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INSIDE  
KARNATAKA  
PRISONS

VOLUME 2



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

KARNATAKA STATE LEGAL SERVICES AUTHORITY  
&  
COMMONWEALTH HUMAN RIGHTS INITIATIVE





# **INSIDE KARNATAKA PRISONS**

**A Study Report  
by  
Karnataka State Legal Services Authority  
&  
Commonwealth Human Rights Initiative**

**Written by  
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# ABOUT KARNATAKA STATE LEGAL SERVICES AUTHORITY

Karnataka State Legal Services Authority is a statutory body constituted under Legal Services Authorities Act 1987. Pursuant to the enactment of the Legal Services Authorities Act 1987, the Karnataka State Legal Services Authority Rules 1996 were framed.

The main objective of Karnataka State Legal Services Authority is to provide free and competent legal services to the weaker sections of the society and to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity.

Thus, creating legal awareness, providing legal aid and services and settlement of disputes through amicable settlement and providing compensation under Victim Compensation Scheme are the main functions of the Authority.

Under the guidance of **Hon'ble Sri. Justice Abhay Shreeniwas Oka**, the then Chief Justice, High Court of Karnataka and Patron-in-Chief, Karnataka State Legal Services Authority, **Hon'ble Sri. Justice Aravind Kumar**, the then Judge, High Court of Karnataka and Executive Chairman, Karnataka State Legal Services Authority, **Hon'ble Sri. Justice Ritu Raj Awasthi**, Chief Justice, High Court of Karnataka and Patron-in-Chief, Karnataka State Legal Services Authority, **Hon'ble Sri. Justice B. Veerappa**, Judge, High Court of Karnataka and Executive Chairman, Karnataka State Legal Services Authority, the Karnataka State Legal Services Authority is imparting legal awareness to the public and also providing legal aid and services to the persons who are entitled as per Section 12 of Legal Services Authorities Act 1987. Karnataka State Legal Services Authority is implementing Schemes formulated by NALSA effectively under the advice of former Judges of Hon'ble High Court who are nominated as the Chairpersons for implementation of various schemes.

Legal Services clinics are established in Central Prison, District Prison and Sub Jails, Panel Advocates and Para Legal Volunteers are deputed to provide Legal Aid / Services to the under trial prisoners and convict prisoners. Convict prisoners who are serving long term sentence have been nominated as Para Legal Volunteers in order to extend effective legal services to the prisoners. Under Trial Review Committee has been formed in all the Districts which is looking after the affairs of Under Trial Prisoners and Convict Prisoners in each District.

Karnataka State Legal Services Authority conducts out-reach activities by responding to the basic needs of the weaker sections of the society. Authority is filing public interest litigations in the interest of the public. Persistent efforts are made to create awareness among the prisoners about their rights. Karnataka State Legal Services Authority has many success stories in protecting the rights of children, women, devadasis, senior citizens, transgenders, victims of crime and disaster. Karnataka State Legal Services Authority is committed to ensure that the benefits mandated by the Constitution reach the citizens.



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# ABOUT KARNATAKA PRISONS AND CORRECTIONAL SERVICES DEPARTMENT

Prisons and Correctional Services Department in Karnataka is headed by the Director General of Police, Prisons and Correctional Services. The Head Quarter is located in No.4, Seshadri Road, Bengaluru-560 009.

The Director General of Police, Prisons and Correctional Services at the Prison Headquarters is assisted by the Inspector General of Police, Superintendent of Police, Deputy Inspector General of Prisons, Superintendent of Prisons, Accounts Officer, Law Officer, Assistant Executive Engineer, Administrative Officer and other Office Staff at the Head Quarters.

The Director General of Police, Prisons and Correctional Services in the field is assisted by the Deputy Inspector General of Prisons, Northern Range situated at Belagavi and the Deputy Inspector General of Prisons, Southern Range situated at Bengaluru.

In Karnataka, presently there are 8 Central Prisons, 1 Women Central Prison, 1 Open Prison, 21 District Prisons, 17 Taluka Prisons and 3 Revenue Prisons as well as 1 Prison Training Institute. Total number of prisoners in the State is above 15,000. The Central Prisons and the Prison Training Institute are headed by the Chief Superintendent / Superintendent of Central Prisons, the District Prisons and Open Prison are headed by the Assistant Superintendent of Prisons, the Taluka Prisons and the Revenue Prisons are headed by a Jailor rank officer.

Prisoners convicted for 6 months and above are kept in the Central Prisons. Prisoners convicted up to 6 months are kept in the District Prisons while those prisoners convicted up to 15 days are kept in the Taluka / Revenue Prisons. Apart from this, Undertrials are also kept in the Central / District / Taluka / Revenue Prisons.

The Department has initiated major reformative measures for more than 15,000 prisoners lodged in 51 prisons in the State under 'Navachethana' program. The program aims to reform the prisoners holistically by improving their physical and mental well being as well as their educational and skill levels. The program aims to improve the self esteem of the prisoners and to make them capable of respectable life inside the prison as well as outside the prison after their release.

On 1st November 2021 on Karnataka Rajyothsava Day a massive 'Literacy Program' was launched in all the prisons in the State with the help of 'Mass Education Department' for 7,000 illiterate and semi-literate prisoners.

On 1st December 2021 programs for 'Mental and Physical Well Being' and for 'Skill Development', for the 15,000 prisoners and 3,500 prison staff have been launched in all the 51 prisons in the State. These programs have been launched in co-ordination with the 'Art of Living' and 'Isha Foundation' and in co-ordination with various training providers of the State Skill Development Corporation (KSDC) and National Skill Development Corporation (NSDC).



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# ABOUT COMMONWEALTH HUMAN RIGHTS INITIATIVE (CHRI)

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-governmental, non-profit organisation headquartered in New Delhi, with offices in London, United Kingdom, and Accra, Ghana. Since 1987, it has worked for the practical realization of human rights through strategic advocacy and engagement as well as mobilization around these issues in Commonwealth countries. CHRI's specialisation in the areas of Access to Justice (ATJ) and Access to Information (ATI) are widely known. The ATJ programme has focussed on Police and Prison Reforms, to reduce arbitrariness and ensure transparency while holding duty bearers to account. CHRI looks at policy interventions, including legal remedies, building civil society coalitions and engaging with stakeholders. The ATI looks at Right to Information (RTI) and Freedom of Information laws across geographies, provides specialised advice, sheds light on challenging issues, processes for widespread use of transparency laws and develops capacity. CHRI reviews pressures on freedom of expression and media rights while a focus on Small States seeks to bring civil society voices to bear on the UN Human Rights Council and the Commonwealth Secretariat. A growing area of work is SDG 8.7 where advocacy, research and mobilization is built on tackling Contemporary Forms of Slavery and human trafficking through the Commonwealth 8.7 Network.

CHRI has special consultative status with the UN Economic and Social Council and is accredited to the Commonwealth Secretariat. Recognised for its expertise by governments, oversight bodies and civil society, it is registered as a society in India, a trust in Ghana, and a public charity in the United Kingdom.

Although the Commonwealth, an association of 54 nations, provided member countries the basis of shared common laws, there was little specific focus on human rights issues in member countries. Thus, in 1987, several Commonwealth professional associations founded CHRI.

Through its research, reports, advocacy, engagement, mobilisation and periodic investigations, CHRI draws attention to the progress and setbacks on rights issues. It addresses the Commonwealth Secretariat, the United Nations Human Rights Council members, 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.

CHRI seeks to promote adherence to the Universal Declaration of Human Rights, the Commonwealth Harare Principles and other internationally recognised human rights instruments, as well as domestic instruments supporting human rights.

**International Advisory Commission:** Alison Duxbury, Chairperson. Members: Wajahat Habibullah, James Robbins and Sam Okudzeto.

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# INTRODUCTION

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Karnataka had the following six categories of prisons during the time of the visits by the study team from January to June 2019:

Central Prisons	8
Women (Central) Prison	1
District Prisons	21
Taluk Prisons	14
Open Air Prison	1
Revenue Prisons	6
<b>Total</b>	<b>51</b>

A brief description of the different categories of prisons is as follows:

- I. **Central Prisons**, where convicts with a sentence over six months' imprisonment are lodged along with under trial prisoners of the district in which the central prison is located;
- II. **District Prisons**, located in the district headquarters of each district, where under trial prisoners and convicts with a sentence less than six months imprisonment are lodged;
- III. **Taluk Prisons**, located in taluk headquarters, where under trials and convicts with a sentence less than 15 days imprisonment are lodged;
- IV. **Open Prisons**, where long term convicts with satisfactory prison records are sent and have the freedom to work in and around the prison and return in the evening. There is only one open prison in Karnataka, at Devanahalli;
- V. **Women's Prisons**, which as the name suggests has only female inmates, including undertrials and convicts. This was first set up in Tumakuru and was shifted to Shivamogga in 2019;
- VI. **Revenue Prisons**, a unique category of prisons, falling under the jurisdiction of the revenue department, with budget allocation from the prison department, where under trial prisoners in the taluk in which the revenue prison is located are lodged.

# **CENTRAL PRISONS**

# BALLARI CENTRAL PRISON

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## 1. PRISON DESIGN AND PHYSICAL LAYOUT

Established in 1884, the Central Jail Ballari is spread over an area of 16.18 acres. The office section and the interview room are close to the main gate, and the inner gate opens into the prison complex.

There is a dispensary/clinic, a barber shop and a makeshift VC room to the left side. Further along that line is a library which has been converted to a medical ward and still further down is a barrack with single cells. The kitchen area is on the opposite side of this section, and is close to the convict barracks. The central area has praying sections. A pyramid structure for meditation was under construction at the time of visit by the study team.

To the right side is where the new VC rooms were under work at the time of visit by the study team. The barracks are further along the prison complex, with the convict and under trial barracks separated by compound walls. The cells along the walls are used for rest by guards on wall duty. There are a few high security cells on the far end of the prison complex which are currently in use. There is an abandoned section of old single cells in a complex of its own, cut off from the main prison complex, which is protected by the Archeological Survey of India, and hence cannot be modified. The female barrack is an entirely separate enclosure, outside the main prison complex. There is a patch of land next to the prison which is cultivated by the out gang, and another small plot of land at a short distance from the prison. A complex of single cells to house high security inmates is in an enclosure of its own, outside the main prison complex, and might be put to use in the near future after completion of work and upon posting sufficient staff.

## 2. PRISON POPULATION AND OVERCROWDING

Historically, political prisoners of the Indian independent movement such as C. Rajagopalchari have served time in this prison. Now, this is a prison notified in the Karnataka Prison Manual to be a prison for habitual criminals. Over the years, several inmates have been transferred to this prison for security purposes, although other central jails in the state are also currently housing habitual criminals.

Being a Central Jail, this jail houses both convicts and under trials, male and female. **As of 31st December 2018, the occupancy rate of the prison was 79.7%.** Although the capacity of the prison is more than the population, there is an entire section of old single cells which has been abandoned over the years, and another section of single cells built in the 1970s which too are not in use currently as the work is unfinished, and more importantly, there are not enough staff members to guard these cells.

	<b>Capacity</b>	717		<b>Capacity</b>	30
	<b>Strength</b>	578		<b>Strength</b>	18
	Undertrials	170		Undertrials	6
	Convicts	408		Convicts	12
	Detenues	0		Detenues	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	80.61%		Occupancy Rate	60.00%

The study team physically checked all the barracks and visited all parts of the prison, and interacted with almost all inmates and prison staff of various ranks. The team also conducted detailed interviews of 20 male convicts, 15 male under trials, 3 female convicts, and 3 female under trials to understand the real issues and functioning of the prison, in addition to receiving written submissions from 12 inmates, and in depth oral discussions with over 20 inmates.



### 3. PROCEDURES UPON ADMISSION

At the time of admission, an inmate is made to undergo a detailed medical check-up, and the format issued by the prison department (similar to the NHRC format) is being maintained by the medical staff in the prison. The same is being uploaded in the ePrisons portal. The study team was allowed to inspect some of the records.

Upon admission an inmate gets a mat to sleep on, a blanket to cover themselves, a plate and a *chombu* (vessel).

Mandate	Status
Whether first medical examination done using the NHRC format?	Yes
Whether a separate admission room for quarantine in prison?	Yes
Whether basic articles given?	Yes

### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS<sup>1</sup>

Mandate	Mandate	Status
Male Section	14	42
Female Section	1	18

As per information provided, there are a total of 14 male barracks and one female barrack. Every barrack is equipped with fans and light bulbs however **some rooms did not have all fans functioning**. Since the study team visited in March, it was evident that the absence of fans would make the rooms very uncomfortable to live in during peak summer months, especially given that there is over-crowding in some barracks. **Walls are in need of whitewash and painting. Floors in the barracks require to be levelled, as they are old and rough.**

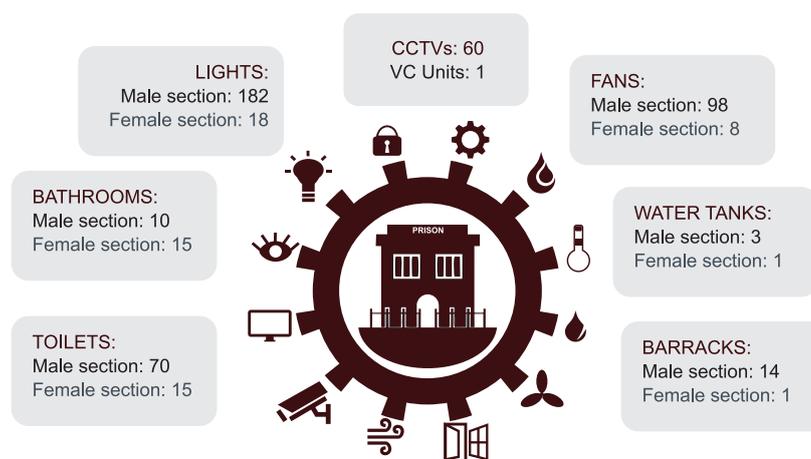
The bathing areas and bath rooms were clean at the time of visit by the study team, and seemed

<sup>1</sup> As on 31st December 2018

sufficient for use. Every barrack is provided with a bathroom, and there is a common washing area and toilets outside the barracks for use during the day. While the convict section has sufficient supply of water, the study team learnt that the **under trial barracks have an acute water crisis, both for drinking and washing purposes.**

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	Yes (under repair)	Yes

One video conferencing device had been installed in the prison, with three more being set up at the time of visit by the study team. There are CCTV cameras for continuous monitoring. Further, although there is an apparatus to execute a sentence of death, this is no longer in use.



The kitchen had basic facilities including 4 steamers, 2 refrigerators, a grinder, space to prepare ragi mudde and rottis. There are 21 convicts working in the kitchen. The study team learnt that jail food was more often than not supplemented with canteen food, unless inmates could not afford to do so. **Garbage is collected by the city corporation regularly. Medical waste is segregated and collected separately.**



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Chapattis, Rice and Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).



## 5. CONTACT WITH OUTSIDE WORLD

'Beti' or visits from family members is allowed once a week for under trials and once a fortnight for convicts. There is a visitors' room at the very entrance of the prison complex, which is meant only for male inmates. **The visiting room is very small, and has wire meshes through which conversations are facilitated,** unless permission is given for special entry where a meeting can happen near the gates. The room is so small that only five persons at a time can talk to their relatives. There was no fan on the visitor's side.

**The female barrack does not have a separate visitors' room, with conversations being allowed only through a small opening in the gate through which the inmate speaks with the visitor.** A share in the money received from home at the time of visits is common practice in this jail, as in most others.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

PCO facility is available in this prison, where inmates are allowed to make a call lasting for about 7 minutes. **The PCO system in this prison is however in frequent need of repair.**

No. of phone numbers allowed	Duration of Calls	Periodicity	Cost per call
2	7 minutes	Twice a week	Rs. 1.20

**There is a separate meeting room to conduct lawyer-client interviews.** Lawyers are allowed to meet their clients everyday of the week, for up to 30 minutes per visit.

Since this prison houses convicts, an important measure to ensure contact with the outside world is through regular visits to family members on parole. Several inmates that the study team interacted with had been unable to go on parole since the concerned station had not passed their applications. Further, **there is no practice in this prison to use discretion under Rule 191(2)(d), Karnataka Prison Rules, 1974 for granting parole, in order to maintain a uniform policy for all inmates. Inmates who have returned late from their parole, and have undergone trial and punishment for the same, are not being considered for release by the Advisory Board, sometimes up to five years beyond the normal time.**

A very serious concern expressed to the study team was the high costs imposed on inmates granted emergency parole to attend the last rites of family members or weddings of next of kin. This cost is for providing necessary escorts. Cost of escort imposed can be in excess of Rs.1,50,000, which is prohibitive for most inmates. As per Rule 191(3)(g) of the Karnataka Prison Rules, 1974, expenses to and fro during the grant of emergency parole is to be borne by the prisoner, and it is only in the exceptional circumstances mentioned in Rule 191(3)(a) that the prisoner may be released with 'adequate escort'. However, **imposing escort costs seems to be the norm for convict prisoners granted emergency parole in this prison, a practice that needs immediate attention and correction.**

For all the reasons cited above, and the high costs involved, the study team found that very few convicts in this prison even apply for parole, general or emergency. For the ones who have applied for parole but have been unable to secure clearance, there is a practice of writing to the Karnataka State Human Rights Commission, with a response requesting concerned authorities to show cause, with no further action.



## 6. MEDICAL FACILITIES AND HEALTHCARE

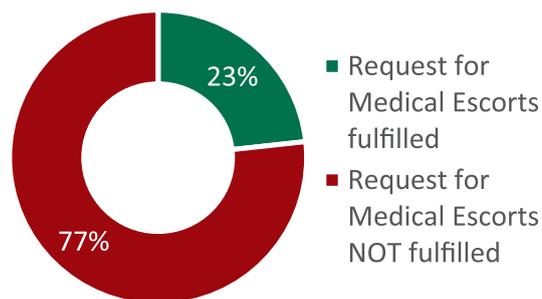
There is a dispensary in the prison complex which is taken care of by a medical officer, and two nursing orderlies (one male and one female). The medical officer has been posted at the prison on deputation from the last ten years. **There is no laboratory or lab technician, nor is there a pharmacist.** The study team was able to meet the medical officer and the male nursing orderly. **A psychiatrist from the district hospital makes a visit to the prison once a month. A dentist visits once a week, with the prison having a dental chair. A dermatologist also visits the prison when a request is made. There is a functional ambulance,** although there is no designated driver. Medicines are procured by placing an order online from the government medical store (GMS). Contingency funds available with the prison are used to purchase emergency medicines.

**This central prison does not have a hospital or even a well-equipped medical ward. There are only six medical beds which are located in a makeshift space in the library.** These six beds are insufficient for the number of inmates in need of medical treatment (24 at the time of visit by the study team), including those who come here as enroute prisoners from the surrounding prisons in Raichur, Lingsugur, Manvi, Koppal, Hadagalli and Hospete. At the time of visit by the study team, three inmates were undergoing treatment for TB, six for HIV/AIDS, 23 were receiving treatment for mental health concerns, and 14 inmates were being treated for heart related ailments, in addition to treatment for other ailments.

One of the common medical concerns in the prison is related to skin, given the close proximity in which inmates live and the general level of hygiene. There is also a growing number of instances of diabetes, even among the younger prison population.

The information provided by prison authorities to the study team revealed that four inmates died in the year 2018, three of whom died due to natural causes, and one died of suicide. **Judicial enquiry under s.176, CrPC has been completed in all these cases.**

A total of 902 inmates were provided medical treatment in the prison hospital in the year 2018. Of these, about 510 inmates were provided medical treatment in the year 2018 in out hospitals, among whom 321 were referred to the district hospital, and the remaining were sent to higher medical institutions including VIMS, NIMHANS, and Victoria, Bangalore.



**Availability of medical escorts is an alarming problem in this prison. A total of 1380 requests for medical escorts were made in the year 2018, of which a meager 321 were satisfied.** In emergency situations, when no medical escorts are provided, the prison staff has to make appropriate arrangements.



## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed either by prison authorities about their right to a lawyer, or were asked by the committal court if they had legal representation. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the charge sheet is filed.

