial		Number of Visits by psychiatrist		<p>In total there are 42 prisoners with mental illness and all of them have been given psychiatric treatment. Out of these, two prisoners have been transferred to a psychiatric treatment hospital. Data on the number of visits by the psychiatrist was not provided by the district.</p>	
1	2		Nil		Nil			
D			SC					<p>In total there are 51 women inmates, along with four children staying inside the women's section of the Gurugram district jail. A total of seven FNPs are there in this jail, including both convicts and undertrials.</p>
Nil			Nil					

Female F	Undertrial UT	Convict C	Detenu D	Sentence Completed SC
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HISAR 1 CENTRAL PRISON

PRISON STAFF	Executive Staff			Guarding Staff			Medical Personnel		
	S	A	V	S	A	V	S	A	V
	12	11	1	257	244	13	9	5	4
	Educational Personnel			Technical Personnel			Agricultural Personnel		
	S	A	V	S	A	V	S	A	V
	1	1	0	3	2	1	Nil	Nil	Nil
PRISON OCCUPANCY	Undertrials			Convicts			Civil		
	M	F	T	M	F	T	M		
	774	Nil	774	743	Nil	743	10		
	50.69	0.00	50.68	48.65	0.00	48.65	2.03		
PERIOD OF DETENTION	0-3 Months		3-6 Months		6 Months-1 Year		1-3 Year		
	UT	C	UT	C	UT	C	UT		
	271	21	268	17	111	29	102		
	35.01	2.79	34.62	2.26	14.34	3.85	13.18		
DEATHS IN PRISONS	Natural Deaths	Suicide	Suicide Execution	Deaths Due to assault by outside elements	Murder by inmates	Death due to firing	Deaths Due to Negligence/Excess by Jail Personnel		
	1	Nil	Nil	Nil	Nil	Nil	Nil		
BUDGET (In RS.)	Allocated 2013-2014	Spent 2013-2014	Unspent 2013-2014	Allocated 2014-2015	Spent 2014-2015	Unspent 2014-2015	Allocated 2015-2016		
	111592650	111141400	451250	145982210	145686995	295215	172394264		
MENTALLY ILL	Number of prisoners with mental illness				Number of inmates given psychiatric treatment				
	UT		C		UT		C		
	M	F	M	F	M	F	M		
	-	-	-	-	178	-	75		
VULNERABLE CATEGORIES	Women		Children of prisoners		Foreign National Prisoners				
	UT	C	M	F	UT		C		
	Nil	Nil	Nil	Nil	Nil		Nil		

Sanctioned S

Actual Strength A

Vacant V

Total T

Male M

COMMENTS

Welfare Units			TOTAL			Central jail, Hisar I, has an overall staff vacancy of 13.64%. Against the sanctioned post of 257 guarding staff personnel (including male and female), 210 personnel are appointed from the prison cadre and additionally 34 ex-servicemen have been appointed on contractual basis. While, almost half of medical staff is not appointed, welfare unit is completely vacant.		
S	A	V	S	A	V			
0	0	0	330	285	45			
Ministerial Personnel								
S	A	V						
45	22	23						
			Total Prisoners			Out of the total prison population of 1527, 50.68% of the occupants are undertrials.		
			1527					
		3-5 Years		5 Years and Beyond		TOTAL		Central jail I, Hisar has almost equal undertrial and convict population. Majority of the undertrials, i.e. 35.01% have been in prison for less than three months, while majority of the convicts, 76.36%, have been imprisoned for five years and beyond. There are seven inmates who have been languishing in the prison for more than five years, while their trial is still on.
C	UT	C	UT	C	UT	C		
65	15	46	7	575	774	753		
8.63	1.94	6.11	0.01	76.36				
Others					TOTAL		There was one death in the prison due to natural causes.	
Nil					1			
Spent 2015-2016			Unspent 2015-2016			Unspent budget in the jail ranged from, 0.40% in the year 2013-2014, 0.20% in 2014-2015 and 6.35% in the year 2015-2016.		
161452772			10941492					
F	Number of Inmates transferred to psychiatric treatment hospital		Number of Undertrials whose trials are suspended because they are unfit to stand trial		Number of Visits by psychiatrist		While Central jail hisar has provided data on the number of inmates given psychiatric treatment, 253 inmates in total, the jail does not provide data on prisoners with mental illness. A total of 243 inmates were even transferred to psychiatric treatment hospital. In the one year time period, the psychiatrist visited 73 times.	
-	243		-		73			
D		SC		Central Jail I, Hisar does not house women inmates. The jail does not have any FNPs in the given one year time period.				
Nil		Nil						

Female F	Undertrial UT	Convict C	Detenue D	Sentence Completed SC
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HISAR 2 CENTRAL PRISON

PRISON STAFF	Executive Staff			Guarding Staff			Medical Personnel		
	S	A	V	S	A	V	S	A	V
	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Educational Personnel			Technical Personnel			Agricultural Personnel		
	S	A	V	S	A	V	S	A	V
	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
PRISON OCCUPANCY	Undertrials			Convicts			Civil		
	M	F	T	M	F	T	M		
	384	29	413	93	18	111	10		
	71.91	5.43	77.34	17.42	3.37	20.79	1.87		
PERIOD OF DETENTION	0-3 Months		3-6 Months		6 Months-1 Year		1-3 Year		
	UT	C	UT	C	UT	C	UT		
	182	21	86	11	83	20	70		
	42.92	21.21	20.28	11.11	19.58	20.20	16.51		
DEATHS IN PRISONS	Natural Deaths	Suicide	Suicide Execution	Deaths Due to assault by outside elements	Murder by inmates	Death due to firing	Deaths Due to Negligence/Excess by Jail Personnel		
	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
BUDGET (In RS.)	Allocated 2013-2014	Spent 2013-2014	Unspent 2013-2014	Allocated 2014-2015	Spent 2014-2015	Unspent 2014-2015	Allocated 2015-2016		
	-	-	-	-	-	-	-		
MENTALLY ILL	Number of prisoners with mental illness				Number of inmates given psychiatric treatment				
	UT		C		UT		C		
	M	F	M	F	M	F	M		
	Nil	Nil	Nil	Nil	21420	204	628		
VULNERABLE CATEGORIES	Women		Children of prisoners		Foreign National Prisoners				
	UT	C	M	F	UT		C		
	247	25	9	9	1		Nil		

Sanctioned S

Actual Strength A

Vacant V

Total T

Male M

COMMENTS

Welfare Units			TOTAL				
S	A	V	S	A	V		
Nil	Nil	Nil				Central Jail II, Hisar did not provide data on prison staff strength. (all sections have been left nil)	
Ministerial Personnel							
S	A	V					
Nil	Nil	Nil					
			Total Prisoners				
						Undertrials comprise 77.3% of the prison population, while convicts and civil prisoners are at 20.79% and 1.87% respectively.	
			534				
		3-5 Years		5 Years and Beyond		TOTAL	
C	UT	C	UT	C	UT	C	
33	3	14	Nil	Nil	424	99	There are 99 convicts in Central jail II, Hisar, out of these 33.33% have been in prison for a period between 1-3 years. Out of the total 424 undertrial prison population, 42.92% have been in prison for less than three months. 16.51% undertrials have been in prison for a period between 1-3 years.
33.33	0.71	14.14	0.00	0.00			
Others					TOTAL		
Nil					Nil		No data has been provided in this regard.
Spent 2015-2016			Unspent 2015-2016				
-			-			No data has been provided in this regard.	
		Number of Inmates transferred to psychiatric treatment hospital		Number of Undertrials whose trials are suspended because they are unfit to stand trial		Number of Visits by psychiatrist	
F						Data received from the jail showed that as many as 22,267 inmates were given psychiatric treatment in the one year time period for which the information was sought. Out of these, 328 inmates were transferred to psychiatric treatment hospital. It is unclear as to how was so many cases looked at when the psychiatrist made only three visits to the jail.	
15		328		Nil	3		
D			SC			Central jail II, Hisar houses as many as 272 women inmates and 18 children of prisoners in the women's section of the jail. There are no FNPs in this jail.	
Nil			Nil				

Female F	Undertrial UT	Convict C	Detenue D	Sentence Completed SC
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JIND DISTRICT PRISON