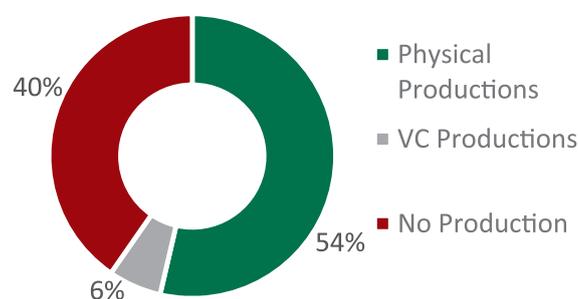
**Panel advocates are appointed as jail visiting lawyers on rotation basis. There is a legal services clinic inside the jail premises** which is open on the days that the jail visiting lawyers visit. Based on the recommendations of the report of the Parliamentary Standing Committee on Women Prisoners, DLSA has appointed five women lawyers to visit the female sections on the five working days. At the time of visit by the study team, there were 2 convict PLVs, both of whom provided invaluable assistance to the team. **Two case systems/kiosks have been installed in the prison to assist inmates in following their cases, with one convict having been trained to use these systems.**



Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?	No. of Convict PLVs appointed
Yes		2

In the year 2018 itself, 18 jail appeals were filed in the High Court. A major concern is the delay in disposing these cases, with several inmates having spent over five years without any movement in their cases. Further, information regarding the case is rarely communicated by legal aid lawyers appointed to the inmates in the High Court and Supreme Court, either in writing or through phone calls. **If an appeal is moving close to a hearing date, then this is informed in writing to the concerned inmate**, but there is little communication regarding the specifics of the case. A further concern is the frequent change in lawyers making it difficult for inmates to be in touch with their current lawyers.

In the period between 1st January 2018 and 31st December 2018, 3,404 physical productions were made in court, while 381 productions were made through video conferencing.



**About 2,564 court orders for production could not be made either physically or through video conferencing. Several inmates have missed more than 3 consecutive dates of court hearings, especially inmates with multiple cases, both among undertrials and convicts.**



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The prison has a multipurpose room which is used as a study room, yoga room, art room and gym. **This is the first prison to have a designated study centre affiliated to IGNOU. Over the years, several inmates have enrolled for education programmes through the centre**, (12 in 2012, 60 in 2013, 19 in 2014, 44 in 2015, 47 in 2016, 49 in 2017, 53 in 2018 and 150 in 2019). Courses opted include B.A., B.Com., journalism, NGO management, etc. Several inmates who were unable to finish schooling have opted for the Bachelor Preparatory Programme (BPP) which is a bridge course before they can pursue a graduate course.

In addition to this, adult education programmes are available for inmates who wish to learn to read and write. An inmate who was a lecturer before coming to prison was coordinating study efforts at the time of visit by the study team. The prison has over 50,000 books. At the time of visit by the study team, the library was also doubling as the medical ward, with plans to move the library to the multipurpose room shortly. Several inmates expressed their anguish at being unable to provide education opportunities for their children, the collateral damage of their incarceration. This prison also has several inmates who have been practising pyramid yoga, which has helped in anger and anxiety management.

**Regarding recreational facilities, television set and carom board are provided in each barrack. Some inmates are also involved in theatre activities. Several local NGOs participate in the prison including Patanjali Yoga Samiti, Lady Crafton Club, Indian Red Cross, Renuka Rural Development Centre, Mahadev Tatha Kala Sangha.**



## 9. PRISON LABOUR AND WAGES

The prison has some opportunities for providing work to convicts. Options available include power loom weaving, warping, tailoring, prison maintenance in the form of maintaining cleanliness and hygiene in the prison, kitchen work, laundry, assisting in medical care, office assistance, etc. Bakery unit is ready but is not functioning due to unavailability of a trainer. Further, **an out gang works in the land adjacent to the prison complex, and another piece of land a little further away from the prison, where inmates grow pulses and vegetables.**

**Several of the existing weaving and tailoring machines require maintenance and upkeep, having become dysfunctional. Like in other prisons in the state, work is only available to convict prisoners. Further, female inmates are not allowed to participate in the work areas, being restricted to their barracks,** where they have the option of engaging in tailoring work. Paper bag and toy making training was provided to some of the female inmates in 2018, while male inmates were given training in stitching jeans and motor rewinding. There is a computer instructor who manages prison labour and also maintains ePrisons, VC, etc., since there are no computers for training currently in this prison.

As of 31st December 2018, 350 convicts were employed in various work opportunities in the prison for a payment of Rs.100 per day. As per directions from the prison head office, all inmates are required to have bank accounts now for direct payment into their accounts; earlier the money used to be maintained by the prison in the Prisoners Property and Cash (PPC) Account. Since this process has taken some time, **payment had not been made for about 27 months at the time that the study team was visiting the jail, and several inmates still did not have their own bank accounts.** Prison officials informed the study team that payments would be released soon.

Some of the inmates interviewed by the study team revealed that the employment options within the prison are outdated avenues of making a livelihood and that they engaged in prison work as a means of keeping themselves occupied in prison and as a way of earning remission, and not with the hope of using these skills to find employment upon release from prison. Not all inmates were aware of the wages credited to their accounts or the number of days that they had earned in remission since this information is not disclosed as a matter of practice.

One meeting of the Advisory Board were held in the year 2018 with five inmates being recommended for release and all five of them were eventually released.



## 10. VULNERABLE GROUPS

### A. Women prisoners

The female barracks are self contained. Both convicts and under trial prisoners are lodged together in the barrack, which has cells for about three-four inmates per cell. The cells in the female barrack are clean and well maintained. Pregnant women and children are given special diet, including milk, eggs and fruit. **Sufficient sanitary napkins are being provided.** There were no children at the time of visit by the study team.

The area around the cells has a garden maintained by the female inmates, who also use this area for walks and recreation. **Women are not taken to the visiting room since it is in the main prison complex, and are instead making do with an opening in the main gate to their section.** Not all rooms have TV sets, and are often shared among inmates. As is the case with most female barracks in the state, **female inmates have no access to the library or work space**

**or praying areas in the main prison complex.** Tailoring machines are available in this section, although there are **no work opportunities to earn wages.** Vocational training to make hand bags, and training for yoga had been provided to some of the female inmates.

#### **B. Prisoners with mental health concerns**

As on 31st December 2018, there were 21 male and 2 female inmates undergoing psychiatric treatment. Of these, 22 were convicts who have been in this prison for longer than 5 years, and one under trial who has spent between 3 and 5 years in the prison. There is **no permanently appointed psychologist or psychiatrist for this prison,** however there is a monthly visit by a psychiatrist. Not all inmates with mental health concerns were segregated, with some being kept in the medical ward for observation along with other patients, and others being lodged in the general wards. In the make-shift medical ward, one cot had handcuffs. Due to lack of nursing staff, prison staff may have to resort to handcuffs in case any mentally ill inmate turns violent.

About 27 inmates were sent for higher treatment to NIMHANS, Bangalore, VIMS, Ballary and DIMHANS, Dharwad in the year 2018. One of the inmates with mental health concerns had been declared unfit to stand trial. Insomnia and depression are rampant in this prison.

#### **C. Young Offenders**

At the time of visit by the study team, **there were at least nine under trial inmates in the age group of 18-21 years, none of whom had been segregated from the older inmates.** It would be ideal for a prison of this size to ensure that young offenders are provided separate cells and a different daily routine tailored to their special needs.

#### **D. Old age offenders**

At the time of visit by the study team, there were several inmates over the age of 60. While those with serious medical ailments were in the medical ward, many of the male inmates over 60 years old were in a separate old age section, which is also where some of the high security prisoners are lodged.

#### **E. Prisoners from other states**

At the time of visit by the study team, there were about six under trial prisoners and five convicts from other states including Andhra Pradesh, Uttar Pradesh, Bihar, Jharkhand, Rajasthan, West Bengal, Punjab and Odisha. For these inmates, language is a barrier both in the court and in prison. Further, **several of them have been unable to establish and/or maintain contact with their family members owing to the distance and the lack of resources to make phone calls.**

#### **F. High security prisoners**

The study team was allowed to meet prisoners maintained in the high security cells. At the time of the visit by the study team, there were several inmates lodged in the high security cell. Inmates are sent here from other prisons as punishment or to control prison scuffles. The high security barrack is made up of very small cells, with about one to two inmates per cell. These cells are also used as punishment cells for inmates in the general barracks.



## **11. PRISON ADMINISTRATION**

### **Staff vacancies**

As on 31st December 2018, of the sanctioned posts of seven officers, six posts were filled. There

is a very serious shortage of staff in this prison. The study team was informed that with the recent recruitment and training of warders, the crunch at the warder level is expected to soon be eased.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
02	01	160	04	02	-	01	-	59	14	01	03

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
07	06	-	05	20	97	-	-	11	03	31	09

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in very few of them being able to avail a weekly day off, or even take leave during the year to visit their families. There is no crèche facility for the female staff, although this prison has 17 female staffers.

### Staff Accommodation

There is a need for constructing more number of living quarters to enable all staff members to have living quarters in the vicinity of the jails, in addition to renovating **existing living quarters which are very old and in need of urgent repairs**. The study team learnt that there is a **water problem in the staff living quarters which requires immediate attention**.

## 12. PRISON OVERSIGHT

- Ten Non-Official Visitors (NOVs) appointed in 2017 continued to visit prisons. **There was only one Board of Visitors meeting in the year 2018, with only one visit made by a NoV and ten by official visitors in the same period.**
- Under-trial Review Committee (UTRC) meetings were being conducted in prison every month from January to June 2019 in compliance with directions from the Supreme Court to this effect. But the study team was informed by the DLSA Secretary that **the Superintendent of Police and District Magistrate are not attending the monthly meetings, instead they sent junior officers.**

## 13. ISSUES OF CONCERN

- Instances of custodial violence and torture during police custody** – Of the 41 inmates interviewed by the study team, 20 alleged that they had been victims of custodial torture during police custody, which was not revealed either to the remand court or the doctor performing medical examination under police duress. Corporal punishment and segregation is used as a means of discipline and punishment in the prison.
- Inability to secure early release for life convicts** – Another common concern learnt by the study team is the number of convicts who have been serving a life sentence without ever

being considered for release by the Advisory Board since they have been convicted under sections that are exempted for the same under GO No.HD 384 PRA 2015.

- c) **Delay in appeal process** – Several convicts with whom the study team interacted with have been awaiting a decision on their appeals for over five-six years. Further, many of these inmates have been unable to establish and/or sustain contact with their high court lawyers, appointed both privately or through legal aid, making their wait debilitating and unending.
- d) **Body Warrants** – The study team found several instances of prisoners, both under trials and convicts, who have been unable to gain release from prison despite being granted bail and satisfying bail conditions in the case for which they have been arrested, on account of having a body warrant in one or more cases, or have not had any movement in their cases over several years.
- e) **POCSO cases** – The study team found several cases of undergoing trial, or charged under sections of the POCSO Act. One of the common situations where the provisions of this special legislation are used is in instances of young romance. Another grave concern in such cases is that the trial is being completed in an extremely short time, sometimes as short as 11 days, thwarting the opportunity for a just and fair trial.
- f) **Transfer cases** – Being a prison for ‘habitual criminals’, inmates from other prisons in the state are transferred here for security purposes. Further, there have been several transfers made from prisons, especially Bangalore Central Jail, for administrative purposes. This has resulted in several inmates being unable to maintain family ties or follow court proceedings.

### Chief Superintendent's Diary

*Mr. P. Ranganath has been posted at Ballari for a long time and has a progressive way of looking at many issues. He suggests opening a semi-open prison as a part of every Central Prison to provide opportunity to prisoners with good conduct to work outside prisons. He believes that one can manage files but it is extremely difficult to manage hearts and minds of people.*

#### UPDATES AS OF APRIL 2022

In the meeting held on 19 March 2022, the study team was informed about the following changes since its visit:

- ❖ Regarding infrastructure, an RO plant has been repaired, as well as the PCO systems. A borewell has been dug in the prison to offset the water shortage problem. The prison visiting room has been renovated to include intercom systems, bulletproof glass partitions and seating area for visitors. There are sufficient lights and fans in all barracks. Leveling of floors has been done.
- ❖ There are 4 VC units in this prison currently, and *emulakaat* facility was available during Covid.
- ❖ The prison hospital now has 10 beds and is a separate unit unto itself. Further, appointment of lab technician, pharmacist and a full time counselor is complete. There are two functional ambulances. Skin, eye and orthopedic camps are being conducted regularly.
- ❖ Young and old prison inmates are being segregated from the other inmates.
- ❖ With regard to prison work and training, male inmates were trained in construction painting by Asian Paints, while women inmates received training in pickle making/embroidery/candle making. These are in addition to soap making, tailoring, laundry and agriculture work available in the prison. Tailoring and weaving units have been repaired. Jan Dhan accounts have been opened for all prisoners earning wages.
- ❖ A crèche has been set up for children of female inmates.
- ❖ A separate library has been set up in the prison, and it is no longer housed in the medical wing. The library has about 5000 books.
- ❖ Staff shortage has reduced and their quarters have been repaired.

## KEY RECOMMENDATIONS FOR BALLARI

### PRISON HEADQUARTERS

- *Facilitate under trial prisoners and female prisoners to be involved in prison labour activities, for just wages. Kindly also consider expanding labour opportunities, including repairing existing facilities and introducing new facilities such as computer training, electrical work, etc.*
- *Increase staff quarters, and improve the existing ones; also provide water facilities for these quarters at the earliest.*
- *Renovation of the prison complex to include underground drainage, guard room and watch towers is required.*

### PRISON STAFF

- *Consider introducing sports facilities for both inmates and prison staff.*
- *Kindly ensure that the PCO facility is functional at all times.*
- *The visiting room in the male section is in need of upgrade.*
- *Kindly set up a hospital with a well-equipped laboratory with basic medical equipment, and a lab technician.*
- *In the event of parole applications being rejected, kindly make such copies available to inmates. Kindly ensure that there is no discrepancy in the remission granted to prisoners on the basis of the work undertaken in prison. Kindly also inform prisoners of the remission and wages earned by them on a regular basis.*
- *Kindly ensure that the water crisis in the under trial barracks is resolved.*
- *Kindly ensure that all fans in the barracks are functional.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Kindly assist convicts in the prison who have not had their period as under trials specifically set off in their orders to seek modifications of their orders to this effect, as per the proviso to s.428, CrPC.*
- *Kindly ensure that the Undertrial Review Committee considers all eligible cases under the various categories for review as mandated under the NALSA SOP on the functioning of such committees.*
- *Kindly ensure that Prison appeals sent to the SCLSC are accompanied by necessary translations and case records.*
- *Collect a list of under trial prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken. Further determine if any of them have been transferred to this prison in violation of s.19(3) of the same Act.*
- *Collect a list of convicts who were less than 18 at the time of their offence, or if there is a doubt regarding their age at the time of the offence, and assist them in securing relevant documents and also assist them to seek relief in the appropriate courts under the Juvenile Justice (Care and Protection of Children) Act, 2015.*

# BELAGAVI CENTRAL PRISON

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## 1. PRISON DESIGN AND PHYSICAL LAYOUT

Established in 1923, Central Prison Belagavi, more popular as the Hindalga Central Prison, is one of the largest central prisons in the state. There are two taluka prisons (Bailhongal and Gokak) and four revenue prisons (Ramadurga, Saundatti, Hukkeri and Athani) in the district of Belagavi, out of which only Gokak, Hukkeri and Saundatti are operational. It houses several inmates who require high security in addition to being the only prison in the state which houses death row inmates.

The prison is spread over an area of 23 acres. An area of about 30 acres around the prison is under cultivation, and is also used for grazing cattle. This is a green prison, with several trees and vegetation in the open spaces between sections, requiring massive effort from both staff and inmates to maintain.

At the entrance to the prison is the office section, along with the interview room. A second gate opens into the main prison complex. The prison complex is spread out over a vast area with several different sections. To the right are the bakery, judicial section and office of the instructor. To the left is a complex with the storage room of items given at the time of admission, VC rooms, electrical room, phenyl and soap making section, dying section and laundry section. Next to that is the office of the chief warder along with the bag making section. Further ahead, is the detinue section which houses both undertrial inmates who have recently been admitted to the prison, and a few separate cells for inmates requiring security. At the time of the visit by the study team, this was also where a *roza* room was created for inmates fasting during the holy month of *Ramzan*.

As part of the inner circle, at the centre of the prison complex are the kitchen and kitchen store room. Located behind the kitchen are two large complexes facing each other, with barracks for male convicts and under trial prisoners respectively. The convict section is designed in such a way that the work area is on the ground floor, and barracks are on the first floor. This work area includes power loom, handloom, warping and tailoring sections. The under trial section has cells and barracks both on the ground floor and the first floor, in addition to the library, carpentry section, tailoring, and a few cells for inmates requiring high security.

From the kitchen, on the right side of the outer circle of the prison complex are the hospital section, canteen and one tailoring section. On the left side of the outer circle is the detinue section, also called *Pratyeka Kothadi*<sup>2</sup> with a few inmates requiring high security. This is also the place where death row inmates who have an imminent date of execution are kept in their last few days, and where their final wishes are honoured. A small gate from here opens into the next section, which houses the gallows. This is the only functional gallows in Karnataka. Round the corner from this section, at a further distance is another *Pratyeka Kothadi*,<sup>3</sup> again to house inmates requiring high security. Further from there is the female section with one large barrack

<sup>2</sup> Pratyeka kothadi translates to 'separate room' in Kannada.

<sup>3</sup> Andheri translates to 'dark' in Hindi.

and three single cells. Across the female barrack is the *Andheri* section, which is the place where inmates requiring most security, both in this prison and the state, are housed. The *Andheri* section is a self-contained enclosure with rows of cells. Until 2014, all death row inmates were kept in the *Andheri* cells.<sup>4</sup> Further ahead in this direction is a cow shed.

## 2. PRISON POPULATION AND OVERCROWDING

This prison has both convicts and under trials, male and female. **As on 31st December 2018, the occupancy rate of the prison stood at 68.5%.** Being a central prison, it houses both convicts and under trials, male and female. Convicts from other district prisons are sent here. Taluka prison Gokak helps to reduce the strain on the under trial population here.

	<b>Capacity</b>	<b>1085</b>		<b>Capacity</b>	<b>77</b>
	<b>Strength</b>	<b>762</b>		<b>Strength</b>	<b>34</b>
	Undertrials	412		Undertrials	13
	Convicts	349		Convicts	21
	Detenues	0		Detenues	0
	Civil Prisoners	1		Civil Prisoners	0
	Occupancy Rate	70.23%		Occupancy Rate	44.15%

The study team physically checked all the barracks and visited all parts of the prison, and interacted with inmates in all barracks as well as prison staff. The team also conducted detailed interviews of 27 male convicts, 24 male under trials, eight female convicts, and eight female under trials to understand the real issues and functioning of the prison, in addition to in depth conversations with over 20 inmates.



## 3. PROCEDURES UPON ADMISSION

At the time of admission, an inmate is made to undergo a detailed medical check-up, and the format issued by the prison department (similar to the NHRC format) is being maintained by the medical staff in the prison. Undertrials are kept in the detenue section at the time of admission for up to a month so as to enable them to adjust to the prison. Sometimes, convicts and inmates transferred from other prisons are kept in the *Andheri* cells for a few days before transferring them to the main convict barracks.

Upon admission an inmate gets a mat to sleep on, a blanket to cover themselves, a plate and a *chombu* (vessel). There is a separate room to store items for a new entrant.

Mandate	Status
Whether first medical examination done using the NHRC format?	Yes
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes

<sup>4</sup> In 2014, the Supreme Court categorically decried the practice of segregating death row inmates in *Shatrughan Chauhan v. Union of India*, reiterating the position of law laid down by the Supreme Court in 1978 in *Sunil Batra v. Delhi Administration*.

#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS<sup>5</sup>

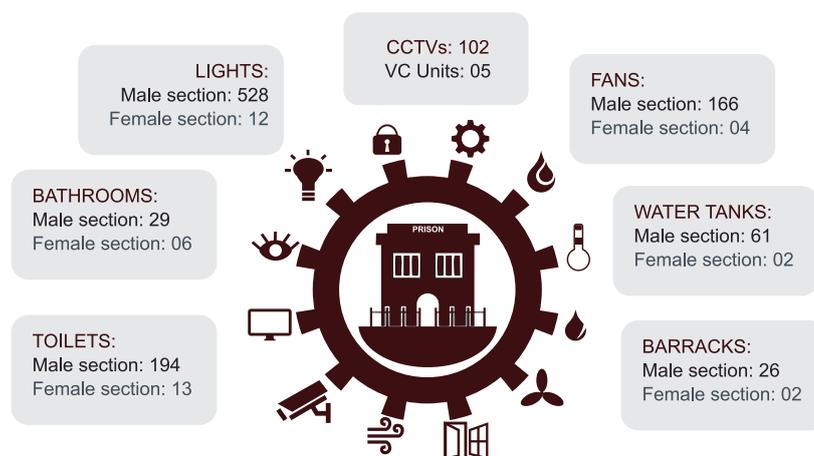
As per information provided, there are a total of 29 male barracks and in the women enclosure, one big female barrack and three cells.

	Number of barracks	Inmates per barrack
Male Section	29	26
Female Section	1 and 3 cells	33 <sup>6</sup>

6

Every barrack is equipped with fans and light bulbs however **some rooms did not have enough fans**. While the convict barracks are large rooms with bathrooms and toilet provided inside, the under trial section is divided into small cells lined next to each other, with toilets provided inside for a cluster of two-three cells. Both the convict and under trial sections have washing areas outside the barracks used for washing clothes and bathing.

**Some of the barracks are dimly lit, especially in the male under trial section. The roofs of the barracks have metal/wooden framework, with openings through which pigeon waste routinely falls into the rooms, in addition to rain water during the monsoons. Further, there is a big problem of bed bugs. Walls are in need of whitewash and painting. Toilets in the female barracks require taps.** In the barracks there is no place to keep personal stuff. Personal items are kept in travel/ shopping bags and hanged on the hooks. There is also a high prevalence of skin infections, as is the case in most prisons.



Solar power is used for electricity and there is a generator for power back up. The kitchen has basic facilities including eight steamers, two refrigerators, a grinder, space to prepare chapattis and ragi *mudde*. The study team learnt that prison food was more often than not supplemented with canteen food, unless inmates could not afford to do so. There is a separate godown to store kitchen supplies, including a flour mill. There is a prison canteen with basic needs and food items.



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice, Chapattis or *Ragi mudde*, Buttermilk.

<sup>5</sup> As on 31st December 2018

<sup>6</sup> Except for a death row convict, all women prisoners were lodged in the same barrack.

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	Yes	Yes



## 5. CONTACT WITH OUTSIDE WORLD

There is a visitors' room at the very entrance of the prison complex. **The visiting room is very small for a prison of this capacity, and has wire meshes through which conversations are facilitated**, unless permission is given for special entry where a meeting can happen in person. There is a waiting area for visitors to the prison.

Lawyers are allowed to meet their clients once a week, for up to 15 minutes per visit. **There is a separate room for lawyer-client meetings.**

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

PCO facility is available in this prison with two PCO facilities in the prison – one in the male convict section and the second in the male under trial section. Inmates can give up to three numbers to make calls to, changing these numbers however is a lengthy process. **Separate PCO required for the female section.** It would be a welcome addition to the prison, as they are currently brought to the male barrack to use it which entails long waiting time and the discomfort of waiting near the male barrack.

No. of phone numbers allowed	Duration of Calls	Periodicity	Cost per month
3	7 minutes per call	Twice a week	Rs. 100

Since this prison houses convicts, an important measure to ensure contact with the outside world is through regular visits to family members on parole. Several inmates that the study team interacted with had been unable to go on parole since the concerned station had not passed their applications. Also, due to high costs involved, the study team found that very few convicts in this prison even apply for parole, general or emergency.



## 6. MEDICAL FACILITIES AND HEALTHCARE

There is a hospital in the prison complex which is taken care of by a medical officer on contract, two pharmacists (one male and one female), a lab technician (female) and an x-ray machine operator (male). Further, about five convicts assist the doctor. There is a laboratory with equipment including an x-ray machine, biochemistry analyser, urine analyser, refrigerator, ECG measuring device, HB meter, nebulizer, BP apparatus and glucometer. The study team was unable to meet the medical officer as he was on long leave. As is the practice in the prisons with a medical officer, he is a retired government doctor who is currently on contract, and served as the hospital doctor during his service with the government. **The study team however received several complaints against the doctor.**

**A psychiatrist from the district hospital makes a visit to the prison once a month. The prison has a dental chair**, with medical students from KLE Hospital visiting regularly since

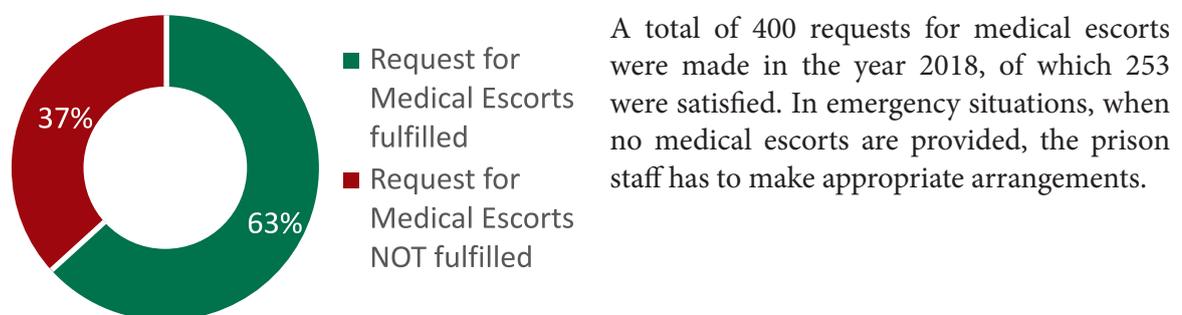
the chair is maintained by them. Medicines are procured by placing an order online from the government medical store (GMS). Contingency funds available with the prison are used to purchase emergency medicines.

The hospital area is a separate section where the laboratory, OPD room, X-Ray room, dental chair and pharmacist's room on one side. The adjacent side has a room with 25 beds, for inmates requiring intensive treatment. On the opposite side is a room without beds, for inmates requiring medical monitoring, and especially for inmates who have been recently admitted to the prison and recovering from injuries sustained during police torture. There are also a few single cells, generally used for inmates with mental health conditions requiring close monitoring or those who have turned violent. Toilets of hospital wards are old- and require urgent renovation.

Common ailments requiring medical treatment in this prison include HIV/AIDS, TB, heart conditions, diabetes and psychiatric treatment. About 48,047 medical examinations were made by the medical officer in the year 2018, and 49 inmates were admitted in the prison hospital in the same year. **Milk, eggs and bread are provided to inmates with grave medical concerns. This prison has a functional ambulance. Medical examination at the time of admission into the prison is conducted, and the same is being uploaded in the e-Prisons portal.**

In 2018, 253 inmates were referred to hospitals outside the prison including BIMS, Belgaum, KLE, Belgaum, KMC, Hubballi, Maratha Mandal Dental Hospital, Belgaum, Jayadeva Hospital, Bangalore and Kidwai Hospital, Bangalore.

The information provided by prison authorities to the study team revealed that three inmates died in the year 2018, all of whom died due to natural causes. **Judicial enquiry under s.176, CrPC has been completed only in one of these cases**, and information about all three deaths has been communicated to the NHRC as mandated.



## 7. ACCESS TO LEGAL AID AND COURT

Regarding their right to a lawyer, most of the prisoners who were interviewed revealed that they were informed either by prison authorities or were asked by the court if they had legal representation. Right to a lawyer was not communicated to them at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

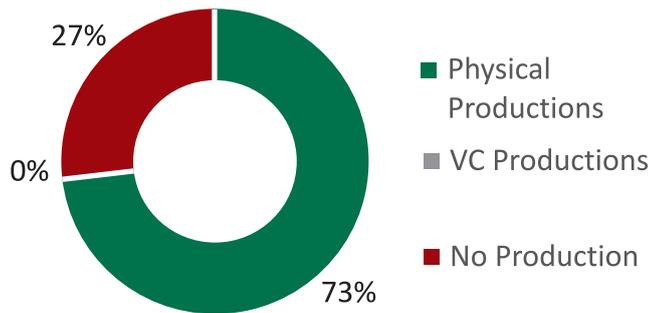
In the year 2018, ten jail appeals were filed in the High Court and three in the Supreme Court. A major concern is the delay in disposing these cases, with several inmates having spent over five years without any movement in their cases. Information regarding the case status is rarely communicated by legal aid lawyers appointed at the High Court and Supreme Court, either in writing or through phone calls.

Jail legal aid clinic has been set up in this prison. Panel advocates who are appointed as jail visiting lawyers visit the prison almost every day of the week. **Further, in good practice, there**

is a jail visiting lawyer specifically to visit the female barrack. At the time of visit by the study team, there were two convict paralegals, one of whom provided invaluable assistance to the team.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?	No. of Convict PLVs appointed
	Yes	Almost everyday	2 male

**Jail Visiting Lawyers (JVLs) and Convicts Paralegal Volunteers (PLVs) have not been paid wages by the DLSA for the last eight and six months, respectively.**



In the period between 1st January 2018 and 31st December 2018, 55,209 physical productions were made in court, while 90 productions were made through video conferencing. However, about 20,061 court orders for production could not be met either physically or through video conferencing.

Several inmates have missed more than three consecutive dates of court hearings, especially inmates with multiple cases, both among the under trial and the convict inmates.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The prison has a well maintained library with a collection of over 27,000 books, which can be issued by inmates. Further, 36 newspapers are subscribed to every day in Kannada, English, Marathi and Urdu. The prison also subscribes to six weekly and one monthly periodical. Two convicts maintain the prison library. The library has several tables and chairs for inmates to use. It is part of a larger community hall which is used for conducting various programmes.

**The prison also has a teacher who has been deputed from the education department.** Inmates interested in learning to read and write are taught by the teacher. In the year 2018, 65 male inmates and 20 female inmates were enrolled in formal education programmes. **For the past two years, correspondence courses offered by IGNOU have not been available for inmates to enroll.** Further, until a few months ago, a novel practice was underway, wherein educated inmates were assigned ten other inmates each to help learn to read and write, who were called 'prison teachers'. Prison teachers were also paid salaries for teaching. Unfortunately, this practice had discontinued by the time of visit by the study team.

Some inmates are also involved in theatre activities, having performed in different cities, in front of an audience. Several local NGOs participate in the prison including Prison Ministry of India, Shanthayi Vruddasharama, Synd Grameen Swaudyog Kendra, Art of Living, Swa Shakti Mahila Sabalakarana Kendra, Ankur Special Children School, Asian Colour Academy, Jeevan Vidya Mission and Saraswati Vachanalaya.

As regards recreational facilities, a television set and carom board is provided in each barrack.



## 9. PRISON LABOUR AND WAGES

**This is one of the most productive prisons in the state in terms of work opportunities available to prisoners, and the total turnover in a year arising from this work.** There are several avenues for employment. Options available include power loom weaving, handloom weaving, carpet weaving, blanket making, warping, tailoring, carpentry, hair cutting, agriculture, kitchen work, library and office maintenance, canteen maintenance, cattle rearing, electrical work, dyeing, soap and phenyl making, bakery, laundry, bag making, electrical work, medical care and maintaining cleanliness and hygiene in the prison.

The weaving, carpentry and tailoring sections are very busy and employ the most number of inmates. Blue *jamkhanas* (mats) given to inmates to sleep on are made in the weaving section of this prison, and sent to surrounding prisons as well. Further, white cloth used for convict uniforms are also made in the weaving section. Further, colourful *jamkhanas* (carpets) are also made here for sale in exhibitions. **The prison store is currently not open, which used to be an outlet for these earlier.** Towels and smaller mats are also made in the weaving section. The tailoring section is where the convict uniforms are stitched. Other work assignments completed by the tailoring unit include uniforms for home guards, police personnel and school children. The tailors in the prison expressed to the study team their desire to experiment further and try more designer clothes. The carpentry section is also a busy section of the prison with workmen undertaking projects to make beds for hospitals, tables and chairs for government offices, courts and also sofa sets. At the time of visit, the study team was informed that the carpentry section had recently finished a large order of cots for BIMS Hospital.

**The instructor who coordinates all the work in this prison explained to the study team that both the Chief Superintendent and he make efforts to bring work assignments to the prison, which has been instrumental in making this a highly productive prison. They even have a catalogue of the products that they can design, which is used to procure work assignments.**

The land around the prison is cultivated with sugarcane, paddy and vegetables. Further, the prison has about 56 cows whose milk is consumed in the prison. In addition, the prison also has several short term vocation courses, which are generally well received by inmates who are looking for constructive ways to spend their prison time. Two popular courses were the electrical course and the course on baking/cooking. The female barrack also has a small work section with two pit looms, a few sewing machines and they are involved in tailoring assignments that the prison gets.

As of 31st December 2018, 262 male convicts and 14 female convicts were engaged in various work activities in the prison for a payment of Rs.225 per day for skilled work, Rs.200 per day for semi-skilled work and Rs.175 per day for unskilled work. However, much of the tailoring and carpentry work involves payment on the basis of the rates fixed per unit/task. For instance, Rs.225 for a chair, Rs.600 for a table, Rs.4,000 for a sofa set, are the rates fixed in the carpentry section. Rs.50 per 50 metres made on the power loom, Rs.150 for three carpets (constituting one task) are the rates for the weaving section. Rs.50 for a shirt, Rs.50 for a pair of trousers, Rs.7 for a blouse, Rs.2 for a cap, etc., are the rates fixed for the tailoring section.

**There is a good practice in this prison of attendance being taken of every inmate who comes to work, with due remission credited to inmates.** A common concern expressed by convicts was the fact that in recent times, they have not been able to secure special remission from the IG, as there is a delay of about 2 years in getting the same.

As per directions from the prison head office, all inmates are required to have bank accounts

now for direct payment into their accounts, earlier the money used to be maintained by the prison in the Prisoners Property and Cash (PPC) Account. Since this process has taken some time, **payment had not been made for over three years at the time that the study team was visiting the prison, and several inmates still did not have their own bank accounts.**

One meeting of the Advisory Board were held in the year 2018 with five inmates being recommended for release and all five of them were eventually released.



## 10. VULNERABLE GROUPS

### A. Women prisoners

The female barrack is a self-enclosed space which has a single large cell for both convict and under trial inmates. There are also three single cells in case there is a need to segregate inmates for prison management or for special reasons. Since both convicts and under trials share the same barrack, this can lead to some scuffles.

There is also a work area with pit looms and sewing machines. While various NGOs come in to provide training in candle making paper bag making, etc., **these are sporadic efforts which do not sustain either in terms of instructions or work orders.** One large room is used as a common space where some women meditate and this is also the teaching room. A teacher used to visit the female barrack for those interested in learning to read and write, but was no longer posted in the prison at the time of visit by the study team. There are washrooms and toilets inside the barrack, and also a washing area outside to wash clothes, and a set of toilets outside with half doors.

One of the female inmates interviewed has been involved in theatre activities in the prison. Two convicts have been appointed as watchwomen and assist the staff. Newspapers and magazines are supplied to the female barrack, and they are also allowed to issue books from the prison library. As is the case with most female prison inmates, the common concern is about the well-being of their children outside the prison. Further, there were some convicts whose children were required to be placed with family members/children's homes upon turning 6 years old, which sometimes causes great anxiety as they are rarely able to meet their children. At the time of visit by the study team, there was one female death row inmate who is not segregated from the other inmates.

**Sufficient sanitary napkins are provided to the inmates.** The study team learnt that the quality of sanitary napkins provided earlier was not good, forcing the inmates to collectively demand good quality sanitary napkins, which they are now being provided. Pregnant and lactating women get eggs and milk in addition to the prison diet, while children are provided milk, eggs, bread and fruit.

**There is a female jail visiting lawyer who comes to the female barrack.**

There were two collective requests made by the female inmates to the study team – one was a PCO specially for women in the female barrack as they have to visit the male barracks for this currently; the second was for regular visits by a female doctor for gynaecological concerns.

## **B. Prisoners with mental health concerns**

As on 31st December 2018, there were as many as 74 male and eight female inmates undergoing psychiatric treatment in this prison. Among these, 35 under trial prisoners and six convicts had spent less than a year in prison while 11 under trials prisoners, two detenues and 17 convict prisoners had spent between 1 to 5 years in prison. One under trial prisoner and ten convict prisoners had spent more than 5 years in the prison. **There is no permanently appointed psychologist or psychiatrist for the prison despite high number of mentally ill prisoners, although there is a monthly visit by a psychiatrist.** None of the under trials with mental health concerns had been declared unfit to stand trial.

Not all inmates with mental health concerns were segregated, with some being kept in the medical ward for observation along with other patients, and others being lodged in the general wards. Inmates are sent for higher treatment to NIMHANS, Bangalore and DIMHANS, Dharwad. Insomnia and depression are rampant in this prison. One of the common concerns for inmates with mental health concerns is the loss of family ties upon admission to prison, and the ensuing lack of a support system.

## **C. Young Offenders**

At the time of visit by the study team, there were at least 30 under trial inmates in the age group of 18-21 years, none of whom had been segregated from the older inmates. It would be ideal for a prison of this size to ensure that young offenders are provided separate cells and a different daily routine tailored to their special needs.

## **D. Old age offenders**

At the time of visit by the study team, there were several inmates over the age of 60. While those with serious medical ailments were in the medical ward, others were in the common barracks. While some of these inmates received special diet including milk and bread, it is not available throughout the year.

## **E. Prisoners from other Countries**

At the time of the visit by the study team, there were four foreign nationals, all of them from Bangladesh. Since no international phone calling facility is available in the prison, some of them had been unable to inform their families about their whereabouts.

## **F. Prisoners from other states**

At the time of visit by the study team, there were about 15 under trial prisoners and six convicts from other states including Andhra Pradesh, West Bengal, Assam, Chhattisgarh, but predominantly from the neighbouring state of Maharashtra. For some of these inmates, language is a barrier both in the court and in prison. Further, **several of them have been unable to establish and/or maintain contact with their family members owing to the distance and the lack of resources to make phone calls.**

## **G. High security prisoners**

The study team was allowed to meet prisoners maintained in the high security cells. There are various security cells spread across the prison including the detinue section, *Pratyeka Kothadi 1*, *Pratyeka Kothadi 2*, *Andheri* cells, some cells in the under trial barrack and some cells in the medical wing. These inmates are not allowed to step out of their respective sections, and spend several hours in lock-up. Privileges such as using the PCO or meeting visitors are sometimes withdrawn. While some of the inmates have been segregated for their own security, some others

are segregated as punishment – either for a punishable offence in this prison, or on a punishment transfer from other prisons. Cutting privileges, imposing solitary punishment for up to one month, and with permission from the IG up to three months, are recognised punishments under the Karnataka Prison Manual. The study team learnt that corporal punishment is also resorted to at times. **Some of the cells used for segregation did not have fans.**

**There is no fixed time period for inmates who are transferred from other prisons on punishment, it extends to years in most cases, impeding their family connect.**

#### H. Death row prisoners

This is the only prison in the state of Karnataka where death row inmates are lodged, presumably for the reason that this is the only prison which has functional gallows (although death row prisoners routinely spend several years in the legal system, and do not need to be lodged next to the gallows until their date of execution is fixed and imminent). The last execution in this prison was in 1984. Despite the clear position of law<sup>7</sup>, several prisons in India, including this prison, kept death row inmates segregated from other prison inmates until 2014. Here they were lodged in the *Andheri* section, where they were only allowed to step outside their own cells, but never outside the *Andheri* barrack. This segregation comes with the inability to be involved in daily prison activities such as working in prison, studying under the teacher, among other such limited rights available within the universe of a prison. In 2014, the Supreme Court reiterated the position laid down in *Sunil Batra*, in the equally celebrated case of *Shatrughan Chauhan v. Union of India (2014)*. Following this decision, the prison administration in Belgaum ensured that all death row prisoners were integrated with other prisoners, and put an end to the practice of segregating them.

The study team was able to meet all inmates who are currently on death row, many of whom have been sentenced to death post 2014 and have therefore never spent time in the *Andheri* cells. The study team was also able to meet inmates whose sentences of death have been commuted to one of life imprisonment, many of whom have spent several years in the *Andheri* cells. It has been a new lease of life, even within the confines of the prison, as several of them are now engaged in prison work, and have been able to interact with other inmates. Unfortunately, some of them are not eligible for parole, and/or remission and therefore have to make the most of their lives in prison. Further, the general remission they might have earned had they been on a life sentence to begin with (three days a month) does not accrue to them until the time of the commutation of sentence from death to life, which is over 10-12 years spent in prison without remission.

Of the prisoners currently on death row, the study team found that **the bar on their engagement in prison work has a debilitating effect as they cannot find any meaningful way of being occupied in prison, while they await the fate of their appeals or mercy petitions. Further, several of them suffer from mental health concerns**, owing to various factors including the long years spent within a prison, the inability to maintain and sustain ties with family members without the right of parole and often times very far away from their homes (Belgaum is to the north end of a very large state), and living in a constant state of uncertainty about their future. Death row prisoners are also not allowed to study in the prison like other convict prisoners, although there is no such bar in the Karnataka Prison Manual or Rules.

<sup>7</sup> In 1978, the Supreme Court in the celebrated case of *Sunil Batra v. Delhi Administration (1978)* categorically laid down the law that a person is not 'under a sentence of death' until (1) his/her appeal in the Supreme Court has been rejected (this would now also include the right to an open court hearing of the review petition), and (2) his/her mercy petition has been rejected both the governor and president and (3) on further application there is no stay of execution by competent authorities (this would include a writ challenging the rejection of a mercy petition). Consequently, unless a person is under a sentence of death, they cannot be segregated from other prisoners unless it is as punishment prescribed by law. In 2014, the Supreme Court reiterated the position laid down in *Sunil Batra*, in the equally celebrated case of *Shatrughan Chauhan v. Union of India (2014)*.