PRISON STAFF	Executive Staff			Guarding Staff			Medical Personnel		
	S	A	V	S	A	V	S	A	V
	7	6	1	95	100	0	2	2	0
	Educational Personnel			Technical Personnel			Agricultural Personnel		
	S	A	V	S	A	V	S	A	V
	0	0	0	2	0	2	0	0	0
PRISON OCCUPANCY	Undertrials			Convicts			Civil		
	M	F	T	M	F	T	M		
	605	22	627	280	10	290	1		
	65.90	2.40	68.30	30.50	1.09	31.59	0.11		
PERIOD OF DETENTION	0-3 Months		3-6 Months		6 Months-1 Year		1-3 Year		
	UT	C	UT	C	UT	C	UT		
	210	62	84	32	90	57	237		
	33.49	21.31	13.40	10.99	14.35	19.59	37.80		
DEATHS IN PRISONS	Natural Deaths	Suicide	Suicide Execution	Deaths Due to assault by outside elements	Murder by inmates	Death due to firing	Deaths Due to Negligence/Excess by Jail Personnel		
	2	Nil	Nil	Nil	Nil	Nil	Nil		
BUDGET (In RS.)	Allocated 2013-2014	Spent 2013-2014	Unspent 2013-2014	Allocated 2014-2015	Spent 2014-2015	Unspent 2014-2015	Allocated 2015-2016		
	50047047	49838852	208195	61229234	61064379	164855	64874442		
MENTALLY ILL	Number of prisoners with mental illness				Number of inmates given psychiatric treatment				
	UT		C		UT		C		
	M	F	M	F	M	F	M		
	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
VULNERABLE CATEGORIES	Women		Children of prisoners		Foreign National Prisoners				
	UT	C	M	F	UT		C		
	22	10	5	2	3		Nil		

Sanctioned S	Actual Strength A	Vacant V	Total T	Male M
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COMMENTS

Welfare Units			TOTAL			Jind district prison is short of one executive officer out of the total sanctioned posts of six. On the other hand the guarding staff has five personnel extra against the total sanctioned strength of 95. While all posts in the medical unit are filled, technical and ministerial units have 100% vacancies. No posts have been sanctioned for the welfare, educational and agricultural units.		
S	A	V	S	A	V			
0	0	0	108	109	0			
Ministerial Personnel								
S	A	V						
2	0	2						
			Total Prisoners			The total prison population of 918 comprises of 68.3% undertrials and 31.5% convicted prisoners.		
			918					
		3-5 Years		5 Years and Beyond		TOTAL		Out of the total undertrial prison population, majority of them, 33.49% have been in jail for less than three months, while out of the total convict population, majority, 27.84%, have been in jail for more than one but less than three years.
C	UT	C	UT	C	UT	C		
81	6	35	0	24	627	291		
27.84	0.96	12.03	0.00	8.24				
Others					TOTAL		Two inmates inside the prison and the reason for both these deaths was attributed to natural causes.	
Nil					2			
Spent 2015-2016			Unspent 2015-2016			The unspent budget rate stands at 0.42%, 0.27% and 1.18% for 2013-14, 2014-15 and 2015-16 respectively.		
64109054			765388					
		Number of Inmates transferred to psychiatric treatment hospital		Number of Undertrials whose trials are suspended because they are unfit to stand trial		Number of Visits by psychiatrist		Jind district jail did not provide information or data in this regard.
F		Nil		Nil		Nil		
			D			SC		Jind district jail houses a total of 32 women inmates and seven children of inmates. There are three FNP in the jail who are all undertrials.
			Nil			Nil		

Female F	Undertrial UT	Convict C	Detenue D	Sentence Completed SC
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JHAJJAR DISTRICT PRISON

PRISON STAFF	Executive Staff			Guarding Staff			Medical Personnel		
	S	A	V	S	A	V	S	A	V
	7	5	2	110	89	21	6	4	2
	Educational Personnel			Technical Personnel			Agricultural Personnel		
	S	A	V	S	A	V	S	A	V
	0	0	0	0	2	0	0	0	0
PRISON OCCUPANCY	Undertrials			Convicts			Civil		
	M	F	T	M	F	T	M		
	626	19	645	381	10	391	2		
	60.31	1.83	62.14	36.71	0.96	37.67	0.19		
PERIOD OF DETENTION	0-3 Months		3-6 Months		6 Months-1 Year		1-3 Year		
	UT	C	UT	C	UT	C	UT		
	234	57	148	46	116	5	121		
	36.28	14.58	22.95	11.76	17.98	1.28	18.76		
DEATHS IN PRISONS	Natural Deaths	Suicide	Suicide Execution	Deaths Due to assault by outside elements	Murder by inmates	Death due to firing	Deaths Due to Negligence/Excess by Jail Personnel		
	3	Nil	Nil	Nil	Nil	Nil	Nil		
BUDGET (In RS.)	Allocated 2013-2014	Spent 2013-2014	Unspent 2013-2014	Allocated 2014-2015	Spent 2014-2015	Unspent 2014-2015	Allocated 2015-2016		
	43431638	42714804	716834	65256307	65256307	0	74110518		
MENTALLY ILL	Number of prisoners with mental illness				Number of inmates given psychiatric treatment				
	UT		C		UT		C		
	M	F	M	F	M	F	M		
	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
VULNERABLE CATEGORIES	Women		Children of prisoners		Foreign National Prisoners				
	UT	C	M	F	UT		C		
	19	10	Nil	Nil	Nil		Nil		

Sanctioned S

Actual Strength A

Vacant V

Total T

Male M

COMMENTS

						COMMENTS			
Welfare Units			TOTAL			District jail, Jhajjar has a staff vacancy of 28.86%. The executive and medical units are short of two personnel each as opposed to the sanctioned strength of seven and six personnel respectively. The guarding staff unit has a staff vacancy of 19.09%. Welfare, educational and agriculture units do not have any sanctioned posts.			
S	A	V	S	A	V				
0	0	0	149	106	40				
Ministerial Personnel									
S	A	V							
26	9	17							
						Total Prisoners			
						1038			
						The total prison population of 1038 prisoners comprises 62.1% undertrials and 37.6% convicts.			
		3-5 Years		5 Years and Beyond		TOTAL		Majority of the undertrial prison population, about 36.2%, have been in jail for less than three months, while majority of the convict population, 33.25% have been in jail for more than a year but less than three years.	
C	UT	C	UT	C	UT	C			
130	21	56	5	37	645	391			
33.25	3.26	14.32	0.78	9.46					
Others						TOTAL		Three inmates died inside the prison in 2017 and all these deaths were due to natural causes.	
Nil						3			
Spent 2015-2016			Unspent 2015-2016			Although Jhajjar district prison had an unspent budget of 1.65% in the financial year 2013-2014, in the financial years 2014-2015 and 2015-2016, it used the allocated budget in completion.			
74110518			0						
F	Number of Inmates transferred to psychiatric treatment hospital		Number of Undertrials whose trials are suspended because they are unfit to stand trial		Number of Visits by psychiatrist		Jhajjar district jail did not provide information or data in this regard.		
Nil	Nil		Nil		Nil				
D			SC			Jhajjar district jail houses 29 women inmates in total. There are no FNPs.			
Nil			Nil						

Female F	Undertrial UT	Convict C	Detenue D	Sentence Completed SC
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KAITHAL DISTRICT PRISON

PRISON STAFF	Executive Staff			Guarding Staff			Medical Personnel		
	S	A	V	S	A	V	S	A	V
	3	3	0	71	70	1	2	1	1
	Educational Personnel			Technical Personnel			Agricultural Personnel		
	S	A	V	S	A	V	S	A	V
	0	0	0	1	1	0	0	0	0
PRISON OCCUPANCY	Undertrials			Convicts			Civil		
	M	F	T	M	F	T	M		
	290	5	295	252	8	260	5		
	51.79	0.89	52.68	45.00	1.43	46.43	0.89		
PERIOD OF DETENTION	0-3 Months		3-6 Months		6 Months-1 Year		1-3 Year		
	UT	C	UT	C	UT	C	UT		
	156	58	87	37	34	32	15		
	53.24	22.14	29.69	14.12	11.60	12.21	5.12		
DEATHS IN PRISONS	Natural Deaths	Suicide	Suicide Execution	Deaths Due to assault by outside elements	Murder by inmates	Death due to firing	Deaths Due to Negligence/Excess by Jail Personnel		
	2	Nil	Nil	Nil	Nil	Nil	Nil		
BUDGET (In RS.)	Allocated 2013-2014	Spent 2013-2014	Unspent 2013-2014	Allocated 2014-2015	Spent 2014-2015	Unspent 2014-2015	Allocated 2015-2016		
	27447721	27410042	37679	39605001	39604614	387	45340266		
MENTALLY ILL	Number of prisoners with mental illness				Number of inmates given psychiatric treatment				
	UT		C		UT		C		
	M	F	M	F	M	F	M		
	0	0	1	0	0	0	1		
VULNERABLE CATEGORIES	Women		Children of prisoners		Foreign National Prisoners				
	UT	C	M	F	UT		C		
	5	8	0	0	Nil		Nil		

Sanctioned S	Actual Strength A	Vacant V	Total T	Male M
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COMMENTS