## 11. PRISON ADMINISTRATION

### Staff vacancies

As on 31st December 2018, all seven sanctioned posts of officers were filled. The study team was informed that with the recent recruitment and training of warders, the crunch at the warder level is expected to soon be eased.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
01	01	211	07	01	-	01	-	96	21	03	02

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
07	05	02	08	34	135	06	-	25	03	34	18

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in **very few of them being able to avail a weekly day off, or even take leave during the year to visit their families. There is no crèche facility for the children of female staff, although this prison has 23 female staff.** Further, this is a huge prison, with several prisoners requiring security at all times, making it a very demanding prison for anyone to be posted in.

### Staff Accommodation

There is a need for constructing more number of living quarters to enable all staff members to have living quarters in the vicinity of the prisons, in addition to **renovating existing living quarters which are very old and in need of urgent repairs.**

## 12. PRISON OVERSIGHT

Under-trial Review Committee (UTRC) meetings are conducted regularly. One meeting of the Advisory Board was held in the year 2018 with ten inmates being recommended for release, eight of whom were released by the government. **There were no BoV meetings in the year 2018, nor were there any visits by any of the official or non-official visitors.**

## 13. ISSUES OF CONCERN

- Instances of custodial violence and torture in police custody** – Of the 67 inmates interviewed by the study team 33 (including two female convicts) alleged that they had been victims of custodial torture during police custody, which was not revealed either to the remand court or the doctor performing medical examination under police duress. Corporal punishment and segregation is used as a means of discipline and punishment in the prison.
- Inability to secure early release for life convicts** – There are a number of life convicts (about 15-20 in this prison) who have been convicted under sections that are exempted from early release under GO HD 384 PRA 2015 . An issue of uncertainty is with respect to

whether inmates would be considered for release by the Advisory Board only after serving the time in lieu of the fine imposed on them, or after being given the opportunity to furnish the fine amount which they would arrange for if informed in time.

**c) Delay in appeal process**

More than about 20 convicts with whom the study team interacted with have been awaiting a decision in their appeals pending before the High Court for over 5-6 years, some longer than that. Further, many of these inmates have been unable to establish and/or sustain contact with their high court lawyers, appointed both privately or through legal aid, making their wait debilitating and unending. Very few inmates prefer appeal before the Supreme Court both due to the inability to afford the process, and also because of the long time spent during trial and appeal before the High Court, by which time they would have already served a major portion of their sentence.

**d) Set-off not granted as a matter of right**

Despite the fact that courts have consistently held that the time served as an under-trial ought to be set-off against the sentence imposed under s.428 of the CrPC, the study team found close to 15 inmates not having benefited from the same. This is resulting in inmates having to spend longer terms than the ones imposed on them, and/or delay in being considered for early release by the Advisory Board.

**e) Long trial periods**

The study team met 50-60 inmates who had been under trial for over three years, often times having missed dates for want of escorts. Pendency is at various stages of trial including at the time of framing of charges, recording of evidence, or the delivery of judgment. Further, while inmates who missed dates in the local courts find out about the next date and what happened in court on the dates missed by them within a few days, inmates who have trials in 'out courts', or courts in other districts, often do not receive information about their trials if they miss them.

**f) Body warrants**

The study team found several instances of prisoners, both under trials and convicts, who have been unable to gain release from prison despite being granted bail and satisfying bail conditions in the case for which they have been arrested, on account of having a body warrant in one or more cases, or have not had any movement in their cases over several years.

**g) POCSO cases**

The study team found several cases of undergoing trial, or charged under sections of the POCSO Act. One of the common situations where the provisions of this special legislation are used is in instances of young romance.

**h) Transfer cases**

Being a prison for 'habitual criminals', this prison has several inmates who have been transferred from various prisons for security purposes. This has resulted in several inmates being unable to maintain family ties or follow court proceedings.

## Chief Superintendent's Diary

*It is a challenging task to administer a prison which is under the public gaze for different reasons. Mr. T.P. Shesha, Chief Superintendent of the Belagavi Central Prison has been steadfast in dealing with a number of issues. Despite unsurmountable pressures, he often extends a helping hand to prisoners in time of need. An incident came to the light of the study team when he made extra efforts for a convict, whose case is pending in the Supreme Court, to get in touch with his legal aid lawyer.*

### UPDATES AS OF APRIL 2022

In the meeting held on 19 March 2022, the study team was informed about the following changes since its visit:

- ❖ An amount of Rs.1,22,00,000 (rupees one crore twenty two lakhs only) has been sanctioned for renovation work in the prison, including the construction of a new block.
- ❖ Regarding infrastructure, the prison visiting room has been renovated to include intercom systems, bulletproof glass partitions and seating area for visitors. An RO system has been installed. There is now a separate room for admission.
- ❖ Three new VC systems have been set up, and *emulakaat* facility was available during Covid.
- ❖ Regarding prison labour and wages, Jan Dhan accounts have been opened for all prisoners earning wages.
- ❖ Young and old offenders are now segregated.
- ❖ New medical officers now attend to health concerns of inmates as visiting doctors.
- ❖ BoV and UTRC meetings are being conducted from time to time.
- ❖ Convict PLVs have been appointed.
- ❖ Death row inmates are allowed to study if they wish to through the Karnataka State Open University.
- ❖ Prison inmates in the high security cells are being allowed to use the PCO system to maintain social ties.
- ❖ The prison store is now open.
- ❖ Staff is now able to avail one weekly off since vacancy has decreased.

## KEY RECOMMENDATIONS FOR BELAGAVI

### PRISON HEADQUARTERS

- *Increase staff quarters and improve the existing ones.*
- *Renovation of the prison complex to re-do the roofs is imminent.*
- *Possible posts to be sanctioned for this prison – horticulture/agriculture specialist, legal officer, psychologist and a technician.*
- *Kindly appoint a permanent medical officer and nursing staff.*

### PRISON STAFF

- *Consider introducing sports facilities for both inmates and prison staff.*
- *Kindly consider introducing a PCO facility and a creche in the female barrack.*
- *In the event of parole applications being rejected, kindly make such copies available to inmates.*
- *Kindly determine a system whereby prisoners can be informed of the remission and wages earned by them on a regular basis.*
- *Kindly ensure that all fans in the barracks and cells are functional.*
- *Kindly undertake immediate steps to control the bed bug infestation in the prison.*
- *Kindly consider having special female specific health camps with regular visits by a gynaecologist.*
- *Kindly ensure that there is a separate washroom for female staff members, and female prison visitors.*
- *Kindly fix the broken pipeline in the under trial section and provide taps in the toilets inside the female barracks.*
- *Kindly restart IGNOU/KSOU courses for inmates.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Kindly assist convicts in the prison who have not had their period as under trials specifically set off in their orders to seek modifications of their orders to this effect, as per the proviso to S.428, CrPC.*
- *Kindly ensure that jail appeals sent to the SCLSC are accompanied by necessary translations and case records.*
- *Collect a list of under trial prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken. Further determine if any of them have been transferred to this prison in violation of s.19(3) of the same Act.*
- *Collect a list of convicts who were less than 18 at the time of their offence, or if there is a doubt regarding their age at the time of the offence, and assist them in securing relevant documents and also assist them to seek relief in the appropriate courts under the Juvenile Justice (Care and Protection of Children) Act, 2015.*

# BENGALURU CENTRAL PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

Established in 2001, the Central Prison in Bengaluru is located in the capital of the state. It is the largest prison in the state both in size and population housing about a third of the state's prisoners. This prison, in many ways, is a township unto itself.

The prison is spread over an area of 158 acres. The entrance to the prison has an elaborate screening area, followed by the office section spread over two floors. A further gate opens into the main prison section, which has a main road called M.G. Road running through the centre. As one enters, to the right is the entrance of the visiting room. Further ahead to the right is the female barrack, and the extreme left has the high security barracks and the VC section. The female barrack is smaller, built over two floors, and lined around an open rectangular courtyard. The high security wards are also built with cells around a small open rectangular courtyard. Little ahead on the M.G. Road is the hospital section on the right, and on walking further down the road, on either side, are the two main sections of the prison – the under trial section (left side), and the convict section (right side).

The convict section has the factory area, library, praying area, canteen, community centre/stage, along with the barracks all lined around a vast open rectangular field. The under trial section similarly has a community stage, library and barracks lined around a rectangular field, in addition to a school section for under trials between the ages of 18 and 20. M.G. Road terminates in the kitchen section, which is a huge establishment catering to an average of about 5000 prisoners a day. The prison has lands surrounding it, where some inmates cultivate vegetables and pulses.

## 2. PRISON POPULATION AND OVERCROWDING

This prison has both convicts and under trials, male and female. **There is a problem of overcrowding in this prison, with an occupancy rate of about 147%.**

	Capacity	3204		Capacity	100
	Strength	4696		Strength	163
	Undertrials	3434		Undertrials	83
	Convicts	1163		Convicts	68
	Detenues	12		Detenues	0
	Civil Prisoners	3		Civil Prisoners	0
	Occupancy Rate	145.57%		Occupancy Rate	163.00%

The study team physically checked all the barracks and visited all parts of the prison, and interacted with inmates in all barracks as well as prison staff. The team also conducted detailed interviews of 25 male convicts, 58 male under trials (25 from within Karnataka, 25 from other Indian states, and 8 foreign nationals) and 19 female prisoners (three convicts, nine undertrials, and seven foreign national under trials) to understand the real issues and functioning of the prison.



### 3. PROCEDURES UPON ADMISSION

At the time of admission, an inmate is made to undergo a detailed medical check-up, and the format issued by the prison department (similar to the NHRC format) is being maintained by the medical staff in the prison.

The under trial section has a separate room for new inmates to stay on their first day in the prison, before being allocated their room. It was learnt by the study team that **a new entrant has the choice of paying money for being exempt from doing cleaning duties in the first few days in the prison and for being given a good room. For those inmates who cannot pay their way in the prison, the first few days are difficult to get through as they are put to work in cleaning the prison.**

Upon admission an inmate gets a mat to sleep on, a blanket to cover themselves, a plate and a *chombu* (vessel).

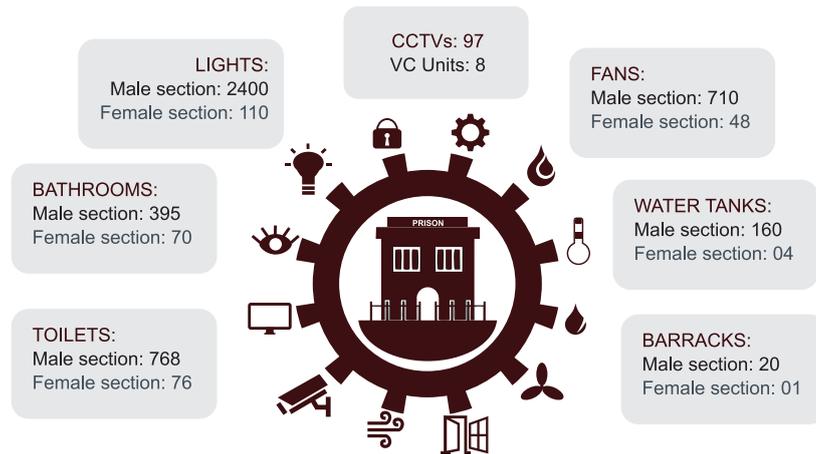
Mandate	Status
Whether first medical examination done using the NHRC format?	Yes
Whether a separate admission room for quarantine in prison?	Yes
Whether basic articles given?	Yes

### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

	Number of barracks	Inmates per barrack
Male Section	20	235
Female Section	1	163

Each barrack has several cells lined on two floors. Cells in every barrack are equipped with fans and light bulbs. Both the convict and under trial sections have washing areas outside the barracks used for washing clothes and bathing. **Some of the cells are dimly lit. Walls inside barracks are in need of whitewash and painting and toilets in need of taps.**

**There is a functional RO system with taps in different sections of the prison for inmates to collect water.** Water supply for cooking however comes from the overhead tank.



The kitchen is a huge establishment having to cater to about 5,000 prisoners on a daily basis. There is a *panch* election held every six months to elect those who will be in charge of different aspects of the kitchen –six of them elected at a time, and only from amongst convicts. There is a tea section, a dairy section (where curd is made inside the prison itself, which is then converted to buttermilk), a rice making section with steamers, a section with machines to knead ragi to make *mudde* (ragi balls), a section where fresh vegetables are stored (the key to which is maintained by the *panchs* on rotation basis), a section where the *sambar* is made and a section for chopping vegetables. There are cells provided for those who work in the kitchen (both convicts and under trials) on the first floor of the kitchen complex.

There are three shifts in which the kitchen staff work – one shift works in the early morning to prepare breakfast, the second shift works in the morning to prepare lunch and the third shift work in the day to prepare dinner which is served by 5 in the evening. The food that is cooked is carried in trolleys to designated spots outside each barrack for inmates to come and collect in plates or boxes.

At the time of the visit by the study team in January, meat and eggs had been discontinued since there had been an instance of mobile phones being supplied to the prison in the meat supply. When the study team revisited in June, meat was still not being supplied. There is also a prison canteen with basic needs and food items. Prison food is more often than not supplemented with canteen food, unless inmates cannot afford to do so.



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice, *Ragi mudde* or Chapatti and Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	Yes	Yes '97'



## 5. CONTACT WITH OUTSIDE WORLD

'Entry' or visits from family members is allowed once a week for under trials and once a fortnight for convicts. There is a visitors' room at the very entrance of the prison complex. **The visiting room is large**, and has wire meshes through which conversations are facilitated, unless

permission is given for special entry where a meeting can happen in person. **The visiting room also has sufficient lights and fans.**

One section of the visiting area is designated to check food items brought by family. There are three computers used to maintain the visitor record, as there are close to 200-250 visitors daily on average. The visiting area for convicts and undertrials is the same, with one section reserved for female convicts. **Money being taken at the time of visits is a routine practice.**

Since this prison houses convicts, an important measure to ensure contact with the outside world is through regular visits to family members on parole. Several inmates that the study team interacted with had been unable to go on parole since the concerned station had not passed their applications. Due to strict ineligibility criteria and the high costs involved, the study team found that very few convicts in this prison even apply for parole, general or emergency.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

PCO facility is available in this prison, where inmates are allowed to make a call lasting for about seven minutes, twice a week. Inmates who wish to use the PCO facility have to buy calling cards, which cost about Rs.100. Inmates can give up to three numbers to make calls to. There are two PCO booths in the convict section and three in the under trial section. They are however not always functional.

No. of phone numbers allowed	Duration of Calls	Periodicity	Cost per month
3	7 minutes	Weekly twice	Rs. 100

**There is a separate meeting room to conduct lawyer-client interviews. Lawyers are allowed to meet their clients once a week, for up to 60 minutes per visit.**



## 6. MEDICAL FACILITIES AND HEALTHCARE

**The prison has a large hospital area which caters to not only the over 4,500-5,000 inmates of this prison, but also to inmates who are sent here from other prisons in the state** (called 'en route' prisoners), to be sent for higher medical treatment to hospitals in Bengaluru. The hospital was originally established as a dispensary, which has now grown to accommodate over 120 beds. There are two senior medical officers, one psychologist, one psychiatrist and one lab technician.

There is also an X-ray unit and a biochemistry lab. The hospital is capable of conducting basic medical investigations for blood sugar, hbA1C, blood count, ESR, renal function, liver function, fever profiling (dengue, chikangunya, dengue, etc.), serum tests, TRop-T (for heart conditions), hbsAg, VDRL, HCV, urine test, pregnancy and for HIV/AIDS. **There is a weekly visit by the Oxford Dental College for dental care in the prison. The Singsandra primary health centre is where all the basic vaccination requirements are taken care of for the children inside the prison.** Saathi, an organisation that works on HIV/AIDS related issues, has a strong presence in this prison. They are introducing ICTC tests, and sensitising prison staff in prisons in across 12 states, including Karnataka which is going on in a phased manner in 23 prisons along with KSAPS (Karnataka Aids Prevention Society). **Regular medical camps are conducted in the prison**

for TB, HIV/AIDS, diabetes, cancer, etc. There is however a felt need for further consulting specialists in the departments of dermatology, orthopaedics, ENT and ophthalmology. There is also a high prevalence of skin infections, as is the case in most prisons. This **prison has a functional ambulance.**

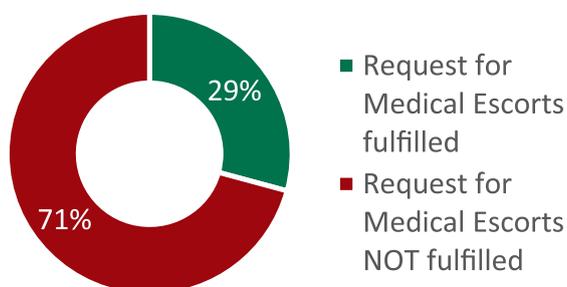
**Medical examination at the time of admission into the prison is conducted, and the same is being uploaded in the e-Prisons portal. Milk eggs, bread provided to inmates with grave medical concerns.**

The hospital wing has an emergency room with four beds. Inmates requiring hospitalisation are provided one of the 120 beds in the hospital, with a need for more beds. There is shortage of nursing staff in prison. As a result, **some long-term convicts are administering injections and IV fluids. They have learnt it on the job and have not been provided any formal training for the nursing work.**

The ground floor of the hospital is where patients requiring mental health treatment are housed. Each one is assigned another to take care of. There is an open courtyard which is used to walk out in the sun, or lie down under the sky. **The study team observed some patients being taken around in handcuffs – we were informed that this practice is used only for those patients with a history of violent behaviour.** There are some cells in the hospital area used for inmates requiring quarantine for medical purposes, and others for security/punishment purposes. There is a small clinic in the female barrack where female inmates are medically examined and admitted, and where a nurse makes a daily visit.

The information provided by prison authorities to the study team revealed that 27 inmates died in the year 2018. Detailed information was provided for 19 cases. The mandate of communicating the information of death to the NHRC within 24 hours of the incident was followed in all 19 cases. Judicial enquiry under s.176, CrPC has been completed in all 19 cases which declared four of the 19 deaths as unnatural.

**78,354 medical examinations were made by the medical officers in the year 2018, and 3,665 inmates were admitted in the prison hospital in the same year.** 162 were admitted in the prison wing of the hospitals for surgery. Hospitals to which patients are referred to include Victoria Hospital, Vani Vilas Hospital, Jayadeva Institute of Cardiology, Kidwai, NIMHANS, Rajiv Gandhi Institute of Chest Diseases, Karnataka Institute of Diebetology, Minto Eye, Government Dental College, Institute of Nephro-Urology, Kottakal Arya Vidya Sala, Sanjay Gandhi Government Ayurvedic Hospital, Bowring and Lady Curzon Hospital, Military Hospital, Manipal, Mobility India, Government Leprosy Hospital and the DHO Bengaluru Urban. In emergency situations, when no medical escorts are provided, the prison staff has to make appropriate arrangements.



**Between January and December 2018, 8,681 inmates were referred to hospitals outside the prison, of which only 2,537 could be sent for want of escorts.** This is a rate as low as 29%, making the dearth of escorts for medical purposes a critical area of concern for this prison.



## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed either by prison authorities themselves about their right to a lawyer, or were asked

by the committal court if they had legal representation. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

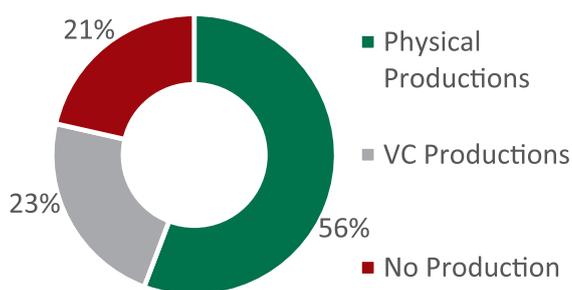
In the year 2018, 24 jail appeals were filed in the High Court and none in the Supreme Court. A major concern is the delay in disposing these cases, with several inmates having spent over five years without any movement in their cases. Further, information regarding the case is rarely communicated by legal aid lawyers appointed to the inmates in the High Court and Supreme Court, either in writing or through phone calls.

Two jail legal aid clinics are established under DLSA Urban and DLSA Rural. Panel advocates from both DLSA Banaglore Rural and Urban are appointed as **jail visiting lawyers who visit the prison every day of the week**, on rotation basis, with the same lawyer visiting the prison for a week.

When the jail visiting lawyer visits the prison, an announcement is made in the speaker informing inmates of their arrival. However, **the legal aid clinics are near the office area, which is not a common area for prisoners to visit**. It would be ideal if the clinics are placed closer to the barracks such that inmates can approach the lawyers easily and more effectively. The study team found several newly admitted inmates being unaware of seeking a legal aid lawyer through the jail visiting lawyer, and several inmates in general not being able to follow the status of their cases despite the daily visit by jail visiting lawyers. **Convict PLVs are appointed from among the convicts who assist inmates in following their cases, writing to the DLSA to seek lawyers, file jail appeals, etc.**

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?	No. of Convict PLVs appointed
	Yes	Everyday	20

In the period between 1st January 2018 and 31st December 2018, 1,01,355 physical productions were made in court by the City Armed Reserve, while 41,520 productions were made through video conferencing.



However, **38,986 court orders for production could not be made either physically or through video conferencing**. This is a very high number, and several inmates have missed more than three consecutive dates of court hearings, especially inmates with multiple cases, both among the under trial and the convict inmates.

At the time of visit by the study team in January, eight VC systems in the prison had been set up and were functional, with eight more being provided soon. The VC section is a very busy area of the prison, with several courts in Bengaluru being VC friendly. There are fixed time slots from magistrate courts for remand proceedings, while for session court trials time is fixed depending on the case. Inmates who have VC productions are informed the night before. There are five personnel to take care of the VC section. While court production through VCs reduces the problem of the dearth of escorts, this is a poor substitute for physical court production since prisoners can barely hear or follow court proceedings on the VC system.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The prison has a well maintained library in the under trial section, convict section and in the female section. The libraries are well stocked with about 50,000 books. 130 newspapers and several periodicals are subscribed to in Kannada and English. Convicts maintain the prison library. The library has several tables and chairs for inmates to use. On an average, 400 prisoners use library every day.

In the year 2018, no inmate, whether, men or women, enrolled in formal education programmes with IGNOU and KSOU offering correspondence courses to inmates. There is a study room in the convict section with tables and chairs for when contact programmes (classes) are held in the prison, while for female inmates benches are provided in the library itself.

**Some inmates are also involved in theatre activities, having performed in different cities. Inmates also participate in sports including cricket and volleyball (earlier kabaddi was also played), with inter-Prison competitions organised on occasions. Several local NGOs participate in the prison** including Prison Ministry of India, Beem Rural Development Organisation, Mindtree Ltd., Art of Living, Hope for Prisoners, International Logos Ministries and Educational Trust.

For recreational purposes, a television set and a carom board are provided in each barrack.



## 9. PRISON LABOUR AND WAGES

This prison has a few avenues for work. Options available include power loom weaving, tailoring, carpentry, metal work and welding, printing, agriculture, kitchen work, library and office maintenance, canteen maintenance, electrical work, dying, soap and phenyl making, bakery, laundry and ironing, medical care and maintaining cleanliness and hygiene in the prison. Some inmates are also engaged by contractors who are involved in construction work in the prison. Some inmates work for other inmates for wages, including cleaning clothes and the room. **As regards vocational training, out of a total 1,231 convicts, only 50 convicts, 30 men and 20 women, were provided vocational training in 2018.**

The carpentry section had only three inmates working at the time of visit by the study team as there was no raw material or work order. Next to the carpentry section is the metal and welding section which is busy and employs several inmates, with work orders for metal *almirahs* and chairs from courts and offices. Above this section is the floor with two rooms for tailoring work. This is where clothes for convicts are stitched and also uniforms for prison officers. They also take up orders from other departments when they come through. The power loom is where the cloth for clothes stitched for inmates is made, and also where their mats and blankets are made. The bakery section – called the Parivartana (meaning, reformation) bakery, employs both convicts and under trials. Items made here include puffs, cake, bread (used in the prison hospital), coconut/butter cookies, mixture, sweets, pani puri, etc. These are sold in the prison canteen and the shop outside the prison. Earlier there used to be regular supply of bakery items to other government departments, but due to insufficient staff strength, they have been unable to transport these outside. The printing section takes care of all the printing requirements of prisons in the state including inmate admission registers, coupons used as currency in the prison, and also forms maintained by prisons. None of these sections had instructors, with inmates passing on knowledge from one section to another.

The women prisoners do not participate in the main prison work area. Some of them assist in maintaining the library in the female section, and in the clinic there, among other prison

maintenance work. Various short term training courses are provided in embroidery, knitting, jewellery making, paper bag making, flower making, gardening, mushroom cultivation, bakery item making, computer training, among others but not on sustainable basis.

As of 31st December 2018, 140 male convicts and 35 female convicts were engaged in various work opportunities in the prison for a payment of Rs.225 per day for skilled work, Rs.200 per day for semi-skilled work and Rs.175 per day for unskilled work. However, much of the tailoring and carpentry work involves payment on the basis of the rates fixed per unit/task. As per directions from the prison head office, all inmates are required to have bank accounts now for direct payment into their accounts, earlier the money used to be maintained by the prison in the Prisoners Property and Cash (PPC) Account. Since this process has taken some time, payment had not been made for over two and a half years at the time that the study team was visiting the prison, and several inmates still did not have their own bank accounts.

While work remission is being provided, special remission is difficult for inmates to secure, as one has to apply for the same, and this is a tedious process requiring several trips to be made to the prison office, often, with no response.

Two meetings of the Advisory Board were held in the year 2018 with 106 inmates being recommended for release, of whom 74 were actually released.



## 10. VULNERABLE GROUPS

### A. Women prisoners

The female barrack is a self-enclosed space with cells for under trials and convicts in two floors arranged around a rectangular courtyard. One large room is used as a library and is also the teaching room. There are washrooms and toilets inside the barrack, and also a washing area outside to wash clothes. Newspapers and magazines are supplied to the female barrack. As is the case with most female prison inmates, the common concern is about the well being of their children outside the prison. Further, there were some convicts whose children were required to be placed with family members/childrens' homes upon turning 6 years old, which sometimes causes great anxiety as they are rarely able to meet their children.

**Sufficient sanitary napkins are provided to the inmates.** Pregnant and lactating women get eggs and milk in addition to the prison diet, while children are provided milk, eggs, bread and fruit. **There is also a small clinic inside the female barrack where female inmates are medically examined, and admitted.** Work for female inmates is mostly in assisting the prison staff in running the prison, including maintaining cleanliness and discipline. There are regular raining courses in embroidery, knitting, jewellery making, paper bag making, flower making, gardening, mushroom cultivation, bakery item making, among others.

### B. Prisoners with mental health concerns

As on 31st December 2018, there were about 22 convicts with mental health concerns who had been lodged for longer than five years. Seven under trial prisoner with mental illness were detained for longer than three years.

In 2018, 450 male and 30 female inmates underwent psychiatric treatment. In the same year, 630 male and 90 female inmates received psychological counselling. **The prison hospital has a psychologist and a psychiatrist.** Not all inmates with mental health concerns were segregated, with some being kept in the medical ward for observation along with other patients, and others being lodged in the general wards. Inmates are sent for higher treatment to NIMHANS,

Bengaluru. Insomnia and depression are rampant in this prison. One of the common concerns for inmates with mental health concerns is the loss of family ties upon admission to prison, and the ensuing lack of a support system.

### **C. Young Offenders**

At the time of visit by the study team, there were at least 120-130 under trial inmates in the age group of 18-21 years. **There is a good practice in this prison of under trial prisoners between the ages of 18 and 20 being segregated from the remaining inmates, and housed in a separate barrack called the school section.** The boys have a fixed schedule where they wake up at 6 am, 6-6:30 is for bathing and cleaning, prayer between 6:30 and 7, yoga between 7 and 8, breakfast between 9 and 10, and then classes in English, Kannada, Maths and music till 1. Lunch is between 1 and 2, and then rest between 2 and 3. 3 onwards, the boys spend time at the library or play sports, dinner is supplied at 5:30 after which it is lock up time.

The study team interviewed some of these inmates, and also two senior convicts who help run this section. Several of the young inmates had been charged under the POCSO Act – but due to a misapplication of the law on young lovers/couples, as opposed to actual offenders, as informed to the study team. Other than this, dacoity and theft are the common offences for which these inmates are charged. Most of these young delinquents came from broken families and do not have enough social protective factors to discern right from wrong.

However, this section is only for under trials of that age group, **young convicts of the same age are not segregated.** Further, if a young undertrial keeps returning on re-offending, or has a negative influence on first time young offenders, they are not retained in the school section. Further, not all of the young delinquents have the necessary documents to prove their age. The school section is in dire need of sports supplies, being dependent on donations from civil society. Among the convicts, the study team met a few who were juveniles at the time of their offence, but have been unable to benefit from the Juvenile Justice (Care and Protection of Children) Act 2015 as they have either been unaware of it, or could not raise the issue in court.

### **D. Old age offenders**

At the time of visit by the study team, there were several inmates over the age of 60. While those with serious medical ailments were in the medical ward, others were in the common barracks. While some of these inmates received special diet including milk and bread, it is not available for everyone.

### **E. Prisoners from other countries**

This prison has at least 20-25 foreign national prisoners, mostly from the neighboring countries of Nepal, Bangladesh and Pakistan, in addition to inmates from Nigeria, Columbia, and Iran at the time of visit by the study team. Given that Bengaluru is a cosmopolitan city with several work and education opportunities, there is a sizeable foreign population in the city itself, which is reflected in the demography of the prison. While some of the foreign nationals are able to establish contact with their respective embassies, several are unable to do so. They also have a difficult time following court proceedings, finding a lawyer, and being able to furnish surety for bail. Further since the PCO facility in the prison does not allow for international calls, these inmates are also unable to establish and maintain family ties.

### **F. Prisoners from other states**

At the time of visit by the study team, there were about 50-60 under trial prisoners and 10-12 convicts from other states including Assam, West Bengal, Tamil Nadu, Andhra Pradesh, Uttar Pradesh, Haryana, Delhi, Odisha, Jharkhand, Bihar, Rajasthan, Manipur, Meghalaya, among others. Given that Bengaluru has a sizeable migrant population looking for work, the demography

of the city is reflected in the prison population. For most of these inmates, language is a barrier both in the court and in prison. Further, several of them have been unable to establish and/or maintain contact with their family members owing to the distance and the lack of resources to make phone calls. There is also no facility for a translator in courts is available for people belonging to other states.

### G. High security prisoners

The study team was allowed to meet prisoners maintained in the high security cells. These cells are for inmates who require segregation on account of security concerns. Inmates in these cells are allowed to walk around their cells, although they are not allowed to walk in the rest of the prison without escorts. They are taken to the hospital, VC section, library and the visiting room when required.

**Some of the inmates in the security cells have spent over 11-12 years as under trials, and have concerns with the delay in their cases,** and especially with the fact that even when they have medical concerns, courts do not permit them to be taken out of prison. In addition to the security cells, some cells are used as punishment cells, commonly called the ‘command room.’ This is where inmates found with contraband substances (including marijuana, mobile phones, etc.) or get into fights with other inmates, among other reasons, are placed as a form of prison punishment. **To get out of the ‘command room’, some amount of money is exchanged, in what is commonly referred to here as a ‘settlement’. Those who cannot afford to ‘settle’, continue in the ‘command room’ for up to three months at a time.**



## 11. PRISON ADMINISTRATION

### Staff vacancies

Staff shortage is a very grave concern, and this has resulted in very few of them being able to avail a weekly day off, or even take leave during the year to visit their families.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
03	06	647	05	02	-	05	-	236	48	02	03

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
51	22	04	23	90	659	22	04	77	14	162	115

### Experiences of prison administrators

There is no crèche facility for the female staff, although this prison has 17 female staffers.

### Staff Accommodation

There is a need for constructing more number of living quarters to enable all staff members to have living quarters in the vicinity of the prison, in addition to renovating existing living quarters which are very old and in need of urgent repairs.

## 12. PRISON OVERSIGHT

Six Non-Official Visitors (NOVs) appointed in 2017 continued to visit prisons. The Board of Visitors have been constituted, and one meeting took place in 2018. Under-trial Review Committee (UTRC) meetings are being conducted in prison.

## 13. ISSUES OF CONCERN

- a) **Instances of custodial violence and torture in police custody** – Of the 102 inmates interviewed by the study team, 52 (including three female inmates) alleged that they had been victims of custodial torture during police custody, which was not revealed either to the remand court or the doctor performing medical examination under police duress. Corporal punishment and segregation is used as a means of discipline and punishment in the prison.
- b) **Inability to secure early release for life convicts** – Another common concern learnt by the study team is that of convicts (about 33 in this prison) who have been serving a life sentence without being eligible for release by the Advisory Board, as they have been convicted under sections that are exempted under GO HD 384 PRA 2015.
- c) **Delay in appeal process** – Several convicts with whom the study team interacted with, have been awaiting a decision in their appeals pending before the High Court for over five to six years, some longer than that. Further, many of these inmates have been unable to establish and/or sustain contact with their high court lawyers, appointed both privately or through legal aid, making their wait debilitating and unending. Very few inmates prefer appeal before the Supreme Court both due to the inability to afford the process, and another reason being that if their appeal is pending in the Supreme Court, they are ineligible to be considered by the Advisory Board also if they are eligible for consideration by the Advisory Board, there higher chances for them to be released by the Board than tying all their hopes with the appeal in Supreme Court.
- d) **Body Warrants** – The study team found several instances of prisoners, both under trials and convicts, who have been unable to gain release from prison despite being granted bail and satisfying bail conditions in the case for which they have been arrested, on account of having a body warrant in one or more cases, or have not had any movement in their cases over several years.
- e) **POCSO cases** – The study team found several cases of undergoing trial, or charged under sections of the POCSO Act. One of the common situations where the provisions of this special legislation are used is in instances of young romance.
- f) **Long trial periods** – The study team met several inmates who had been under trial for over three years, often times having missed dates for want of escorts. Pendency is at various stages of trial including at the time of framing of charges, recording of evidence, or the delivery of judgment

### Chief Superintendent's Diary

*The sheer size and population of the prison, makes administration of this prison most challenging and a daunting task for any Chief Superintendent. Mr. M. Somashekhar, Chief Superintendent of Bengaluru Central prison, is a 'silent worker' and has put in efforts to ensure smooth running of the innumerable tasks in the prison.*

### UPDATES AS OF APRIL 2022

In the meeting held on 25 March 2022, the study team was informed about the following changes since its visit:

- ❖ With regard to prison infrastructure, the capacity of the prison has increased from 3204 to 4526, of which the increase for female inmates is 500 with the construction of a new female prison. The number of CCTVs has increased to 198 and VCs to 35. There are two functional ROs in the prison now. The prison visiting room has been renovated to include intercom systems, bulletproof glass partitions and seating area for visitors. The prison walls have been whitewashed and broken taps in the toilets have been fixed.
- ❖ The number of PCOs has increased from 2 to 8, with 1 unit in the female barrack, 1 in the hospital, 1 in the quarantine section, 2 in the male convict barracks and 3 in the male under trial barrack. The cost of each calling card has been reduced from Rs.100 to Rs.60. During the Covid-19 induced lockdown, VC systems were used for *emulakaat*.
- ❖ Five specialist doctors visit the hospital in the prison on a rotation basis, including an orthopedic and a general surgeon. There is also a visiting physiotherapist. A skin specialist is on deputation to the prison from the government health department. Two psychiatrists and five psychiatric social workers have been hired on contractual basis. Two convict prisoners have received nursing training while Red Cross will be training 120 convict watchmen to perform basic life support procedures.
- ❖ For convict inmates whose appeals are pending for longer than 8 years, prison authorities write to the Karnataka State Legal Services Authority to take appropriate steps to expedite their hearings. Further, with the delisting of dacoity and murder among other categories of crimes from being considered for premature release, a few more convicts are eligible for release than at the time of visit by the study team.
- ❖ The Jan Dhan accounts of inmates have been opened, and wages have been credited to these accounts. Further, older inmates are being segregated from other inmates, with a barrack demarcated for them.
- ❖ With respect to recreational activities, there are additional avenues. In association with Indian Oil Corporation, volleyball coaching classes are being conducted. Number of newspapers has increased from 180 to 240, and the number of books from 50,000 to 58,000. There is also a community radio station run by and for the prison inmates. The Adult Education Department is paying 1500 educated inmates who conduct literacy classes for other inmates.
- ❖ With regard to skill development, in addition to tailoring, carpentry, electrical and beautician courses, plumbing classes will soon start. Further, Asian Paints is providing training in painting constructions. Further, a dedicated ITI for prison inmates will soon be established.
- ❖ Staff vacancy has decreased, allowing them to avail weekly off as per rules. In a positive move, there is greater representation of women in the staff force, with 225 female staff among the 612 posted. A crèche facility for female staff is available. Older unusable staff quarters are being demolished, and soon 100 new ones will be constructed.

## KEY RECOMMENDATIONS FOR BENGALURU

### PRISON HEADQUARTERS

- *Increase staff quarters, and improve the existing ones.*
- *Kindly consider providing international calling facilities for this prison given the many foreign nationals at any given time.*
- *Kindly ensure that the work opportunities in the prison are used to the full capacity, and further expanded, and also ensure that there are enough work orders to make the prison productive.*
- *Kindly ensure that pending wages are paid to prisoners at the earliest.*
- *Kindly provide the school section of the prison with volley balls, and other sports equipment. Kindly also consider introducing computer classes for the young delinquents in this section.*
- *Kindly coordinate with police leadership to ensure more number of escorts for both production and medical purposes.*
- *Kindly ensure that two more medical officers and a number of nursing staff are appointed.*

### PRISON STAFF

- *In the event of parole applications being rejected, kindly make such copies available to inmates. Kindly ensure that the process of applying for remission is made simple.*
- *Kindly determine a system whereby prisoners can be informed of the remission and wages earned by them on a regular basis.*
- *Kindly provide taps inside the barracks.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Issue a communication from the UTRC to the courts in its jurisdiction regarding the alternative and mandatory means of securing sureties for indigent persons for granting bail – personal surety, surety of persons out of state, surety of family members. Persons who have been granted bail but have been unable to secure sureties must also be recommended by the UTRC for release.*
- *Kindly assist convicts in the prison who have not had their period as under trials specifically set off in their orders to seek modifications of their orders to this effect, as per the proviso to s.428, CrPC.*
- *Kindly ensure that Prison appeals sent to the SCLSC are accompanied by necessary translations and case records.*
- *Given the large number of out of state prisoners, kindly ensure that there is a pool of court translators who can assist such prisoners in court, and also ensure a mechanism to secure translated copies of chargesheets for such inmates to ensure that a fair trial is provided to them.*
- *Collect a list of under trial prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken. Further determine if any of them have been transferred to this prison in violation of s.19(3) of the same Act.*
- *Collect a list of convicts who were less than 18 at the time of their offence, or if there is a doubt regarding their age at the time of the offence, and assist them in securing relevant documents and also assist them to seek relief in the appropriate courts under the Juvenile Justice (Care and Protection of Children) Act, 2015.*

# DHARWAD CENTRAL PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

Established in 1853-54, the Central Prison in Dharwad was recognised in the Karnataka Prison Manual to be a prison for juveniles. Over the years, this has become a central prison like any other, and sections have been added to it to make room for convicts and undertrials. The borstal school is no longer functional. This prison was notified as a central prison in 2007.

The prison is spread over an area of 19.20 acres. At the entrance are offices to the right and left, along with the interview room. The inner gate opens into the prison complex. On the right side are two rooms for VC systems and PCO systems, and further down is the kitchen area and the library. To the left is the office of the Chief Warder, and then the hospital wing. Further down is the legal aid room, the factory section, and one of the convict barracks. Opposite this section is the under trial section. Behind the hospital area is the convict section and the prison canteen. There are two sets of single cells, one near the under trial section and one near the convict section.

The female barrack is entirely outside this main complex and is a unit unto itself, with open space on one side and the cells on the other side. There is a common room where the teacher visits, and a small library is maintained. There is also some land for cultivation inside and outside the prison complex.

## 2. PRISON POPULATION AND OVERCROWDING

Being a Central Prison, it houses both convicts and under trials, male and female. **As of 31st December 2018, the occupancy rate of the prison stood at 80.74%.** The male barracks are slightly overcrowded.

	Capacity	500		Capacity	175
	Strength	512		Strength	33
	Undertrials	162		Undertrials	16
	Convicts	350		Convicts	17
	Detenues	0		Detenues	0
	Civil Prisoners	1		Civil Prisoners	0
	Occupancy Rate	102.40%		Occupancy Rate	18.86%

The study team physically checked all the barracks and visited all parts of the prison, and interacted with inmates in all barracks as well as prison staff. The team also conducted detailed interviews of 15 male convicts, 17 male undertrials, three female convicts, and five female under trials to understand the real issues and functioning of the prison.