Welfare Units			TOTAL				
S	A	V	S	A	V		
0	0	0	85	81	2	In Kaithal district jail, there are no vacancies in the executive and technical departments. One position each is vacant among the guarding staff and medical personnel. No positions are sanctioned in the welfare and educational department.	
Ministerial Personnel							
S	A	V					
7	6	0	Total Prisoners				
			560			Undertrials comprise 52.6% of the total prison population of 560.	
3-5 Years		5 Years and Beyond		TOTAL			
C	UT	C	UT	C	UT	C	53.24% undertrials have been in jail for less than three months, while majority of the convicts, 23.66%, have been in jail for a period between 3-5 years.
31	1	62	0	42	293	262	
11.83	0.34	23.66	0.00	16.03			
Others					TOTAL		There were two cases of deaths in the prison, both owing to natural causes.
Nil					2		
Spent 2015-2016			Unspent 2015-2016				
45340240			26			The unspent budget rate stand at 0.14%, 0.0009% and 0.00005% for 2013-14, 2014-15 and 2015-16 respectively. Kaithal district jail seems to have used the allocated budget to its fullest with minimal unspent money.	
F	Number of Inmates transferred to psychiatric treatment hospital	Number of Undertrials whose trials are suspended because they are unfit to stand trial	Number of Visits by psychiatrist	There was only one case of inmates with mental illness, and the same was provided with psychiatric treatment. The psychiatrist visited four times in one year for which the information was sought.			
0	0	0	4				
D		SC		Kaithal district jail houses 13 women inmates.			
Nil		Nil					

Female F	Undertrial UT	Convict C	Detenue D	Sentence Completed SC
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KARNAL DISTRICT PRISON

PRISON STAFF	Executive Staff			Guarding Staff			Medical Personnel		
	S	A	V	S	A	V	S	A	V
	10	7	3	306	246	60	3	3	0
	Educational Personnel			Technical Personnel			Agricultural Personnel		
	S	A	V	S	A	V	S	A	V
	0	0	0	2	2	0	0	0	0
PRISON OCCUPANCY	Undertrials			Convicts			Civil		
	M	F	T	M	F	T	M		
	1330	58	1388	922	141	1063	6		
	54.13	2.36	56.49	37.53	5.74	43.26			
PERIOD OF DETENTION	0-3 Months		3-6 Months		6 Months-1 Year		1-3 Year		
	UT	C	UT	C	UT	C	UT		
	555	99	490	112	265	122	74		
	39.99	10.28	35.30	11.63	19.09	12.67	5.33		
DEATHS IN PRISONS	Natural Deaths	Suicide	Suicide Execution	Deaths Due to assault by outside elements	Murder by inmates	Death due to firing	Deaths Due to Negligence/Excess by Jail Personnel		
	4	Nil	Nil	Nil	Nil	Nil	Nil		
BUDGET (In RS.)	Allocated 2013-2014	Spent 2013-2014	Unspent 2013-2014	Allocated 2014-2015	Spent 2014-2015	Unspent 2014-2015	Allocated 2015-2016		
	168315756	168172792	142964	208850017	208857728	-7711	205143564		
MENTALLY ILL	Number of prisoners with mental illness				Number of inmates given psychiatric treatment				
	UT		C		UT		C		
	M	F	M	F	M	F	M		
	0	0	0	0	20	0	13		
VULNERABLE CATEGORIES	Women		Children of prisoners		Foreign National Prisoners				
	UT	C	M	F	UT		C		
	58	41	4	4	3		5		

Sanctioned S	Actual Strength A	Vacant V	Total T	Male M
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COMMENTS

Welfare Units			TOTAL			Karnal district jail has an overall staff vacancy of 20.40%, with the guarding staff being 60 personnel short of 306 sanctioned posts and the executive department is short of three officers out of the 10 sanctioned posts. No positions are sanctioned in welfare and educational departments. There is no vacancy in the medical and technical departments.	
S	A	V	S	A	V		
0	0	0	348	277	71		
Ministerial Personnel							
S	A	V					
27	19	8					
			Total Prisoners			Undertrials comprise of 56.49% of the total prison population.	
			2457				
3-5 Years		5 Years and Beyond		TOTAL		Out of the total undertrial prison population of Karnal district jail, 39.99% have been in prison for less than three months followed by 35.30% that have been in jail for more than three, but less than six months.	
C	UT	C	UT	C	UT		C
134	4	211	0	285	1388		963
13.91	0.29	21.91	0.00	29.60			
Others					TOTAL		A total of four inmates died in Karnal district jail and all these deaths occurred due to natural causes.
Nil					4		
Spent 2015-2016			Unspent 2015-2016			The unspent budget rate stands at 0.08% for 2013-14, while 2014-15 saw Karnal district jail exceeding the expenditure by Rs.7,711, while 2015-16 witnessed a perfect balance.	
205143564			0				
F	Number of Inmates transferred to psychiatric treatment hospital	Number of Undertrials whose trials are suspended because they are unfit to stand trial	Number of Visits by psychiatrist		A total of 34 inmates were given psychiatric treatment inside the prison and all of them transferred to a psychiatric treatment hospital. Ten visits were made by the psychiatrist in the one year period for which data was sought.		
1	34	0	10				
D		SC		Karnal district jail houses a total of 99 women inmates and eight children of inmates. Out of the nine FNPs that are houses in the jail, three are Uts, five are convicts and one is a detenu who has completed his sentence.			
1		1 (same as detenu)					

Female F	Undertrial UT	Convict C	Detenu D	Sentence Completed SC
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KURUKSHETRA DISTRICT PRISON

PRISON STAFF	Executive Staff			Guarding Staff			Medical Personnel		
	S	A	V	S	A	V	S	A	V
	5	3	2	77	98	0	3	3	0
	Educational Personnel			Technical Personnel			Agricultural Personnel		
	S	A	V	S	A	V	S	A	V
	Nil	Nil	Nil	1	1	0	Nil	Nil	Nil
PRISON OCCUPANCY	Undertrials			Convicts			Civil		
	M	F	T	M	F	T	M		
	419	113	632	251	10	261	2		
	46.82	12.63	70.61	28.04	1.12	29.16	0.22		
PERIOD OF DETENTION	0-3 Months		3-6 Months		6 Months-1 Year		1-3 Year		
	UT	C	UT	C	UT	C	UT		
	182	4	138	6	59	27	54		
	42.03	1.52	31.87	2.28	13.63	10.27	12.47		
DEATHS IN PRISONS	Natural Deaths	Suicide	Suicide Execution	Deaths Due to assault by outside elements	Murder by inmates	Death due to firing	Deaths Due to Negligence/Excess by Jail Personnel		
	1	4	Nil	Nil	Nil	Nil	Nil		
BUDGET (In RS.)	Allocated 2013-2014	Spent 2013-2014	Unspent 2013-2014	Allocated 2014-2015	Spent 2014-2015	Unspent 2014-2015	Allocated 2015-2016		
	39,979,270	39,435,150	544120	48,186,024	48,126,711	59313	58,936,362		
MENTALLY ILL	Number of prisoners with mental illness				Number of inmates given psychiatric treatment				
	UT		C		UT		C		
	M	F	M	F	M	F	M		
	0	0	0	0	0	0	0		
VULNERABLE CATEGORIES	Women		Children of prisoners		Foreign National Prisoners				
	UT	C	M	F	UT		C		
	13	10	2	2	1		Nil		

Sanctioned S	Actual Strength A	Vacant V	Total T	Male M
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Welfare Units			TOTAL					
S	A	V	S	A	V			
Nil	Nil	Nil	103	117	0	Kurukshetra district jail is short of two executive officers while, there are 21 extra guarding staff appointed against the sanctioned 77. There is no vacancy in medical and technical department. There are no positions sanctioned for welfare, educational, and agricultural departments.		
Ministerial Personnel								
S	A	V						
17	11	6						
			Total Prisoners					
			895			Out of the total 895 prisoners, 70.6% are undertrials.		
3-5 Years		5 Years and Beyond		TOTAL				
C	UT	C	UT	C	UT	C		
28	Nil	55	Nil	143	433	263	Majority of the undertrial prison population of the jail, 42.03%, have been in jail for less than three months, while majority of the convicts, 54.37%, have been in jail for more than five years.	
10.65	0.00	20.91	0.00	54.37				
Others					TOTAL			
Nil					5		A total of five deaths occurred in the prison; one was due to natural causes, while, four were cases of suicide.	
Spent 2015-2016		Unspent 2015-2016						
57,552,907		1383455		The unspent budget rate stands at 1.36%, 0.12% and 2.35% for 2013-14, 2014-15 and 2015-16 respectively.				
F	Number of Inmates transferred to psychiatric treatment hospital	Number of Undertrials whose trials are suspended because they are unfit to stand trial	Number of Visits by psychiatrist					
0	Nil	Nil	Nil		Kurukshetra district jail did not provide information or data in this regard.			
D		SC						
Nil		Nil		Kurukshetra district jail houses a total of 23 women inmates and four children of prisoners. The jail also houses one undertrial FNP.				