### 3. PROCEDURES UPON ADMISSION

At the time of admission, an inmate is made to undergo a detailed medical check-up, and the format issued by the prison department (similar to the NHRC format) is being maintained by the medical staff in the prison. The study team was allowed to inspect some of the records.

Upon admission an inmate gets a mat to sleep on, a blanket/bedsheet to cover themselves, a plate and a *chombu* (vessel).

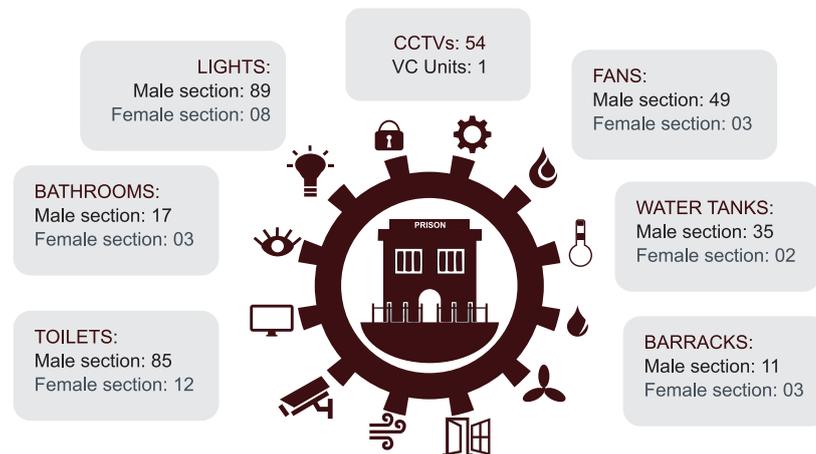
Mandate	Status
Whether first medical examination done using the NHRC format?	Yes
Whether a separate admission room for quarantine in prison?	Yes
Whether basic articles given?	Yes

### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, there are a total of 11 male barracks and under the women enclosure, three female barracks as on 31st December 2018. There are also 13 single cells.

	Number of barracks	Inmates per barrack
Male Section	11	47
Female Section	03	11

Every barrack is equipped with fans and light bulbs. One video conferencing device had been installed in the prison, with three more being set up at the time of visit by the study team. There are CCTV cameras for continuous monitoring.



The bathing areas and bath rooms were clean at the time of visit by the study team, and seemed sufficient for use. Every barrack is provided with a bathroom, and **there are multiple washing areas** and toilets outside the barracks for use during the day. **Many barracks have racks for inmates to keep their personal belongings.**

**Walls are in need of whitewash and painting. Floors in the barracks require to be leveled, as they are old and rough. Some toilets require deep cleaning. Not all rooms are well-ventilated. Single cells are in need of fans.**

The kitchen had basic facilities including steamers, refrigerators and grinder. The kitchen is also well ventilated, with an open space at the center. However, the walls are very old and in need of renovation. There are 21 convicts working in the kitchen. There is also a prison canteen with basic needs and food items. The study team learnt that prison food was more often than not supplemented with canteen food, unless inmates could not afford to do so (canteen products are often sold at twice the marked price). **A menu chart is displayed prominently in the kitchen, along with food inspection registers.**



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, *Chapattis*, Rice and Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	Yes	Yes



## 5. CONTACT WITH OUTSIDE WORLD

There is a visitors' room at the very entrance of the prison complex for use by male inmates, while the female section has a separate visiting room. 'Bet' or visits from family members is allowed once a week for under trials and once a fortnight for convicts. **The visiting room is very small, and has wire meshes through which conversations are facilitated,** unless permission is given for special entry where a meeting can happen near the gates.

**There is a separate meeting room to conduct lawyer-client interviews. Lawyers are allowed to meet their clients every day of the week, for up to 30 minutes per visit. There is a separate visiting room for female inmates. But visiting rooms are in need of an upgrade.**

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

PCO facility is available in this prison, where inmates are allowed to make a call lasting for about seven minutes, at intervals of three days. Inmates who wish to use the PCO facilities have to buy calling cards which cost Rs.100. Inmates can give up to three numbers to make calls to. The systems also use finger biometrics. A warder is appointed to monitor calls in the PCO room.

No. of phone numbers allowed	Duration of Calls	Periodicity	Cost per month
3	7 minutes per week	Once every 3 days	Rs. 100

Since this prison houses convicts, an important measure to ensure contact with the outside world is through regular visits to family members on parole. **Several inmates that the study team interacted with had been unable to go on parole since the concerned police station had not passed their applications. Further, several inmates in this prison have been unable to secure emergency parole for occasions such as funerals and weddings.** For these reasons the study team found that very few convicts in this prison even apply for parole, general or emergency. For the ones who have applied for parole but have been unable to secure clearance from the concerned police station, there is a practice of being asked to approach the prison head

office with surety, a process that has also not resulted in permission being granted.



## 6. MEDICAL FACILITIES AND HEALTHCARE

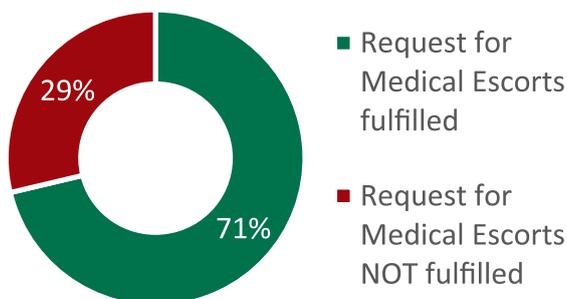
There is a dispensary in the prison complex which is taken care of by a medical officer who is hired on contract basis, and a pharmacist. **There is no nursing staff**, but one of the convicts is trained to assist in the hospital. Although two ward boys have been appointed to this prison, they were on deputation to the central prisons in Shimoga and Bijapur. **There is no laboratory or lab technician.** The study team was able to meet the medical officer and the pharmacist. **Both a psychiatrist and a psychologist visit the prison twice a month. There is an ambulance for use.** Medicines are procured by placing an order online from the government medical store (GMS), where an indent is made to the head office of the prison department, which sent back to the prison on approval to then procure through the GMS.

**Medical examination is conducted at the time of admission into the prison and the same is being uploaded in the ePrisons portal. A good practice is that regular medical camps, particularly special gynaecology camps are organised for female inmates, with follow-up procedures undertaken in cases requiring the same.**

**There are no medical beds in this prison**, and the patients in need of constant monitoring are housed in a cell next to the dispensary. At the time of visit by the study team, seven inmates were undergoing treatment for HIV/AIDS and 31 inmates were receiving treatment for mental health concerns, in addition to treatment for other ailments. One of the common medical concerns in the prison is related to skin, given the close proximity in which inmates live and the general level of hygiene. There are also a growing number of instances of diabetes and heart ailments. In addition to these, other common complaints include UTI infections and gastroenteritis. A total of 951 inmates were provided medical treatment in the prison hospital in the year 2018.

This prison is an en route prison (holding prison) for inmates who are referred to DIMHANS, Dharwad for mental health treatment from surrounding districts. About 419 inmates were provided medical treatment in the year 2018 in out hospitals, including the district hospital in Dharwad, KIMS, Hubballi and DIMHANS, Dharwad.

The information provided by prison authorities to the study team revealed that two inmates died in the year 2018, both of whom died due to natural causes. **Judicial enquiry under s.176, CrPC has been completed in all these cases, and information of the same had been informed to the NHRC.**



Medical escorts are an alarming problem in this prison. A total of 1,340 requests for medical escorts were made in the year 2018, of which 955 were satisfied. In emergency situations, when no medical escorts are provided, the prison staff has to make appropriate arrangements. Escort to the hospital is provided by prison personnel, while guarding duty in the hospital is provided by personnel from the City Armed Reserve (CAR).



## 7. ACCESS TO LEGAL AID AND COURT

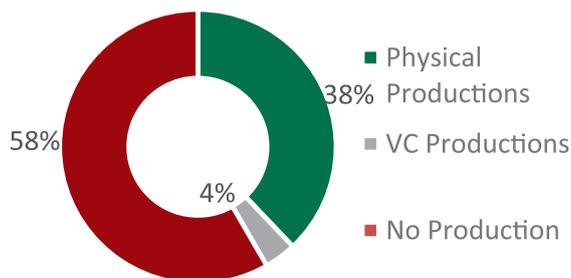
Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed either by prison authorities themselves about their right to a lawyer, or were asked by the committal court if they had legal representation. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

In the year 2018 itself, 19 jail appeals were filed in the High Court. A major concern is the delay in disposing these cases, with several inmates having spent over five years without any movement in their cases. There were close to 15 inmates waiting for over five years for their high court appeals to be heard. The speed of disposal at the Supreme Court is worse, with inmates waiting for close to eight years since filing their appeals. During the meeting with the member secretary of the DLSA of Dharwad it was revealed that there has previously been a bench appointed to hear jail appeals, despite which there is still a high rate of pendency. **A good practice is that the High Court Legal Service Committee at Dharwad directs legal aid lawyers to meet clients in prison, before drafting and filing appeals.** In addition to jail appeals, several inmates have filed appeals through private lawyers. Since inmates with pending appeals are not considered for premature release, coupled with the very long delay in the Supreme Court, inmates generally do not resort to filing appeals before that forum.

There is a legal services clinic inside the prison premises which is open on the days that the jail visiting lawyers visit, which is equipped with a computer system for use.

Panel advocates who are appointed as remand lawyers are also made jail visiting lawyers, and visit the prison four times a week. At the time of visit by the study team, there were three convict PLVs.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?	No. of Convict PLVs appointed
	Yes	Four times a week	3



In the period between 1st January 2018 and 31st December 2018, 1,842 physical productions were made in court, while 182 productions were made through video conferencing. About 2,830 court orders for production could not be made either physically or through video conferencing.

This is a very high number, and several inmates have missed more than three consecutive dates of court hearings, especially inmates with multiple cases, both among the under trial and the convict inmates. Alarming, most escorts are provided by personnel from the concerned police stations since neither the City Armed Reserve (CAR) or the District Armed Reserve (DAR) have sufficient personnel to provide for court escorts.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The prison has a library in the main complex with about 7,000 books. Newspapers and periodicals in Kannada, Hindi and English are subscribed to. There is a much smaller collection of books in the female section. **While convicts can issue books to read, undertrials are not**

**allowed to.** The male library is also a community hall, with a stage for hosting functions in the prison. **A teacher has been appointed to the prison to manage the library and to impart adult education to those inmates who show an interest in the male section, and a lady teacher who teaches interested female inmates.** One of the cells in the female barrack has been converted to a study room, decorated with words and poems.

About 36 male inmates and seven female inmates were undergoing adult education training in the year 2018. **No distance education programmes are available for inmates wishing to pursue higher education.** Several local NGOs participate in the prison including Friend Club, Prison Ministry of India, Rati Society and the Gandhi Shanti Pratishtan.

As regards recreational facilities, a television set and a carom board are provided in each barrack.



## 9. PRISON LABOUR AND WAGES

The prison has few avenues for work. Options available include hand loom weaving, warping, tailoring, carpentry, prison maintenance in the form of maintaining cleanliness and hygiene in the prison, kitchen work, assisting in medical care, office assistance, etc. Further, an out gang works in the land adjacent to the prison complex, which is under agriculture use by inmates who grow pulses and vegetables. There are also about 70 cows in the prison.

While the prison used to have power loom machines, they have not been used in a very long time. Even the handloom units were being slowly set up by an instructor from the handloom department, at the time of visit by the study team. There is no instructor for carpentry work, and no supply of wood in a long time, making this a unit that is also not working at its optimal capacity.

Like in other prisons in the state, work is only available to convict prisoners. Further, **female inmates are not allowed to participate in the work areas, being restricted to their barracks, where their only options are tailoring and knitting work.** Training had been provided to some of the female inmates in 2018 in paper bag making, tailoring, postal envelop making, tailoring and beautician courses. **The study team was informed that some of the female inmates have set up their own beauty parlors upon release from the prison.**

As of 31st December 2018, 253 convicts were engaged in various work opportunities in the prison for a payment of Rs.225 per day for skilled work, Rs.200 for semi-skilled work and Rs.175 for unskilled work. As per directions from the prison head office, all inmates are required to have bank accounts now for direct payment into their accounts, earlier the money used to be maintained by the prison in the Prisoners Property and Cash (PPC) Account. **Since this process has taken some time, payment had not been made for about 21 months at the time that the study team was visiting the prison, and several inmates still did not have their own bank accounts.** Another hurdle was that in order to open bank accounts, Adhaar account details were being mandatorily sought by the bank. While those inmates who did not have an Adhaar to begin with got one made through the prison, those who have it previously but without access to the card were in a spot as they could neither retrieve the older number nor create a new one. Prison officials informed the study team that payments would be released soon to those inmates who successfully opened their accounts.

**Not all inmates were aware of the wages credited to their accounts or the number of days that they had earned their work remission since this is not disclosed as a matter of practice.**

One meeting of the Advisory Board were held in the year 2018 with two inmates being recommended for release, both of whom were eventually released.



## 10. VULNERABLE GROUPS

### A. Women prisoners

The female barracks are self contained. Both convicts and under trial prisoners are lodged together in the barrack. **The cells in the female barrack are clean and well maintained with facilities for TV and newspapers.** Pregnant women and children are given special diet, including milk, eggs and fruit. **Sufficient sanitary napkins are being provided. Doctors visit the female barrack separately.** There are three cells, of which only one was in use at the time of visit by the study team since there were very few inmates. One other cell has been used to keep personal belongings.

The area around the cells has a garden maintained by the female inmates, who also use this area for walks and recreation. **Women have a separate visiting room.** As is the case with all female barracks in the prisons, the women have no access to the library or work space or praying areas in the main prison complex. There is however a separate small library for the women. Vocational training to make hand bags, paper envelopes and beauty parlour are provided from time to time. Some women stitch and knit inside the prison, however no wages are available.

### B. Prisoners with mental health concerns

As on 31st December 2018, there were 29 male and two female inmates undergoing psychiatric treatment. Of these, five were convicts who have been in this prison for longer than five years, one undertrial has spent between three and five years in the prison while four convicts have spent the same time. About 17 convicts and one undertrial have spent between one and three years in the prison and about two undertrials less than a year. The medical officer serving on contract in this prison is a retired doctor from DIMHANS, Dharwad, and takes care of the mental health patients. Not all inmates with mental health concerns were segregated, with some being kept in the room next to the dispensary for observation along with other patients, and others being lodged in the general wards. **None of the inmates with mental health concerns had been declared unfit to stand trial.** Insomnia and depression are rampant in this prison.

### C. Young Offenders

**At the time of visit by the study team, there were at least seven under trial inmates and two convicts in the age group of 18-21 years, none of whom had been segregated from the older inmates.** It would be ideal for a prison of this size to ensure that young offenders are provided separate cells and a different daily routine tailored to their special needs.

### D. Old age offenders

At the time of visit by the study team, there were several inmates over the age of 60. While those with serious medical ailments were in the medical ward, many of the male inmates over 60 years old were in a separate old age section, which is also where some of the high security prisoners are lodged.

### E. Prisoners from other states

At the time of the visit by the study team, there were about 12 under trial prisoners and six convicts from other states including Andhra Pradesh, Kerala, Tamil Nadu, Haryana, Jharkhand,

West Bengal, Madhya Pradesh, Maharashtra and Goa. For these inmates, language is a barrier both in the court and in prison. Further, **several of them have been unable to establish and/or maintain contact with their family members owing to the distance and the lack of resources to make phone calls. There is also no facility for a translator in courts for people belonging to other states.**

#### F. High security prisoners

The study team was allowed to meet prisoners maintained in the high security cells. At the time of the visit by the study team, there were several inmates lodged in the high security cell. **The high security barrack is made up of very small cells, with about two to three inmates per cell.** These cells are also used as punishment cells for inmates in the general barracks, and also to house inmates who are under threat from other inmates in the main section. **The cells do not have fans.**



## 11. PRISON ADMINISTRATION

### Staff vacancies

As on 31st December 2018, of the sanctioned posts of five officers, four were filled. There is a very serious shortage of staff in this prison. The study team was informed that with the recent recruitment and training of warders, the crunch at the warder level is expected to soon be eased. Further, the office too is in need of more staff to work optimally.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
01	01	137	07	-	01	01	-	47	20	03	03

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
05	01	03	04	23	77	03	-	19	01	14	13

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in very few of them being able to avail a weekly day off, or even take leave during the year to visit their families. A matter of **pride to the department however is the fact that the Superintendent and both Jailors in this prison are female, making this one of the few prisons helmed by female staff.**

While new technology was being introduced to the prison system, in the form of Video Conferencing, or e-Prisons, CCTVs, etc., corresponding infrastructure to facilitate the same and more importantly adequate and timely training and appointment of staff to handle the new technology was lacking.

### Staff Accommodation

There is a need for constructing more number of living quarters to enable all staff members to have living quarters in the vicinity of the prisons, in addition to renovating **existing living**

**quarters which are very old and in need of urgent repairs.** While about 76 staff quarters are currently available, this is insufficient for the sanctioned strength of staff for the prison.

## 12. PRISON OVERSIGHT

There were two BoV meetings in the year 2018, with no visit made by NoVs but four by official visitors in the same period. Under-trial Review Committee (UTRC) meetings are now being conducted in prison every month from January to June 2019 in compliance with directions from the Supreme Court to this effect.

## 13. ISSUES OF CONCERN

- a) **Instances of custodial violence and torture in police custody** – Of the 40 inmates interviewed by the study team 17 (including two female inmates) alleged that they had been victims of custodial torture during police custody, which was not revealed either to the remand court or the doctor performing medical examination under police duress. Corporal punishment and segregation is used as a means of discipline and punishment in the prison.
- b) **Inability to secure early release for life convicts** – Another common concern learnt by the study team is the number of convicts who have been serving a life sentence without being considered for release by the Advisory Board, as they have been convicted under sections that are exempted under GO HD 384 PRA 2015.
- c) **Delay in appeal process** – Several convicts with whom the study team interacted with have been awaiting a decision on their appeals for over five to six years. Further, many of these inmates have been unable to establish and/or sustain contact with their High Court/Supreme Court lawyers, appointed both privately or through legal aid, making their wait debilitating and unending.
- d) **Body Warrants** – The study team found several instances of prisoners, both under trials and convicts, who have been unable to gain release from prison despite being granted bail and satisfying bail conditions in the case for which they have been arrested, on account of having a body warrant in one or more cases, or have not had any movement in their cases over several years.
- e) **POCSO cases** – The study team found several cases of undergoing trial, or charged under sections of the POCSO Act. One of the common situations where the provisions of this special legislation are used is in instances of young romance.
- f) **Long time for charges to be framed** – The study team learnt that the time taken for charges to be framed is fairly lengthy in this district, sometimes going up to three and a half years. Therefore, there are several under trials who are spending time in prison, with no bail, and without any progress in their trial. When probed further, the study team learnt that this was not due to absconding co-accused, or delay tactics by their lawyers, but a general systemic delay in the legal process.
- g) **Set-off not granted as a matter of right** – Despite the fact that courts have consistently held that the time served as an under-trial ought to be set-off against the sentence imposed under s.428 of the CrPC, the study team found close to 25 inmates not having benefited from the same. Further, the proviso to s.428 makes it clear that this right accrues to life sentences as well, despite which several lifers have been informed that they are not eligible for set-off. This is resulting in inmates having to spend longer terms than the ones imposed on them, and/or delay in being considered for early release by the Advisory Board.

### Chief Superintendent's Diary

*Dr. Anita R., the Superintendent of this prison has been instrumental in restarting work opportunities in the prison, as she sees that to be an essential part of the lives of inmates. Under her supervision, the handloom and weaving wings of the prison were being revived at the time of visit by the study team.*

#### UPDATES AS OF APRIL 2022

In the meeting held on 14 March 2022, the study team was informed about the following changes since its visit:

- ❖ In November 2021, Rs.1,00,00,000 (rupees one crore) was sanctioned by the Department of Prison and Correctional Services for renovating and upgrading this prison, including whitewashing and bathroom refitting.
- ❖ Regarding infrastructural facilities, prison visiting room has been renovated to include intercom systems, bulletproof glass partitions and seating area for visitors. High security cells have been whitewashed and provided with adequate fans.
- ❖ Young and old offenders are now segregated with separate barracks allotted for young undertrials and convicts. A separate barrack has been demarcated for transgender inmates.
- ❖ During the restrictions enforced during the Covid-19 pandemic, physical meetings were suspended and replaced with *e-mulakaats* through videoconference, a facility extended for local as well as inter-state and foreign national prisoners.
- ❖ A separate PCO facility is provided for the female barrack.
- ❖ Regarding education, registration process with the National Institute of Open Schooling (NIOS) is complete.
- ❖ Regarding prison labour and wages, Jan Dhan accounts have been opened for all prisoners earning wages, and there is presently no outstanding unpaid wages. An instructor has been appointed to oversee prison labour opportunities.
- ❖ About 1000 more books are added to the library and books from the main library are periodically circulated with the inmates in the female barrack.
- ❖ A community radio station has been started in and for the prison, and is operated by inmates both in the morning and evening. Some new vocational training is provided for women prisoners.
- ❖ Staff vacancy is less steep, with only 15 vacant positions.
- ❖ Rs.20,00,000 (rupees twenty lakhs) has been sanctioned for the renovation of existing staff quarters, and 24 new staff quarters have been sanctioned.
- ❖ Set-off under s.428 of the CrPC is provided as a matter of right, whether the sentence order stipulates this or not.

## KEY RECOMMENDATIONS FOR DHARWAD

### PRISON HEADQUARTERS

- *Facilitate under trial prisoners and female prisoners to be involved in the prison labour activities, for just wages. Kindly also consider expanding labour opportunities, including repairing existing facilities and introducing new facilities such as computer training, electrical work, etc.*
- *Increase staff quarters and improve the existing ones.*
- *Renovation of the prison complex to include underground drainage, guard room and watch towers required.*
- *Vacancies to be filled in at the earliest. Kindly also sanction further posts for administrative staff, nursing orderly, and a technician to manage the equipment provided to the prison.*
- *Kindly consider renovating the existing prison structure including the kitchen and the visiting rooms.*
- *Hospital in need of a laboratory with basic medical equipment, and a lab technician.*
- *Need beds in the hospital, and preferably in a new and upgraded hospital wing.*
- *Hospital staff required urgently, including nursing orderly, cleaner and attendant.*

### PRISON STAFF

- *Consider introducing sports facilities for both inmates and prison staff.*
- *In the event of parole applications being rejected, kindly make such copies available to inmates so that they may pursue further legal remedies if available.*
- *Kindly take steps to periodically inform prisoners of the remission and wages earned by them.*
- *Kindly ensure that all fans in the barracks and cells are functional.*
- *Kindly allow undertrials also to issue books from the library. Further, kindly keep changing books in the female barrack with different books from the main prison library so that there is a circulating collection.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Issue a communication from the UTRC to the courts in its jurisdiction regarding the alternative and mandatory means of securing sureties for indigent persons for granting bail – personal surety, surety of persons out of state, surety of family members. Persons who have been granted bail but have been unable to secure sureties must also be recommended by the UTRC for release.*
- *Kindly assist convicts in the prison who have not had their period as undertrials specifically set off in their orders to seek modifications of their orders to this effect, as per the proviso to s.428, CrPC.*
- *Kindly ensure that Prison appeals sent to the SCLSC are accompanied by necessary translations and case records.*
- *Collect a list of under trial prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken. Further determine if any of them have been transferred to this prison in violation of s.19(3) of the same Act.*
- *Collect a list of convicts who were less than 18 at the time of their offence, or if there is a doubt regarding their age at the time of the offence, and assist them in securing relevant documents and also assist them to seek relief in the appropriate courts under the Juvenile Justice (Care and Protection of Children) Act, 2015.*

### BOARD OF VISITORS

- *Kindly ensure that proactive steps are taken to ensure that there are sufficient personnel to discharge escort duties for the prison, both for court production and for medical reasons. There is a severe shortage of escorts to this prison, despite the city having both CAR and DAR services.*

# KALABURGI CENTRAL PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The Central Prison in Kalaburagi was built in 1969. Convicts from the districts of Bidar, Yadgir and Kalaburagi are sent to this prison, in addition to undertrials from the district of Kalaburagi and undertrials requiring segregation from Bidar and Yadgir district prisons. The high security ward has inmates from other districts in the state.

The prison is spread over an area of 23.26 acres. The office section is towards the entrance of the prison, along with the VC room and the visiting room. Upon entering the inner gate, the prison complex is spread across a rectangular layout. On the far left is the female barrack, which is a self-contained enclosure with rooms and an open courtyard. On the far right is the high security enclosure, which is lined with cells and is also self-contained with a courtyard outside the cells. The main pathway crosses the hospital on the left, factory area and canteen to the right and barracks for under trials on either side before reaching the tower room. Further down this path are the kitchen area, the barracks for convicts and additional barracks for undertrials on either side. Each barrack is within a compounded area, leading into the central open courtyard. Since the buildings are spread across the prison area, there is ample open space for the inmates to spend their time when not under lock up. There is an admission room at the far end of the prison complex, close to the prayer area.

## 2. PRISON POPULATION AND OVERCROWDING

Being a Central Prison, this prison houses both convicts and under trials, male and female. The capacity of this prison is 515 for male inmates and 25 female inmates. **As of 31st December 2018, the occupancy rate of the prison was at 147.2%.** There is a problem of overcrowding in this prison.

	<b>Capacity</b>	515		<b>Capacity</b>	25
	<b>Strength</b>	764		<b>Strength</b>	31
	Undertrials	447		Undertrials	23
	Convicts	337		Convicts	08
	Detenues	0		Detenues	0
	Civil Prisoners	1		Civil Prisoners	0
	Occupancy Rate	148.35%		Occupancy Rate	124.00%

The study team physically checked all the barracks and visited all parts of the prison and interacted with inmates in all barracks as well as prison staff. The team also conducted detailed interviews of 17 male convicts, 10 male undertrials, three female convicts, and three female under trials to understand the real issues and functioning of the prison, in addition to discussing court and prison related issues with over 20 prisoners, and receiving written submissions from 16 inmates.



### 3. PROCEDURES UPON ADMISSION

At the time of admission, an inmate is made to undergo a detailed medical check-up, and the format issued by the prison department (similar to the NHRC format) is being maintained by the medical staff in the prison. The study team was allowed to inspect some of the records.

Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel). There is a separate admission room where an inmate is kept for about one week before being assigned a cell.

Mandate	Status
Whether first medical examination done using the NHRC format?	Yes
Whether a separate admission room for quarantine in prison?	Yes
Whether basic articles given?	Yes

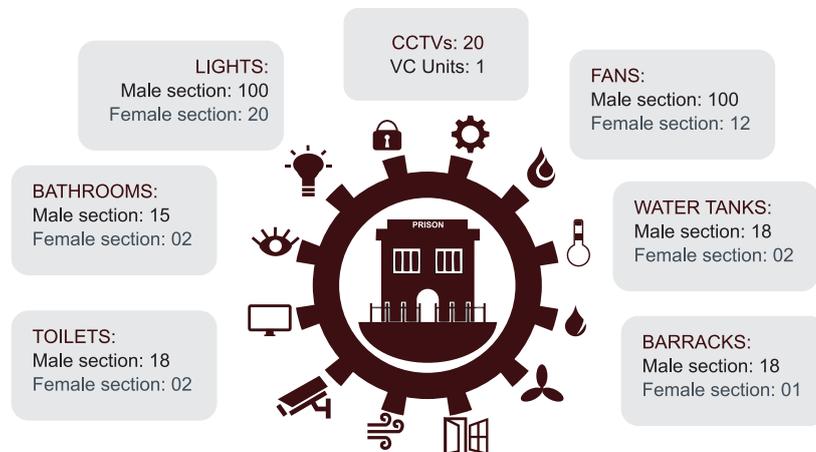
### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, there are a total of 18 male barracks and one female barrack in this prison. The prison also has 12 solitary cells.

	Number of barracks	Inmates per barrack
Male Section	18	43
Female Section	1	31

Every barrack is equipped with fans and light bulbs however **some rooms did not have all fans functioning**. Since the study team visited in March, it was evident that the absence of fans would make the rooms very uncomfortable to live in during peak summer months, especially given that there is over-crowding. Walls are in need of whitewash and painting. Floor in the barracks is required to be levelled, as they are old and rough. **Toilets in male barracks had no doors, raising concerns on privacy and dignity of prisoners.**

One video conferencing device had been installed in the prison, with three more being set up at the time of visit by the study team. There are 20 CCTV cameras in the prison, of which 12 were functional at the time of visit by the study team.



The kitchen area has a large space specifically for making *jolad rotti* (*jowar rottis*). **The rice steamer was not working at the time that the study team visited.** There are storage rooms to

store and measure supplies. Some portion of the milk and buttermilk consumption in the prison is satisfied by the cows reared by the prison inmates. The kitchen staff is divided into two groups of 17 people each, and they work on alternate days from 10 AM – 10 PM. There is a prison canteen with basic needs and food items. The study team learnt that prison food was more often than not supplemented with canteen food, unless inmates could not afford to do so. **Kitchen requires an upgrade and deep cleaning. RO system requires repair.**



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice and *Jolad Rottis* and Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	Yes (in need of repair)	Yes

Garbage is collected by the city corporation regularly. Medical waste is segregated and collected separately.



## 5. CONTACT WITH OUTSIDE WORLD

‘There is a visitors’ room at the very entrance of the prison complex, which is common for both male and female inmates. **Visiting room is fairly big and spacious.** ‘Beti’ or visits from family members is allowed once a week for under trials and once a fortnight for convicts. While the study team did not find any inmate who had not been able to inform their family about being incarcerated in this prison, it was found that **several inmates are only able to meet their family members once or twice a year since they live far away and cannot afford to travel too far. Staff’s share in the money received from home at the time of visits is common practice in this prison, as in most others.**

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

PCO facility is available in this prison, where inmates are allowed to make phone calls up to ten minutes a week, at intervals of two days. Inmates who wish to use the PCO facility have to buy calling cards, which cost about Rs.50 per month. Inmates can give up to three numbers to make calls.

No. of phone numbers allowed	Duration of Calls	Periodicity	Cost per month
3	10 minutes per week	Once in 2 days	Rs.50

Since this prison houses convicts, an important measure to ensure contact with the outside world is through regular visits to family members on parole. Several inmates that the study team interacted with had been unable to go on parole since the concerned station had not passed their applications. A more serious concern was the inability of inmates being unable to attend funerals of parents and loved ones through emergency parole.

There is a separate meeting room to conduct lawyer-client interviews. Lawyers are allowed to meet their clients once a week, for up to 15 minutes per visit.



## 6. MEDICAL FACILITIES AND HEALTHCARE

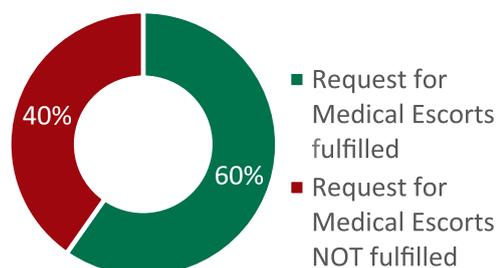
There is a hospital in the prison complex, with a capacity of 20 beds. The study team was able to meet both the medical officers who work in the prison. One medical officer is on deputation from the health department since 20.02.2015, while the second medical officer is a retired taluka medical officer who has been hired on contract basis. **A psychiatrist makes a visit to the prison once every fortnight. Regular visit is also made by a Gynecologist. There is a full-time lab technician, and pharmacist.** The laboratory is very basic with equipment to test BP, sugar levels and also test for HIV, dengue, malaria and typhoid. The X-ray machine in the hospital is old and no longer functional. The sanctioned post of nurse is vacant. There is a ward boy, and two convicts who have been working sincerely and efficiently in this prison hospital for some years now. **There is a functional ambulance.** Apart from the ward with beds, the hospital wing has an OPD office, an office to maintain records, a lab and a room to stock medicines.

Medicines are procured by placing an order online from the government warehouse. Contingency funds available with the prison are used to purchase emergency medicines. There is a **need to update the list of medicines available through government procurement, especially for mental illnesses, hypertension and cardiac ailments.**

Medical examination at the time of admission into the prison is conducted, and the same is uploaded by the medical officers in the ePrisons portal. During the year 2018, 9009 inmates were provided medical treatment in the prison hospital itself, and 143 had been admitted. At the time that the study team visited the medical wing, all 20 beds in the hospital were occupied. Five inmates were undergoing treatment for TB, eight for HIV/AIDS and 28 were receiving treatment for mental health concerns, in addition to treatment for other ailments. This prison has been selected as a site as part of the HIV sentinel survey. There is a room available in the hospital complex for patients with Multi Drug Resistant TB.

One of the common medical concerns in the prison is related to skin, given the close proximity in which inmates live and the general level of hygiene. There is also a growing number of instances of diabetes, even among the younger prison population. **The medical officers follow a good practice of conducting a brief medical orientation for all new admissions regarding personal hygiene and maintenance to avoid skin infections, food and water related diseases, and to ensure good mental health. Several medical camps for AIDS/TB/eyes/teeth/cancer are conducted regularly.**

The information provided by prison authorities to the study team revealed that 3 inmates died in the year 2018 due to natural causes, with appropriate judicial enquiry under s.176, CrPC having been completed in two cases, and **enquiry in the third death which had occurred in December 2018 was still pending as of March 2019.** The week after the visit by the study team, there was a suicide in this prison.



Availability of medical escorts is a serious problem, provided mostly only on Sundays or public holidays and not as and when required. A total of 789 requests for medical escorts were made in the year 2018, of which only 471 were satisfied.

Of the 471 inmates provided medical escorts, 435 were sent to the District Government Hospital in Kalaburagi (which has 6 beds specially for prisoners), 16 to SJICVS, Kalaburagi, 13 to NIMHANS, Bangalore, three to Kidwai, Bangalore, two to Victoria, Bangalore and two to the Dental Hospital, Bangalore. In emergency situations, when no medical escorts are provided, the prison staff has to make appropriate arrangements.



## 7. ACCESS TO LEGAL AID AND COURT

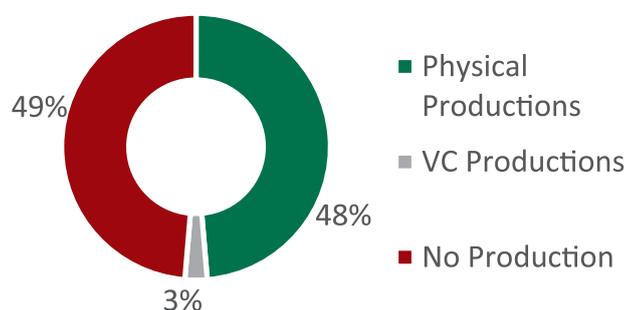
Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed either by prison authorities themselves about their right to a lawyer, or were asked by the committal court if they had legal representation. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

In the year 2018 itself, 23 jail appeals were filed in the High Court (Kalaburagi bench). A major concern is the delay in disposing these cases, with several inmates having spent over five years without any movement in their cases. Further, information regarding the case is rarely communicated by legal aid lawyers appointed to the inmates in the High Court and Supreme Court, either in writing or through phone calls.

There is a legal services clinic inside the prison premises which is open on the days that the jail visiting lawyers visit. Two lawyers from Kalaburagi DLSA visit the prison four days a week. Convict PLVs in this prison who had been working for some time have all been released, and three new inmates have been chosen although they were yet to start working at the time of visit by the study team. The legal aid clinic has a computer system which is used by the jail visiting lawyer to inform inmates about the status of their cases.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?	No. of Convict PLVs appointed
	Yes	4 days a week	Under process

Two case systems/kiosks have been installed in the prison to assist inmates in following their cases, with one convict having been trained to use these systems.



In the period between 1st January 2018 and 31st December 2018, 2,954 physical productions were made in court, while 162 productions were made through video conferencing. About 2,954 court orders for production could not be made either physically or through video conferencing. This is a very high number, and several inmates have missed more than three consecutive dates of court hearings,

especially inmates with multiple cases.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

There is a full time teacher who comes into the prison every day. **The Prison Ministry of India and So Care India visit the prison regularly to aid in rehabilitative programs.** So Care India

has been working in this prison for several years and provides an opportunity for the children of inmates to secure school education by admitting them in residential schools both locally and in Bangalore.

There is a functional and a **well-catalogued library** with over 20,500 books in Kannada, Hindi, English and Urdu. 33 newspapers and six periodicals are subscribed to, and two convicts manage the library along with a librarian from the district library who works here on deputation. Library could use books on current affairs and books for competitive exams, legal books, and more books in Urdu, Telugu and Hindi since there are several readers in these languages in the prison.

**In recent years, there have been very few instances of inmates pursuing higher education through open universities. There is no separate teaching area. Further, no books from the Adult Education Department are being sent, as is practice in several other prisons in the state.**

There is a prayer area for Hindus and Muslims, however **there is no church or any other prayer area for Christians.**

As regards recreational facilities, a television set and carom board provided in each barrack.



## 9. PRISON LABOUR AND WAGES

The prison has few avenues for work. Options available include handloom weaving, carpet weaving, pit loom, tailoring, tent making. In addition to this, prison maintenance work is available in the form of maintaining cleanliness and hygiene in the prison, kitchen work, laundry, assisting in medical care, office assistance, etc. Further, **60 acres of land just across the prison complex is under agriculture use by inmates who grow sugarcane, pulses and vegetables in addition to maintaining 73 cows.** The carpentry and metal work departments have been shut down for a very long time. Further, the existing **machines for weaving and tailoring require maintenance and upkeep, several having become dysfunctional.** Like in other prisons in the state, **work is only available to convict prisoners.** Further, **female inmates are rarely allowed to participate in the work areas, being restricted to their barracks.** There are **two instructors appointed for training and managing prison labour,** one of whom is mostly in-charge of taking care of the jammers in the prison.

As of 31st December 2018, 101 male convicts and 02 female convicts were engaged in various work opportunities in the prison. Payment is Rs.175, Rs.225 and Rs.250 per day for unskilled, semi-skilled and skilled work respectively, as reported by the prison authorities. However, **most inmates have only been receiving Rs. 75 per day.** As per directions from the prison head office, all inmates are required to have bank accounts now for direct payment into their accounts, earlier the money used to be maintained by the prison in the Prisoners Property and Cash (PPC) Account. Since this process has taken some time, **payment had not been made for about 27 months at the time that the study team was visiting the prison, and several inmates still did not have their own bank accounts.** Prison officials informed the study team that payments would be released soon as all inmates had their accounts opened.

Some of the inmates interviewed by the study team revealed that although there are several employment options within the prison, most of these are outdated avenues of making a livelihood and that they engaged in prison work as a means of keeping themselves occupied in the prison and as a way of earning remission, and not with the hope of using these skills to find employment upon release from prison. It was also learnt by the study team that **there is a**

**discrepancy in the number of days granted in remission for the same work undertaken by different inmates, on the basis of caste and favoritism. Not all inmates were aware of the number of days that they had earned in remission since this is not disclosed as a matter of practice.**

Two meetings of the Advisory Board were held in the year 2018 with 45 inmates being recommended for release, of whom 31 were actually released..



## 10. VULNERABLE GROUPS

### A. Women prisoners

The female barracks are self-contained with facilities for TV and newspapers. Both convicts and under trial prisoners are lodged together in the barrack, which has cells for about three to four inmates per cell. The cells in the female barrack are clean and well maintained. The female enclosure has three toilets and three bath spaces. Barracks are self-contained with facilities for TV and newspapers. **Female inmates are not allowed to step outside their barracks unless it is to meet visitors**, or when they are allowed to meet their relatives lodged in the male barrack. The area around the cells has a garden maintained by the female inmates.

**A gynecologist visits the female barrack regularly.** Pregnant women and children are given special diet, including milk, eggs and fruit. The study team learnt that **some of the women were using cloth at the time of menstruation and were not being provided sanitary napkins.**

One of the inmates that the study team met was HIV+. She is given a special diet and is taken care of by the prison staff.

**Two female convicts have been appointed as convict warders to assist the prison staff in managing the functioning of the prison. There is a female jail visiting lawyer who comes to the female barrack once a week on Fridays.**

### B. Prisoners with mental health concerns

As on 31st December 2018, there were 27 male and one female inmates undergoing psychiatric treatment. **There is no permanently appointed psychologist or psychiatrist for this prison**, however there is a weekly visit by a psychiatrist. Not all inmates with mental health concerns were segregated, with some being kept in the medical ward for observation along with other patients, and others being lodged in the general wards.

About 13 inmates were sent for higher treatment to NIMHANS, Bangalore and DIMHANS, Dharwad in the year 2018. One of the inmates with mental health concerns had been declared unfit to stand trial. Insomnia and depression are rampant in this prison.

### C. Young Offenders

At the time of visit by the study team, there were at least 40 under trial inmates in the age group of 18-21 years, none of whom had been segregated from the older inmates. There were also at least five convicts in the age group of 18-21. **The concern with non-segregation is imminent since the study team learnt that some of the young inmates were being sexually harassed (perhaps even abused) and made to do menial work in the barracks by older convicts.** It would be ideal for a prison of this size to ensure that young offenders are provided separate cells and a different daily routine tailored to their special needs.

#### D. Old age offenders

At the time of visit by the study team, there were at least six under trial inmates who were above the age of 60, among both male and female population. The number is higher among the convict population with at least 11 male inmates being over the age of 60, and five female inmates being over the age of 60 (three of them were over 70).