Female F

Undertrial UT

Convict C

Detenue D

Sentence Completed SC

NARNAUL DISTRICT PRISON

PRISON STAFF	Executive Staff			Guarding Staff			Medical Personnel		
	S	A	V	S	A	V	S	A	V
	7	4	3	93	62	31	2	1	1
	Educational Personnel			Technical Personnel			Agricultural Personnel		
	S	A	V	S	A	V	S	A	V
	-	-	-	2	1	1	-	-	-
PRISON OCCUPANCY	Undertrials			Convicts			Civil		
	M	F	T	M	F	T	M		
	278	22	300	221	13	234	2		
	51.87	4.10	55.97	41.23	2.43	43.66	0.37		
PERIOD OF DETENTION	0-3 Months		3-6 Months		6 Months-1 Year		1-3 Year		
	UT	C	UT	C	UT	C	UT		
	146	56	69	37	46	54	39		
	48.67	23.73	23.00	15.68	15.33	22.88	13.00		
DEATHS IN PRISONS	Natural Deaths	Suicide	Suicide Execution	Deaths Due to assault by outside elements	Murder by inmates	Death due to firing	Deaths Due to Negligence/Excess by Jail Personnel		
	Nil	1	Nil	Nil	Nil	Nil	Nil		
BUDGET (In RS.)	Allocated 2013-2014	Spent 2013-2014	Unspent 2013-2014	Allocated 2014-2015	Spent 2014-2015	Unspent 2014-2015	Allocated 2015-2016		
	42199778	41966531	233247	52380916	52174593	206323	53424825		
MENTALLY ILL	Number of prisoners with mental illness				Number of inmates given psychiatric treatment				
	UT		C		UT		C		
	M	F	M	F	M	F	M		
	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
VULNERABLE CATEGORIES	Women		Children of prisoners		Foreign National Prisoners				
	UT	C	M	F	UT		C		
	22	13	2	1	1		Nil		

Sanctioned S	Actual Strength A	Vacant V	Total T	Male M
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COMMENTS

Welfare Units						TOTAL		The overall staff vacancy in Narnaul district prison is 34.6%, with the guarding and executive staff being short of 33.3% and 42.8%, respectively. One post each is vacant in medical and technical departments out of the sanctioned two in each. No posts are sanctioned in other departments. It is important to note that the position of Medical Officer is vacant in this jail.	
S	A	V	S	A	V				
-	-	-	104	68	36				
Ministerial Personnel									
S	A	V							
-	-	-							
						Total Prisoners		Narnaul has a total of 536 prisoners and out of these 55.9% are undertrials.	
						536			
			3-5 Years		5 Years and Beyond		TOTAL		Majority of the under-trial population, around 48%, has been in jail for less than 3 months.
C	UT	C	UT	C	UT	C			
49	0	17	0	23	300	236			
20.76	0.00	7.20	0	9.75					
Others						TOTAL		One case of death was reported and the same was due to suicide.	
Nil						1			
Spent 2015-2016			Unspent 2015-2016			The unspent budget rate stand at 0.55%, 0.39% and 1.21% for 2013-14, 2014-15 and 2015-16 respectively.			
52777277			647548						
F	Number of Inmates transferred to psychiatric treatment hospital		Number of Undertrials whose trials are suspended because they are unfit to stand trial		Number of Visits by psychiatrist		Narnaul district jail did not provide information or data in this regard.		
Nil	Nil		Nil		Nil				
			D			SC			Narnaul district jail houses a total of 35 women inmates and three children of inmates. There is one FNP in the jail who is an undertrial.
			Nil			Nil			

Female F	Undertrial UT	Convict C	Detenue D	Sentence Completed SC
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PANIPAT DISTRICT PRISON

PRISON STAFF	Executive Staff			Guarding Staff			Medical Personnel		
	S	A	V	S	A	V	S	A	V
	3	3	0	20	26	0	2	2	0
	Educational Personnel			Technical Personnel			Agricultural Personnel		
	S	A	V	S	A	V	S	A	V
	0	0	0	1	0	1	0	0	0
PRISON OCCUPANCY	Undertrials			Convicts			Civil		
	M	F	T	M	F	T	M		
	41	Nil	41	1	Nil	1	1		
	95.35	0.00	95.35	2.33	0.00	2.33	2.33		
PERIOD OF DETENTION	0-3 Months		3-6 Months		6 Months-1 Year		1-3 Year		
	UT	C	UT	C	UT	C	UT		
	1	1	Nil	Nil	Nil	Nil	Nil		
	100.00	50.00	0.00	0.00	0.00	0.00	0.00		
DEATHS IN PRISONS	Natural Deaths	Suicide	Suicide Execution	Deaths Due to assault by outside elements	Murder by inmates	Death due to firing	Deaths Due to Negligence/Excess by Jail Personnel		
	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
BUDGET (In RS.)	Allocated 2013-2014	Spent 2013-2014	Unspent 2013-2014	Allocated 2014-2015	Spent 2014-2015	Unspent 2014-2015	Allocated 2015-2016		
	-	-	-	-	-	-	-		
MENTALLY ILL	Number of prisoners with mental illness				Number of inmates given psychiatric treatment				
	UT		C		UT		C		
	M	F	M	F	M	F	M		
	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
VULNERABLE CATEGORIES	Women		Children of prisoners		Foreign National Prisoners				
	UT	C	M	F	UT		C		
	Nil	Nil	Nil	Nil	Nil		Nil		

Sanctioned S	Actual Strength A	Vacant V	Total T	Male M
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COMMENTS

Welfare Units						TOTAL			Apart from the technical unit, Panipat district prison does not have any sanctioned post that is not filled. In fact, the guarding staff unit has six personnel more than the sanctioned 20 posts. There are no sanctioned posts in welfare, educational, agricultural and ministerial department.
S	A	V	S	A	V				
0	0	0	26	31	0				
Ministerial Personnel									
S	A	V							
0	0	0							
						Total Prisoners			Similar to Rewari and Palwal, Panipat district prison is also smaller in size housing as few as 43 prisoners in total. 95.3% of these prisoners are undertrials.
						43			
		3-5 Years		5 Years and Beyond		TOTAL		Incomplete data has been provided.	
C	UT	C	UT	C	UT	C			
1	Nil	Nil	Nil	Nil	1	2			
50.00	0.00	0.00	0.00	0.00					
Others						TOTAL		There were no deaths reported in the prison in the one year time period.	
Nil						Nil			
Spent 2015-2016			Unspent 2015-2016			No information was provided in this matter.			
-			-						
		Number of Inmates transferred to psychiatric treatment hospital		Number of Undertrials whose trials are suspended because they are unfit to stand trial		Number of Visits by psychiatrist		Panipat district jail did not provide information or data in this regard.	
F									
Nil	Nil		Nil		Nil				
				D		SC		Panipat district jail does not have a women's section and the jail does not house FNPs.	
				Nil		Nil			

Female F	Undertrial UT	Convict C	Detenue D	Sentence Completed SC
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PALWAL DISTRICT PRISON

PRISON STAFF	Executive Staff			Guarding Staff			Medical Personnel		
	S	A	V	S	A	V	S	A	V
	4	1	3	20	17	3	2	2	0
	Educational Personnel			Technical Personnel			Agricultural Personnel		
	S	A	V	S	A	V	S	A	V
	0	0	0	1	0	1	0	0	0
PRISON OCCUPANCY	Undertrials			Convicts			Civil		
	M	F	T	M	F	T	M		
	41	Nil	41	4	Nil	4	Nil		
	91.11		91.11	8.89		8.89			
PERIOD OF DETENTION	0-3 Months		3-6 Months		6 Months-1 Year		1-3 Year		
	UT	C	UT	C	UT	C	UT		
	34	Nil	4	Nil	2	Nil	1		
	82.93	Nil	9.76	Nil	4.88	Nil	2.44		
DEATHS IN PRISONS	Natural Deaths	Suicide	Suicide Execution	Deaths Due to assault by outside elements	Murder by inmates	Death due to firing	Deaths Due to Negligence/Excess by Jail Personnel		
	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
BUDGET (In RS.)	Allocated 2013-2014	Spent 2013-2014	Unspent 2013-2014	Allocated 2014-2015	Spent 2014-2015	Unspent 2014-2015	Allocated 2015-2016		
	7896028	7826822	69206	12902984	12536131	366853	14412194		
MENTALLY ILL	Number of prisoners with mental illness				Number of inmates given psychiatric treatment				
	UT		C		UT		C		
	M	F	M	F	M	F	M		
	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
VULNERABLE CATEGORIES	Women		Children of prisoners		Foreign National Prisoners				
	UT	C	M	F	UT		C		
	Nil	Nil	Nil	Nil	Nil		Nil		

Sanctioned S	Actual Strength A	Vacant V	Total T	Male M
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						COMMENTS	
Welfare Units			TOTAL				
S	A	V	S	A	V		
0	0	0	32	26	6	Palwal being a small jail has only 32 sanctioned posts. Only one executive officer is appointed while the sanctioned posts in this department are four. Three guarding posts are vacant out of the total 20 sanctioned ones. There is no vacancy in the medical department, while one sanctioned technical post is not filled.	
Ministerial Personnel							
S	A	V					
5	5	0	Total Prisoners				
			45			Being a small prison, Palwal district jail houses primarily undertrial inmates. Out of the total prison population of 45 inmates, 91.1% are undertrials.	
3-5 Years		5 Years and Beyond		TOTAL			
C	UT	C	UT	C	UT	C	All the four convicts that are there in Palwal district prison, have been imprisoned for five years and more, while a large majority of undertrials, 82.93%, have been in jail for less than three months.
Nil	Nil	Nil	Nil	4	41	4	
Nil	Nil	Nil	Nil	100.00			
Others					TOTAL		No deaths occurred in Palwal district prison in the one year time period.
Nil					Nil		
Spent 2015-2016			Unspent 2015-2016			The unspent budget rate stands at 0.88%, 2.84% and 1.83% for 2013-14, 2014-15 and 2015-16 respectively.	
14147888			264306				
F	Number of Inmates transferred to psychiatric treatment hospital	Number of Undertrials whose trials are suspended because they are unfit to stand trial	Number of Visits by psychiatrist		Palwal district jail did not provide information or data in this regard.		
Nil	Nil	Nil	Nil				
D		SC		Palwal district jail does not have a women's section and the jail does not house any FNPs.			
Nil		Nil					

Female F	Undertrial UT	Convict C	Detenue D	Sentence Completed SC
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REWARI DISTRICT PRISON

PRISON STAFF	Executive Staff			Guarding Staff			Medical Personnel		
	S	A	V	S	A	V	S	A	V
	4	3	1	38	33	5	2	1	1
	Educational Personnel			Technical Personnel			Agricultural Personnel		
	S	A	V	S	A	V	S	A	V
	0	0	0	1	0	1	0	0	0
PRISON OCCUPANCY	Undertrials			Convicts			Civil		
	M	F	T	M	F	T	M		
	69	0	69	12	0	12	0		
	85.19		85.19	14.81		14.81			
PERIOD OF DETENTION	0-3 Months		3-6 Months		6 Months-1 Year		1-3 Year		
	UT	C	UT	C	UT	C	UT		
	25	4	25	4	16	3	3		
	36.23	33.33	36.23	33.33	23.19	25.00	4.35		
DEATHS IN PRISONS	Natural Deaths	Suicide	Suicide Execution	Deaths Due to assault by outside elements	Murder by inmates	Death due to firing	Deaths Due to Negligence/Excess by Jail Personnel		
	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
BUDGET (In RS.)	Allocated 2013-2014	Spent 2013-2014	Unspent 2013-2014	Allocated 2014-2015	Spent 2014-2015	Unspent 2014-2015	Allocated 2015-2016		
	19150404	19149915	489	19125297	19122998	2299	20054699		
MENTALLY ILL	Number of prisoners with mental illness				Number of inmates given psychiatric treatment				
	UT		C		UT		C		
	M	F	M	F	M	F	M		
	Nil	Nil	1	Nil	Nil	Nil	1		
VULNERABLE CATEGORIES	Women		Children of prisoners		Foreign National Prisoners				
	UT	C	M	F	UT		C		
	Nil	Nil	Nil	Nil	Nil		Nil		

Sanctioned S

Actual Strength A

Vacant V

Total T

Male M

							COMMENTS		
Welfare Units			TOTAL						
S	A	V	S	A	V				
0	0	0	45	37	8	In total there are only four units where prison staff are appointed. Out of these, the executive unit is short of one officer and the guarding staff is short of five officials. There is one medical officer appointed out of the two sanctioned positions and the one sanctioned post in the technical unit is vacant.			
Ministerial Personnel									
S	A	V							
0	0	0	Total Prisoners				Rewari is among the smallest prisons of Haryana housing 85.1% undertrials out of the total population of 81 inmates.		
		81							
		3-5 Years		5 Years and Beyond		TOTAL		36.23% undertrials in Rewari district jail have been there for less than six months and the same number has been there for more than three but less than six months. Out of the total 12 convicts in the jail, 33.33% have been here for less than three months while same number have been here for more than three but less than six months.	
C	UT	C	UT	C	UT	C			
1	0	0	0	0	69	12			
8.33	0.00	0.00	0	0.00					
Others					TOTAL		No deaths occurred in Rewari district jail in the stipulated time period.		
Nil					0				
Spent 2015-2016			Unspent 2015-2016				The unspent budget rate stands at 0.002%, 0.01% and 0.21% for 2013-14, 2014-15 and 2015-16 respectively. Rewari district jail seems to have used the allocated budget to its fullest with minimal unspent money.		
20012211			42488						
		Number of Inmates transferred to psychiatric treatment hospital		Number of Undertrials whose trials are suspended because they are unfit to stand trial		Number of Visits by psychiatrist		One case of inmates with mental illness was registered in Rewari district jail and he has been given psychiatric treatment inside the jail. Data on the number of visits by the psychiatrist was not provided.	
F		Nil		Nil		Nil			
Nil		Nil		Nil		Nil			
			D		SC		Rewari district jail does not have a women's section and the jail does not house FNPs.		
			Nil		Nil				

Female F	Undertrial UT	Convict C	Detenue D	Sentence Completed SC
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ROHTAK DISTRICT PRISON

PRISON STAFF	Executive Staff			Guarding Staff			Medical Personnel		
	S	A	V	S	A	V	S	A	V
	8	8	0	201	178	23	4	5	0
	Educational Personnel			Technical Personnel			Agricultural Personnel		
	S	A	V	S	A	V	S	A	V
	1	0	1	6	3	3	0	0	0
PRISON OCCUPANCY	Undertrials			Convicts			Civil		
	M	F	T	M	F	T	M		
	557	15	572	579	35	614	Nil		
	46.96	1.26	48.22	48.81	2.95	51.77			
PERIOD OF DETENTION	0-3 Months		3-6 Months		6 Months-1 Year		1-3 Year		
	UT	C	UT	C	UT	C	UT		
	198	66	131	35	102	93	131		
	34.55	10.77	22.86	5.71	17.80	15.17	22.86		
DEATHS IN PRISONS	Natural Deaths	Suicide	Suicide Execution	Deaths Due to assault by outside elements	Murder by inmates	Death due to firing	Deaths Due to Negligence/Excess by Jail Personnel		
	4	Nil	Nil	Nil	Nil	Nil	Nil		
BUDGET (In RS.)	Allocated 2013-2014	Spent 2013-2014	Unspent 2013-2014	Allocated 2014-2015	Spent 2014-2015	Unspent 2014-2015	Allocated 2015-2016		
	58461115	58252187	208928	116562657	116466659	95998	139903523		
MENTALLY ILL	Number of prisoners with mental illness				Number of inmates given psychiatric treatment				
	UT		C		UT		C		
	M	F	M	F	M	F	M		
	Nil	Nil	Nil	Nil	88	12	462		
VULNERABLE CATEGORIES	Women		Children of prisoners		Foreign National Prisoners				
	UT	C	M	F	UT		C		
	17	33	2	2	Nil		Nil		

Sanctioned S	Actual Strength A	Vacant V	Total T	Male M
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							COMMENTS		
Welfare Units			TOTAL						
S	A	V	S	A	V				
2	2	0	253	208	45	Overall staff vacancy in Rohtak district jail is 17.79%, with the guarding staff positions vacant by 11.4%. There is no vacancy among the executive staff and two positions of welfare staff are filled up, however, one sanctioned post in the education department has been kept vacant. There is one more medical staff appointed against the sanctioned four. There are no sanctioned posts for the agricultural department.			
Ministerial Personnel									
S	A	V							
31	12	19	Total Prisoners						
			1186				48.22% of the population comprises of undertrial prisoners while 51.77% are convicted inmates. Rohtak being one of the few prisons that has more convicts than under-trials.		
		3-5 Years		5 Years and Beyond		TOTAL			
C	UT	C	UT	C	UT	C	Majority of the undertrial prison population of the jail, 34.55%, have been in jail for less than three months, while majority of the convict population, 55.95%, have been in jail for a period between 1-3 years.		
343	7	55	4	21	573	613			
55.95	1.22	8.97	0.70	3.43					
Others					TOTAL		There have been four deaths in the prison, all due to natural causes.		
Nil					4				
Spent 2015-2016			Unspent 2015-2016				The unspent budget rate stand at 0.36%, 0.08% and 1.46% for 2013-14, 2014-15 and 2015-16 respectively.		
137863213			2040310						
	Number of Inmates transferred to psychiatric treatment hospital		Number of Undertrials whose trials are suspended because they are unfit to stand trial		Number of Visits by psychiatrist		A total of 616 prisoners were provided with psychiatric treatment in Rohtak district jail. The psychiatrist visited nine times in the one year time period.		
F	Nil		Nil		9				
D			SC				Rohtak district jail has a total of 50 women inmates and four children of prisoners. There are no FNPs in the jail.		
Nil			Nil						

Female F	Undertrial UT	Convict C	Detenue D	Sentence Completed SC
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SIRSA DISTRICT PRISON

PRISON STAFF	Executive Staff			Guarding Staff			Medical Personnel		
	S	A	V	S	A	V	S	A	V
	8	6	2	113	118	0	3	1	2
	Educational Personnel			Technical Personnel			Agricultural Personnel		
	S	A	V	S	A	V	S	A	V
	0	0	0	1	1	0	0	0	0
PRISON OCCUPANCY	Undertrials			Convicts			Civil		
	M	F	T	M	F	T	M		
	525	27	552	306	17	323	3		
	59.79	3.08	62.87	34.85	1.94	36.79	0.34		
PERIOD OF DETENTION	0-3 Months		3-6 Months		6 Months-1 Year		1-3 Year		
	UT	C	UT	C	UT	C	UT		
	255	21	101	21	90	46	93		
	46.20	6.50	18.30	6.50	16.30	14.24	16.85		
DEATHS IN PRISONS	Natural Deaths	Suicide	Suicide Execution	Deaths Due to assault by outside elements	Murder by inmates	Death due to firing	Deaths Due to Negligence/Excess by Jail Personnel		
	5	Nil	Nil	Nil	Nil	Nil	Nil		
BUDGET (In RS.)	Allocated 2013-2014	Spent 2013-2014	Unspent 2013-2014	Allocated 2014-2015	Spent 2014-2015	Unspent 2014-2015	Allocated 2015-2016		
	49044195	48759229	284966	71163172	70975322	187850	78750503		
MENTALLY ILL	Number of prisoners with mental illness				Number of inmates given psychiatric treatment				
	UT		C		UT		C		
	M	F	M	F	M	F	M		
	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
VULNERABLE CATEGORIES	Women		Children of prisoners		Foreign National Prisoners				
	UT	C	M	F	UT		C		
	27	17	1	Nil	3		Nil		

Sanctioned S	Actual Strength A	Vacant V	Total T	Male M
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							COMMENTS		
Welfare Units			TOTAL						
S	A	V	S	A	V				
0	0	0	141	134	0	Appointments for the guarding and technical staff are more than the sanctioned strength, these departments have five and one personnel more, respectively. However, the executive staff and medical department have two posts vacant in each and ministerial unit is short of eight people. No posts are sanctioned for welfare, educational and agricultural departments.			
Ministerial Personnel									
S	A	V							
16	8	8	Total Prisoners				Out of the total population, 62.8% comprise undertrials, 36.78% are convicts and 3 are civil category prisoners.		
			878						
		3-5 Years		5 Years and Beyond		TOTAL		About 46.20% undertrials have been in prison for less than three months while majority of convicted inmates, 31.58% have been in prison for more than a year but less than three years, followed by 22.91% convicts who have been imprisoned for five years and beyond.	
C	UT	C	UT	C	UT	C			
102	13	59	0	74	552	323			
31.58	2.36	18.27	0.00	22.91					
Others					TOTAL		There have been five deaths inside the prison, all due to natural causes.		
Nil					5				
Spent 2015-2016			Unspent 2015-2016				In terms of unspent budget, 2013-14 had 0.58%, 2014-15 had 0.26% and 2015-16 had 0.34%.		
78485791			264712						
	Number of Inmates transferred to psychiatric treatment hospital		Number of Undertrials whose trials are suspended because they are unfit to stand trial		Number of Visits by psychiatrist		Sirsa district jail did not provide information or data in this regard.		
F									
Nil	Nil		Nil		Nil				
			D		SC		Sirsa district jail houses a total of 44 women inmates and one child of one of the women inmates. The jail has three FNPs who are all undertrials.		
			Nil		Nil				

Female F	Undertrial UT	Convict C	Detenue D	Sentence Completed SC
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SONIPAT DISTRICT PRISON

PRISON STAFF	Executive Staff			Guarding Staff			Medical Personnel		
	S	A	V	S	A	V	S	A	V
	8	6	2	128	133	0	2	2	0
	Educational Personnel			Technical Personnel			Agricultural Personnel		
	S	A	V	S	A	V	S	A	V
	0	0	0	1	2	0	0	0	0
PRISON OCCUPANCY	Undertrials			Convicts			Civil		
	M	F	T	M	F	T	M		
	921	27	948	308	13	321	2		
	72.46	2.12	74.59	24.23	1.02	25.26	0.16		
PERIOD OF DETENTION	0-3 Months		3-6 Months		6 Months-1 Year		1-3 Year		
	UT	C	UT	C	UT	C	UT		
	340	80	201	64	186	60	215		
	35.86	24.92	21.20	19.94	19.62	18.69	22.68		
DEATHS IN PRISONS	Natural Deaths	Suicide	Suicide Execution	Deaths Due to assault by outside elements	Murder by inmates	Death due to firing	Deaths Due to Negligence/Excess by Jail Personnel		
	1	Nil	Nil	Nil	Nil	Nil	Nil		
BUDGET (In RS.)	Allocated 2013-2014	Spent 2013-2014	Unspent 2013-2014	Allocated 2014-2015	Spent 2014-2015	Unspent 2014-2015	Allocated 2015-2016		
	49191997	48930683	261314	65776816	65454597	322219	63673807		
MENTALLY ILL	Number of prisoners with mental illness				Number of inmates given psychiatric treatment				
	UT		C		UT		C		
	M	F	M	F	M	F	M		
	Nil	Nil	Nil	Nil	10	6	4		
VULNERABLE CATEGORIES	Women		Children of prisoners		Foreign National Prisoners				
	UT	C	M	F	UT		C		
	27	13	1	1	3		Nil		

Sanctioned S	Actual Strength A	Vacant V	Total T	Male M
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							COMMENTS		
Welfare Units			TOTAL						
S	A	V	S	A	V				
0	0	0	153	152	1	Sonipat district jail is short of two executive officers while, there are five extra guarding staff appointed against the sanctioned 128. Two medical staff are appointed against the two positions. There are no positions sanctioned in welfare, educational, technical, agricultural. Overall the prison is just short of one person against the sanctioned strength.			
Ministerial Personnel									
S	A	V							
14	9	5	Total Prisoners				Out of the total 1271 prison population of Sonipat district prison, 74.5% are undertrials.		
			1271						
		3-5 Years		5 Years and Beyond		TOTAL			
C	UT	C	UT	C	UT	C			
66	6	31	Nil	20	948	321	Majority of the undertrial population in the prison, 35.86%, have been in jail for less than three months, while majority of the convict population, 24.92% have also been in jail for less than three months. Only 6.23% convicts have been in jail for more than five years.		
20.56	0.63	9.66	0.00	6.23					
Others					TOTAL				
Nil					1		One person died of natural causes in the jail.		
Spent 2015-2016			Unspent 2015-2016						
62682811			990996				The unspent budget rate stand at 0.53%, 0.49% and 1.56% for 2013-14, 2014-15 and 2015-16 respectively.		
	Number of Inmates transferred to psychiatric treatment hospital		Number of Undertrials whose trials are suspended because they are unfit to stand trial		Number of Visits by psychiatrist		All the 20 patients requiring psychiatric treatment were transferred to the hospital. Data on the number of visits by a psychiatrist was not provided.		
F									
Nil	20		Nil		Nil		Sonipat district jail has a total of 40 women inmates and two children of prisoners. The jail also houses three FNPs who are all undertrials.		
D			SC						
Nil			Nil						

Female F	Undertrial UT	Convict C	Detenue D	Sentence Completed SC
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YAMUNANAGAR DISTRICT PRISON

PRISON STAFF	Executive Staff			Guarding Staff			Medical Personnel		
	S	A	V	S	A	V	S	A	V
	12	7	5	105	99	6	5	2	3
	Educational Personnel			Technical Personnel			Agricultural Personnel		
	S	A	V	S	A	V	S	A	V
	0	0	0	5	3	2	0	0	0
PRISON OCCUPANCY	Undertrials			Convicts			Civil		
	M	F	T	M	F	T	M		
	471	11	482	398	33	431	1		
	51.53	1.20	52.74	43.54	3.61	47.16	913		
PERIOD OF DETENTION	0-3 Months		3-6 Months		6 Months-1 Year		1-3 Year		
	UT	C	UT	C	UT	C	UT		
	165	2	160	0	102	9	50		
	34.23	0.46	33.20	0.00	21.16	2.08	10.37		
DEATHS IN PRISONS	Natural Deaths	Suicide	Suicide Execution	Deaths Due to assault by outside elements	Murder by inmates	Death due to firing	Deaths Due to Negligence/Excess by Jail Personnel		
	Nil		Nil	Nil	Nil	Nil	Nil		
BUDGET (In RS.)	Allocated 2013-2014	Spent 2013-2014	Unspent 2013-2014	Allocated 2014-2015	Spent 2014-2015	Unspent 2014-2015	Allocated 2015-2016		
	54155015	53262566	892449	70655283	70458554	196729	82768614		
MENTALLY ILL	Number of prisoners with mental illness				Number of inmates given psychiatric treatment				
	UT		C		UT		C		
	M	F	M	F	M	F	M		
	Nil	Nil	Nil	Nil	No	-	-		
VULNERABLE CATEGORIES	Women		Children of prisoners		Foreign National Prisoners				
	UT	C	M	F	UT		C		
	71	33	0	2	Nil		Nil		

Sanctioned S	Actual Strength A	Vacant V	Total T	Male M
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Welfare Units						TOTAL		COMMENTS
S	A	V	S	A	V			
0	0	0	146	125	21			
Ministerial Personnel								
S	A	V						
19	14	5					Although the overall staff vacancy in Yamunanagar district jail is only 14.38% but the executive and medical departments have staff vacancies of 41.6% and 60%, respectively. Six positions are vacant in the guarding staff unit out of the total 105 sanctioned posts. Technical unit is short of two staff out of the five sanctioned posts but there is no vacancy in the ministerial unit. No posts were sanctioned for welfare, educational and agricultural departments.	
Total Prisoners								Undertrials comprise 52.74% of the total prison population.
						914		
3-5 Years			5 Years and Beyond		TOTAL		77.31% of the total convict population has been in jail for five years and more, while, majority of the undertrial population, 34.23% has been in jail for less than three months. Around five undertrial inmates have been in jail for more than three years.	
C	UT	C	UT	C	UT	C		
55	5	32	0	334	482	432		
12.73	1.04	7.41	0.00	77.31				
Others					TOTAL		No deaths occurred in Yamunanagar jail in the stipulated time period.	
Nil					0			
Spent 2015-2016			Unspent 2015-2016					The unspent budget rate stands at 1.65%, 0.28% and 1.21% for 2013-14, 2014-15 and 2015-16 respectively.
81767745			1000869					
F	Number of Inmates transferred to psychiatric treatment hospital		Number of Undertrials whose trials are suspended because they are unfit to stand trial		Number of Visits by psychiatrist		Information on the number of inmates given psychiatric treatment was not provided by the jail. However, the only information that was provided was that one inmate had been transferred to psychiatric treatment hospital and that trial of two undertrials was suspended as they were unfit to stand trial.	
-	1		2		1			
D			SC					Yamunanagar district jail houses a total of 104 women inmates and two children of prisoners. There are no FNPs in the jail.
Nil			Nil					

Female F	Undertrial UT	Convict C	Detenue D	Sentence Completed SC
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PART: V

Annexures



Annexure 1: Minutes of meeting held
on 11.10.2017 for implementation of
SC directives in the Re Inhuman Case

MINUTES OF THE MEETING HELD ON 11.10.2017 AT 4:00 PM UNDER THE CHAIRMANSHIP OF HON'BLE MR. JUSTICE AJAY KUMAR MITTAL, JUDGE, PUNJAB & HARYANA HIGH COURT WITH REGARD TO IMPLEMENTATION OF THE DIRECTIONS GIVEN BY HON'BLE SUPREME COURT IN ITS JUDGMENT DATED 15.09.2017 PASSED IN WRIT PETITION (CIVIL) NO.406 OF 2013 TITLED AS "RE-INHUMAN CONDITIONS IN 1382 PRISONS".

The meeting was attended by the following:-

1.	Hon'ble Mr. Justice Ajay Kumar Mittal, Judge, Punjab & Haryana High Court	Executive Chairman, Haryana State Legal Services Authority
2.	Hon'ble Mr. Justice Surya Kant, Judge, Punjab & Haryana High Court	Executive Chairman, U.T. Legal Services Authority, Chandigarh
3.	Hon'ble Mr. Justice T.P.S. Mann, Judge, Punjab & Haryana High Court	Executive Chairman, Punjab State Legal Services Authority
4.	Hon'ble Mr. Justice Mahesh Grover, Judge, Punjab & Haryana High Court	Chairman, High Court Legal Services Committee

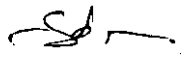
1. With regard to the directions given in **para No.4**, the Committee is of the view that a request be made to the State Government, State Police Academy and the Bureau of Police Research and Development for conducting the training and sensitization programmes for senior police officials of all prisons of Punjab, Haryana and U.T. Chandigarh.
2. With regard to the directions given in **para No.7**, the Committee resolves that before starting research, good researchers having knowledge of research methodology, experience and expertise be identified. For this purpose, the researchers are required to give presentations reflecting the approach to be adopted and the financial aspect involved. Researchers shall structure the proforma which can be adopted for obtaining inputs on monthly basis regarding the conditions of prisoners and other related aspects relevant for protecting the rights of prisoners and in compliance


with various judgments and mandate of legislation passed from time to time. The reference can also be taken from the proforma/questionnaire to be circulated to the State Governments by Ministry of Home Affairs as specified in the order dated 10.10.2017 passed by Hon'ble Supreme Court of India in this matter.

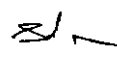
3. The study conducted by researchers shall, inter-alia, cover the following points:

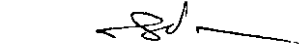
- Personal information of the prisoners regarding their cases
- Women Prisoners and their children
- Separation of juveniles from the other prisoners
- Health of the prisoners/hygienic conditions in jail
- Availability of vocational, semi-skilled or other job oriented opportunities
- Visits of family members of the prisoners
- Services/facilities being provided by the Legal Services Institutions
- Building & Infrastructure of jail

4. Further, it is resolved that progress of the researchers be monitored at regular interval.


(Ajay Kumar Mittal)
Judge


(T.P.S. Mann)
Judge


(Surya Kant)
Judge


(Mahesh Grover)
Judge

Annexure 2: Sample Interview Guide

Name of the Interviewer

Name of the Prison

S. No.

Date

INTERVIEW GUIDE

1	Name of the Inmate	
2	Father's name	
3	UT/Convict	
4	Date of Birth	<input type="checkbox"/> DOB Official Record _____ <input type="checkbox"/> DOB Client _____
5	Age	<input type="checkbox"/> Age Police (in FIR) _____ <input type="checkbox"/> Age Client _____
6	Belongs to (Name of District and State)	
7	Education	<input type="checkbox"/> Uneducated <input type="checkbox"/> Nursery/KG <input type="checkbox"/> Primary School (Class I to V) <input type="checkbox"/> Secondary School (Class VI to X) <input type="checkbox"/> Higher Secondary School (Class XI & XII) <input type="checkbox"/> Graduate <input type="checkbox"/> Post Graduate
8	Caste	<input type="checkbox"/> General <input type="checkbox"/> SC <input type="checkbox"/> ST <input type="checkbox"/> OBC <input type="checkbox"/> Other
	Religion	<input type="checkbox"/> Hindu <input type="checkbox"/> Muslim <input type="checkbox"/> Christian <input type="checkbox"/> Sikh <input type="checkbox"/> Other _____
9	Place of Offense	
10	Place & Date of Arrest	
11	Police Station	
12	Court	

13	First Production	<input type="checkbox"/> Within 24 hours <input type="checkbox"/> On 2 nd Day <input type="checkbox"/> On 3 rd Day <input type="checkbox"/> On 4 th Day <input type="checkbox"/> On 5 th day <input type="checkbox"/> On 6 th Day <input type="checkbox"/> On 7 th Day <input type="checkbox"/> After 7 days (Mention Period)_____
14	Days in Police Custody	
15	Custodial Torture	<input type="checkbox"/> Yes <input type="checkbox"/> No
16	If yes, details (Place of torture, type of torture, days etc)	
17	Date of Admission to the Prison	
18	Medical Examination at Prison	<input type="checkbox"/> Within 24 hours <input type="checkbox"/> Within 48 hours <input type="checkbox"/> More than 48 hours, specify the period <input type="checkbox"/> Not done at all
19	Whether injuries of Police torture told to the doctor	<input type="checkbox"/> Yes <input type="checkbox"/> No
20	Any illness, specify (Treatment for the same)	
21	Offences Charged (Sections & Name of Act)	
22	Lawyer	<input type="checkbox"/> No lawyer <input type="checkbox"/> Private Lawyer <input type="checkbox"/> Legal Aid Lawyer (Details)

23	First Access to a lawyer	At the time of: <ul style="list-style-type: none"> <input type="checkbox"/> Arrest <input type="checkbox"/> Before First Production <input type="checkbox"/> Appointed by Magistrate at First Production <input type="checkbox"/> Police Remand <input type="checkbox"/> Second Production <input type="checkbox"/> Second time Police Remand/ Judicial Custody <input type="checkbox"/> Committal <input type="checkbox"/> Filing of Chargesheet <input type="checkbox"/> Beginning of Trial
24	Relationship with the Lawyer	<input type="checkbox"/> Satisfactory, because <ul style="list-style-type: none"> <input type="radio"/> Provides sufficient information <input type="radio"/> Regularly meets client in court/prison <input type="radio"/> Regularly meets family <input type="radio"/> Present in court on every hearing <input type="radio"/> Other <input type="checkbox"/> Dissatisfactory, because <ul style="list-style-type: none"> <input type="radio"/> Does not provide relevant information <input type="radio"/> Never/Once/ Twice meets client in court/prison <input type="radio"/> Not present in many hearings <input type="radio"/> Others
25	Legal Aid Awareness	
26	<i>Mulqaat</i> by family (Frequency, satisfaction with the process etc)	

Undertrials

1	Time spent in Jail	
2	Court Production	<input type="checkbox"/> Last production <input type="checkbox"/> Next Production
3	Court Production	<input type="checkbox"/> Physical <input type="checkbox"/> Video Conferencing
4	Experience of Video Conferencing	

5	Stage of the case	<input type="checkbox"/> Investigation <input type="checkbox"/> Chargesheet filed <input type="checkbox"/> Chargesheet NOT Filed <input type="checkbox"/> Committal <input type="checkbox"/> Framing of Charges (dosharopan) <input type="checkbox"/> Evidence (Saakshya) <input type="checkbox"/> Judgement (Nirnay) <input type="checkbox"/> Sentencing (Sazaa)
6	Detention Status	<input type="checkbox"/> Applied for Bail but Rejected, Mention Ground <input type="checkbox"/> Granted Bail but not able to furnish surety, Mention Reason <input type="checkbox"/> Granted Bail in one case but not in other <input type="checkbox"/> Eligible for Bail under Section 167 (Calculate 60/90 days) <input type="checkbox"/> Eligible for Bail under 436A (Calculate Half Term)
7	Family informed of the Judicial Custody	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> If no, address and phone number of family
8	Admission Procedure	
9	Search during admission	
10	Undertook any vocational training course	
11	If family not visiting, how do you access the canteen and phone facilities	
12	Whether aware of Legal Aid Clinic in Prison	<input type="checkbox"/> Yes <input type="checkbox"/> No
13	If yes, whether approached the clinic for any legal assistance	<input type="checkbox"/> Yes <input type="checkbox"/> No
14	Quality of food provided	

15	Any other information	
16	Comments	

Annexure 3: NHRC Proforma for
Health Screening of Prisoners on
Admission to Jail



PROFORMA FOR HEALTH SCREENING OF PRISONERS ON ADMISSION TO JAIL

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

Previous History of illness

Are you suffering from any disease? Yes/No

If so, the name of the disease :

Are you now taking medicines for the same?

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

History of drug abuse, if any:

Any information the prisoner may volunteer:

Physical examination:

Height.... cms. weight..... kg Last menstruation period

1. Paller : YES/NO 2. Lymph Node enlargement: YES/NO

3. Clubbing: YES/NO 4. Cyanosis: YES/NO

5. Icterus: YES/NO 6. Injury, if any.....

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

8. Any other

Systemic Examination

1. Nervous System



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

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

Date of commencement of medical investigation

Date of completion of medical investigation

Medical officer

Annexure 4: Sample History-Ticket

FATHER: [REDACTED] GRAND FATHER: [REDACTED]
 (UPRADESH) DISTT MATHURA (UP), MATHURA(UTTAR
 MEV.
 INDIAN ADM MODE: TRANSFER (DISTRICT
 STATUS: JAIL GURGAON)
 MARRIED (N.A.) AADHAR NO: IN JAIL
 ILLITERATE N/A
 (AGRICULTURE) CONFINEMENT: [REDACTED] (Class C)
 LABOUR; BUTI PANJA LIFE SENTENCED
 WORK (IN SIDE)
 REMARKS



CREATED BY: ASW ON 31/10/2016 10:54:08 CHECKED BY: SH [REDACTED] ON 28/11/2017
 19:13:08
 VERIFIED BY: SH [REDACTED] ON 28/11/2017 MEDICAL EXAMINATION NOT AVAILABLE
 19:13:08 BY:
 DSP EXAMINATION NOT AVAILABLE SP EXAMINATION NOT AVAILABLE
 BY:

CASE DETAILS ([REDACTED] /2014)			
SR NO.	FIR DETAILS	SECTIONS	STATUS
1	FIR No. [REDACTED] Dt. [REDACTED]	[REDACTED]	CONVICTED ON [REDACTED] 2012 ([REDACTED])

Annexure 5: Programme Agenda

PROGRAMME AGENDA

Date: 27th April, 2019

Venue: PWD Rest House, Sector I, Punchkula

Time	Session	Speaker/ Participants
9.00	Registration & Tea	
9.30 – 9.40 AM	Welcome & Opening Remarks	Mr. Parmod Goyal, Member Secretary, HALSA
9.40– 9.50 AM	Welcome & Opening Remarks	Mr. K Selvaraj, DG Prisons, Haryana
9.50-10.30 AM	Presentation on the Report: Focus on implementation concerns	By the lead author, Ms. Sabika Abbas, Project Officer, Prison Reforms Programme, CHRI & co-author Madhurima Dhanuka, Programme Head, Prison Reforms Programme, CHRI
10.30 – 11.45	Session I: Prison Administration, Prison Regime & Grievances of the Guardians	Moderator – Secretary, DLSA Hisar Speakers: Superintendents of Prisons, Rewari, Kaithal, Sonipat, Ambala, Bhiwani, Jhajjar and Palwal & Probation Officer/Medical Officer
11.45 – 12.30	Session II: Medical Facilities, Visitation Rights, Access to Information and Vocational Training	Moderator: Secretary, DLSA Mewat Superintendents of Prisons, Jind, Rohtak, Panipat, Hisar II, Yamunanagar and Kurukshetra & Probation Officer/Medical Officer
12.30 – 1.30	Session III: Vulnerable Categories in Prisons	Moderator – Secretary, DLSA Faridabad Superintendents of Prisons, Gurugram, Faridabad, Karnal, Sirsa, Hisar I and Narnaul & Probation Officer/Medical Officer
1.30 – 2.00		Lunch

2:00-3:00	Session IV: Legal Aid in Prisons	Moderator- Secretary, DLSA Gurugram Speakers: Secretaries DLSA, Narnaul, Palwal, Ambala, Kurukshetra and Sirsa & Jail Visiting Panel Lawyer
3:00-4:00	Session V: Prison Oversight, Torture in Police Custody and Juveniles in Prisons	Moderator – Secretary, DLSA Rewari Speakers: Secretaries DLSA, Panipat, Karnal, Kaithal, Bhiwani and Jhajjar & Jail Visiting Panel Lawyer and Medical Officer
4.00-4.30	Way Forward: Framing of Action Plan Vote of Thanks	Mr. Man Pal Ramawat, Joint Member Secretary, Haryana State Legal Services Authority
4.30		Tea

CHRI PROGRAMMES

CHRI believes that the Commonwealth and its member countries must be held to high standards and functional mechanisms for accountability and participation. This is essential for 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. It focuses on research, publications, workshops, analysis, mobilisation, dissemination and advocacy and 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 aims at mobilising public support for police reforms and works to strengthen civil society engagement on the issues. In East Africa and Ghana, CHRI examines police accountability and political interference.

* **Prison Reforms:** CHRI's work in prisons looks at increasing transparency of a traditionally closed system and exposing malpractices. Apart from highlighting failures of the legal system that result in overcrowding and unacceptably long pre-trial detention and prison overstay, we engage in interventions and advocacy for legal aid and policy changes to revive prison oversight systems. Attention to these areas can bring improvements to the administration of prisons and conditions of justice.

2. Access to Information

CHRI is acknowledged as a key organisation working on the promotion of Access to Information. It encourages countries to pass and implement effective Right to Information 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 more recently, Kenya. In Ghana, CHRI is the Secretariat for the RTI civil society coalition. We regularly critique 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. We have experience of working in hostile environments as well as culturally varied jurisdictions; these enable us to bring valuable insights into countries seeking to evolve new laws on right to information. In Ghana, for instance, it has been promoting knowledge about the value of Access to Information and to campaign for the introduction of an effective law.

*** South Asia Media Defender's 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, especially in rural areas. 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 is developing an interactive website platform 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 the Right to Information movements and activists

3. International Advocacy and Programming

CHRI monitors the compliance of Commonwealth member states with human rights obligations and advocates around human rights exigencies where such obligations are breached. CHRI strategically engages with regional and international bodies including the Commonwealth Secretariat, Ministerial Action Group, the UN and the African Commission for Human and People's Rights. Ongoing strategic initiatives include advocating for and monitoring the Commonwealth reform, reviewing promised by Commonwealth members at the UN Human Rights Council, and the Universal Periodic Review. We advocate for the protection of human rights defenders and civil society spaces and monitor the performance of National Human Rights Institutions in the Commonwealth while pressing for their strengthening.

This report is meant to provide an insight into the realities of the prison system in Haryana, and covers all 19 prisons in the state. Conceived in pursuance of Supreme Court directives, it is the culmination of the team's examination of prison conditions conducted over several months through in-person visits and interviews with inmates and officials.

We hope this report serves to present the reader with a well-rounded idea of the life of a prisoner in confinement along with an analysis of prison administration, regimes and facilities in place for inmate welfare. Capped off with personal testimonials from prisoners as well as prison staff, and our recommendations for stakeholders, we hope that this publication will help anyone looking to study existing prison structures in the country.



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