While those with serious medical ailments were in the medical ward, **most of them were in the general ward with other inmates and with no special dietary or other facilities.** The peculiar concern with some of the older convicts is that their age at the time of arrest had been recorded to be much lower than their actual age, and hence they cannot be considered for early release of senior citizens by the government despite being eligible for the same.

#### E. High Security Prisoners

The study team was allowed to meet prisoners maintained in the high security cells. At the time of the visit by the study team, there were about 11 inmates lodged in the high security cell. Inmates are sent here from other prisons as punishment or to control prison scuffles. The high security barrack is made up of very small cells, with about one or two inmates per cell. **No fans are available in the high security cells.**

These cells are also used as punishment cells for inmates in the general barracks. One of the main concerns with the inmates in this section was the absence of any means of recreation including **no TV sets, and no access to praying areas** in the prison complex.



### 11. PRISON ADMINISTRATION

#### Staff vacancies

As on 31st December 2018, of the sanctioned posts of four officers, all four posts were filled. However, there is a very serious shortage of staff. The study team was informed that with the recent recruitment and training of warders, the crunch at the warder level is expected to soon be eased.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
04	02	81	14	02	-	-	-	61	27	04	04

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
	Male	Female	Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
						M	F	M	F	M	F
04	02	02	07	25	115	-	01	16	02	27	18

#### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in **very few of them being able to avail a weekly day off, or even take leave during the year to visit their families. There is no crèche facility for the female staff, although this prison has 23 female staffers.**

While new technology was being introduced to the prison system, in the form of Video

Conferencing, or e-Prisons, CCTVs, etc., corresponding infrastructure to facilitate the same and more importantly adequate and timely training and appointment of staff to handle the new technology was lacking.

Further, since the population in this prison is very high, staff is required to be on constant vigil to maintain peace and order in the prison. Some of the staff members interviewed by the study team expressed the need for training in non-armed self-defence in order to be able to control prison population and ensure their own safety.

### **Staff Accommodation**

There is a need for constructing more number of living quarters to enable all staff members to have living quarters in the vicinity of the prisons, in addition to **renovating existing living quarters which are very old and in need of urgent repairs**. The study team learnt that **there is a water problem in the staff living quarters which requires immediate attention**.

## **12. PRISON OVERSIGHT**

There were two BoV meetings in the year 2018, with only two visits made by NoVs and two by official visitors in the same period. Under-trial Review Committee (UTRC) meetings are now being conducted in prison every month from January to June in compliance with directions from the Supreme Court to this effect.

## **13. ISSUES OF CONCERN**

- a) **Instances of custodial violence and torture in police custody** – Of the 33 inmates interviewed by the study team 11 alleged that they had been victims of custodial torture, which was not revealed either to the remand court or the doctor performing medical examination under police duress. **Most alarmingly, the study team learnt of at least 20 instances of prisoners who had been shot through their legs with a gun, at close range, although it was declared to be an encounter injury. This practice requires immediate attention to determine whether existing legal guidelines for encounter shootings are being followed.**
- b) **Inability to secure early release for life convicts** – Another common concern learnt by the study team is the number of convicts who have been serving a life sentence without ever being considered for release by the Advisory Board, as they have been convicted under sections that are exempted in GO HD 384 PRA 2015 . Further, another concern is of inmates whose time as under-trials has not been set-off, resulting in many inmates who would have otherwise been considered for release continuing to serve time in prison.
- c) **Judgement copies not with prisoners** - One of the concerns that the inmates shared with the study team was that they did not have certified copies of their judgements in the Sessions Court, since their copy is often retained by their lawyers. This results in inmates being unable to file appeals in time. Although the District Legal Services Authority is assisting inmates in procuring the same, at the time of visit by the study team, several inmates still did not have copies of their judgements.
- d) **Delay in appeal process** – Several convicts with whom the study team interacted with have been awaiting a decision on their appeals for over five to six years. It was learnt by the study team that the Kalaburagi bench of the Karnataka High Court having only three sitting judges is leading to increasing pendency. There is a need to increase the number of judges in this bench to decide on appeals, and also bail applications.
- e) **Body Warrants** – The study team found several instances of under trial prisoners who have been unable to gain release from prison despite being granted bail and satisfying bail

conditions in the case for which they have been arrested, on account of having a body warrant in one or more cases.

- f) **POCSO cases** – The study team found several cases of undergoing trial, or charged under sections of the POCSO Act. One of the common situations where the provisions of this special legislation are used is in instances of young romance.

### Chief Superintendent's Diary

*The Chief Superintendent of this prison, Mr. Krishna Kumar, is of the opinion that meditation and Vipassna could be useful for inmates, and he has plans of introducing the same for interested inmates in the near future.*

#### UPDATES AS OF APRIL 2022

In the meeting held on 17 March 2022, the study team was informed about the following changes since its visit:

- ❖ Capacity of this prison has increased to 715, with a further proposed additional capacity of 300.
- ❖ With respect to infrastructure an amount of Rs.40,00,000 (rupees forty lakhs) has been sanctioned for upgrading bathrooms, Rs.25,00,000 (rupees twenty five lakhs) each for upgrading the hospital and the kitchen area. RO system has been repaired at a cost of Rs.1,00,000 (rupees one lakh), and cooking is done on steam cookers. The prison visiting room has been renovated to include intercom systems, bulletproof glass partitions and seating area for visitors. Renovation inside barracks has been done. Bathrooms have now been fit with half doors, new tiles and commodes. High security rooms now have fans. The number of CCTVs has now increased to 51.
- ❖ The female barracks have been renovated with more space, and further a crèche has been set up.
- ❖ Regarding prison labour and wages, Jan Dhan accounts have been opened for all prisoners earning wages, and there is presently no outstanding unpaid wages.
- ❖ A psychiatrist has been appointed on contract.
- ❖ As part of the *padna likhna* programme, one literate prisoner teaches ten others who are not literate, and presently 180 male inmates and 20 female inmates are studying through this programme.
- ❖ Convict PLVs have now been appointed.
- ❖ Young and old offenders are now segregated.
- ❖ Staff is now able to avail one weekly off since vacancy has decreased. Rs.75,00,000 (rupees seventy five lakhs) has been sanctioned for renovating staff quarters.

## KEY RECOMMENDATIONS FOR KALABURGI

### PRISON HEADQUARTERS

- *Facilitate under trial prisoners and female prisoners to be involved in the prison labour activities, for just wages. Kindly also consider expanding labour opportunities, including repairing existing facilities and introducing new facilities such as computer training, electrical work, etc.*
- *Increase staff quarters, and improve the existing ones, provide water facilities at the earliest.*
- *Renovation of the prison complex to include underground drainage, guard room and watch towers required.*

### PRISON STAFF

- *Kindly make a requisition for a biochemistry auto analyser and a haematology auto analyser for use in the hospital laboratory.*
- *Kindly upgrade the hospital with more beds and fill the post for a full-time nursing staff urgently.*
- *Consider introducing sports facilities for both inmates and prison staff.*
- *Kindly encourage inmates to undertake literacy classes and restart higher education programmes and grant remission under Chapter XII, Rule 216(5), Karnataka Prison Manual 1978.*
- *Kindly ensure that female inmates get sufficient sanitary napkins for use.*
- *Kindly create a praying space for Christians within the prison complex.*
- *Kindly consider introducing TV and praying facilities for the inmates in the high security cells.*
- *Kindly fix the RO system.*
- *Kindly ensure that the PCO facility is functional.*
- *In the event of parole applications being rejected, kindly make such copies available to inmates so that they may pursue further legal remedies if available.*
- *Kindly ensure that there is no discrepancy in the remission granted to prisoners on the basis of the work undertaken in prison. Kindly also inform prisoners of the remission earned by them on a regular basis.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Issue a communication from the UTRC to the courts in its jurisdiction regarding the alternative and mandatory means of securing sureties for indigent persons for granting bail – personal surety, surety of persons out of state, surety of family members. Persons who have been granted bail but have been unable to secure sureties must also be recommended by the UTRC for release.*
- *Kindly assist convicts in the prison who have not had their period as under trials specifically set off in their orders to seek modifications of their orders to this effect, as per the proviso to s.428, CrPC.*
- *Kindly ensure that Prison appeals sent to the SCLSC are accompanied by necessary translations and case records.*
- *Collect a list of under trial prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken. Further determine if any of them have been transferred to this prison in violation of s.19(3) of the same Act.*
- *Collect a list of convicts who were less than 18 at the time of their offence, or if there is a doubt regarding their age at the time of the offence, and assist them in securing relevant documents and also assist them to seek relief in the appropriate courts under the Juvenile Justice (Care and Protection of Children) Act, 2015.*

# MYSURU CENTRAL PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

Built in 1862, Central Prison Mysuru is one of the oldest prisons in the state and is located very close to the Prison Training Institute. The prison is 4.10 acres in size, and was once in the outskirts of the city of Mysore, but over time, as the city has grown, the prison has been encompassed by it. The office building and barracks are very old with mud tiled roofs which keep the prison cool. Due to its old structure, it does not have a prison like appearance. Among other prisons visited, this is one of the greenest prisons in the state.

The office buildings are at the very entrance of the prison, further down that block are the female barracks and then the medical wing. Next to the medical wing are the male barracks in which the undertrials and convicts are segregated. Located further ahead is the factory section. All of these different wings are lined one after the other in a circular fashion, with each wing being a self-contained section with an open central courtyard and cells around it.

## 2. PRISON POPULATION AND OVERCROWDING

**As on 31st December 2018, the occupancy rate of the prison stands at 149% which is second highest in the state after Central prison Vijayapur.** Being a central prison, this prison houses both convicts and under trials, male and female. Convicts from other district prisons are sent here. There are two taluka prisons in the district of Mysuru – K.R.Nagara and Nanjangud – which help reduce the strain on the under trial population in this prison.

	Capacity	532		Capacity	30
	Strength	781		Strength	57
	Undertrials	268		Undertrials	27
	Convicts	511		Convicts	30
	Occupancy Rate	146.80%		Occupancy Rate	190%

The following information is based on detailed interviews of 43 inmates including 23 convicts and 21 undertrial prisoners, and also on the basis of interactions with prison officers and staff conducted by the study team to understand the functioning of the prison and to decipher issues of concern.



## 3. PROCEDURES UPON ADMISSION

At the time of admission, an inmate is made to undergo a detailed medical check-up by the

medical officer. The study team was allowed to inspect some of the records. There is a separate admission room where an inmate is kept for about one week before being assigned a cell.

Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel).

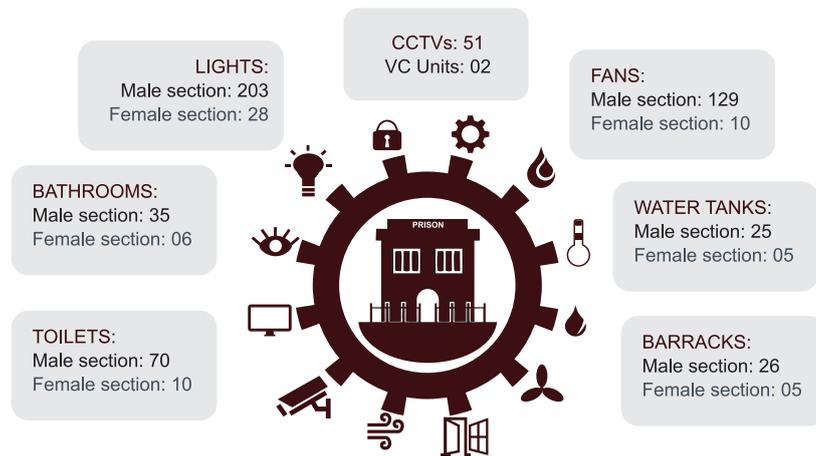
Mandate	Status
Whether first medical examination done using the NHRC format?	Yes
Whether a separate admission room for quarantine in prison?	Yes
Whether basic articles given?	Yes

#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS<sup>8</sup>

As per information provided, there are 26 male barracks, five female barracks and nine solitary cells in the prison. One cell in the women section is assigned for transgender persons. During the study team's visit, two transpersons were confined in a cell.

	Number of barracks	Inmates per barrack
Male Section	26	30
Female Section	5	11

Basic amenities such as electricity, water supply, clothes, food seem to be well taken care of, none of the inmates complained about this. Every barrack is equipped with sufficient fans and light bulbs. **There are no taps for use in the toilets and washing area, and inmates have to carry water in buckets. Toilets in male barracks had no doors, raising concerns on privacy and dignity of prisoners. In barracks there is no place to keep personal stuff. Personal items are kept in travel/ shopping bags and hanged on the hooks.**



A television set and carom board is provided in each barrack. There are prayer areas for inmates for worship including a temple and a masjid. There is a prison canteen with basic needs and food items. Food is prepared by a group of convicts who work in three shifts.

<sup>8</sup> As on 31st December 2018



- Breakfast – Veg Pulav/ Lemon Rice/ Upma
- Lunch & Dinner – Curry, Vegetables, Rice, Ragi *Muddor* Chapattis and buttermilk. .
- Eggs every Tuesday and Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	Yes	Yes

**Garbage is collected by the city corporation regularly. Medical waste is segregated and collected separately.**



## 5. CONTACT WITH OUTSIDE WORLD

There is a visitors' room at the very entrance of the prison complex. Each visit can last for about 45 minutes in duration. Three to four visitors are allowed per visit. **The visitor's room is very small for a prison of this size. It has a capacity to accommodate only six prisoners at a time.<sup>9</sup>**

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

There is also a PCO facility available in this prison. Inmates who wish to use the PCO facility have to buy calling cards, which cost about Rs.100 for one card, and the cost of one call is about Rs.1.20 per call. Inmates can give up to three numbers to make calls to.

No. of phone numbers allowed	Duration of Calls	Periodicity	Cost per call
3	7 minutes per week	Once in 3 days	Rs. 1.20

**There is a separate meeting room to conduct lawyer-client interviews. Lawyers are allowed to meet their clients once a week, for up to 30 minutes per visit.**



## 6. MEDICAL FACILITIES AND HEALTHCARE

There is a medical ward in the prison complex. The study team was able to meet both the medical officers who work in the prison, along with the pharmacist and technician. The two medical officers are employed on contract basis, with no permanent appointment to these posts in this prison. One of the common medical concerns in the prison is skin disease, given the close proximity in which inmates live and the lack of hygiene. In addition to this, use of beedi in a closed space results in several respiratory conditions. There are also a growing number of cases of diabetes and high blood pressure. **Weekly visits are made by specialists including a gynaecologist, dentist, psychiatrist and psychologist. District Health Officer/District Surgeon regularly visits the prison. This prison has a functional ambulance. Fogging is done regularly to prevent mosquito borne diseases.**

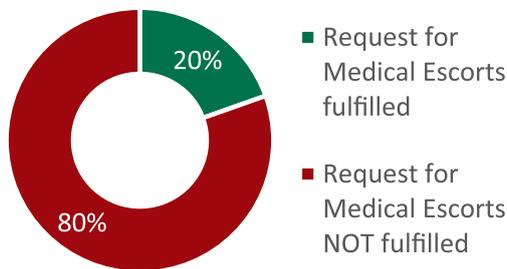
<sup>9</sup> The prison authorities informed that they have written to PWD for expansion.

**There is a full time pharmacist and lab technician** and the laboratory is equipped with an X-ray machine and equipment to conduct blood and urine tests. The lab technician here has undergone training to conduct blood tests to determine the HIV status of a person.

The study team visited the medical wing, where two inmates were undergoing treatment for TB, seven for HIV/AIDS, a few had mental health concerns, and a few had other ailments. Free ART treatment is provided to inmates who are HIV +ve or have AIDS, under the programme of the Karnataka State Aids Prevention Society (KSAPS) and the National Aids Control Organisation (NACO). Several medical camps for AIDS/TB/eyes/teeth/cancer are conducted regularly.

**There is no nursing staff. Inmates in the medical wing are not allowed to step outside the wing. There is only one toilet facility for the entire medical ward.**

Two inmates died in the year 2018 due to natural causes. **NHRC was informed and appropriate judicial enquiry was conducted as mandated under s.176, CrPC.**



Medical escorts are a serious problem in this prison. Out of the total of 3,650 requests for medical escorts were made in the year 2018, only 714 were satisfied. 945 inmates were sent for medical treatment outside the prison to hospitals in Mysore and Bangalore. In emergency situations, when no medical escorts are provided therefore, the prison staff has to make appropriate arrangements.



## 7. ACCESS TO LEGAL AID AND COURT

Regarding their right to a lawyer, most of the prisoners who were interviewed revealed that they were informed either by prison authorities or were asked by the court if they had legal representation. Right to a lawyer was not communicated to them at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

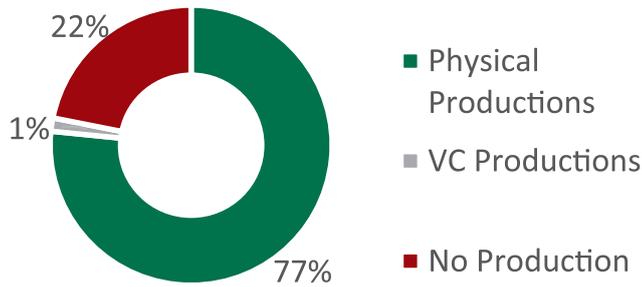
In the year 2018, 22 jail appeals were filed in the High Court.<sup>10</sup> Several inmates have spent over five years without any movement in their cases. Information regarding the case status is rarely communicated by legal aid lawyers appointed at the High Court and Supreme Court, either in writing or through phone calls.

Legal aid clinic is open on the days when the jail visiting lawyers visit. An announcement is made on the speaker system to inform inmates about the arrival of the jail visiting lawyers. The clinic has a computer system which is used by the jail visiting lawyer to inform inmates about the status of their cases.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?	No. of Convict PLVs appointed
	Yes	4 lawyers – once a week each	2 each for male and female section

<sup>10</sup> The study team had a detailed conversation with the Member Secretary, Mysore DLSA. He informed that they have started to file online applications for appeal. If appeals are filed through the DLSA, they follow-up every 15 days to check the status.

**Jail Visiting Lawyers (JVLs) and Convicts Paralegal Volunteers (PLVs) have not been paid wages by the DLSA for the last eight and six months, respectively.**



Two video conferencing devices have been installed in the prison, with two more being set up at the time of visit by the study team.

In 2018, 8,367 physical productions were made in court, while 167 productions were made through video conferencing. About 2,389 court orders for production

could not be complied with either physically or through video conferencing.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

**There is a full time teacher who comes into the prison every day.** Books from the government Adult Education Department are sent to the prison to enable educating first time learners. **There is a well catalogued library.**

There is a computer training class with inmates being taught basic typing, Photoshop, etc. More systems will be made available through donations soon. There are also several NGOs which work in this prison including the Prison Ministry of India, J.S.S. Mysore, Hindustan Unilever, J.K.Tyres, Mysore Hope Centre, etc.

Inmates who wish to pursue higher education can do so through IGNOU (Indira Gandhi National Open University) or KSOU (Karnataka State Open University). In 2018, 30 male convicts, eight female convicts and 12 female under trials enrolled themselves into formal education programmes from the prison.

**For well over 20 years now, theatre has also been a part of the prison activities. Mr. Hulugappa Kattimane, a theatre artist and director of Sankalpa, has been training inmates and facilitating performances in Mysore, Dharwad, Belgaum, Hasan, Udupi, Kasargod, Mumbai, and several other cities.**



## 9. PRISON LABOUR AND WAGES

Like in other prisons in the state, work is only available to convict prisoners. As of 31st December 2018, 154 male convicts and 29 female convicts were engaged in various work opportunities in the prison. The Mysore Central Prison has various avenues for work– handloom weaving, carpentry, tailoring, soap and phenyl making, bakery, coir work, agarbatti packaging, embroidery and soft toys. The weaving section had several handloom machines which allow for labour intensive work. Agarbhathi and coir work in the prison are both done through a tender process – Cycle Agarbhathi has been working in the prison for several years, as has the Karnataka State Coir Development Corporation. Payment rate is 20 paise for packing a dozen agarbattis.

**Materials produced by inmates are used for stitching clothes and bed sheets for inmates in this prison, and other prisons in the zone. Further, handloom carpets and cloth materials are sold to the public through the prison shop, and even at the time of exhibitions and sales in Mysore.**

In addition to the permanent work opportunities, factory and prison maintenance work, there are several short term vocational training provided by NGOs including electrical work, plumbing, motor rewinding, etc. At the time of visit by the study team, one such training for motor rewinding was being provided by JSS, Mysore, as part of its community programme.

Educated convicts have the option of working as convict officers, some of them have also been appointed as paralegal volunteers. At the same time, some of the inmates interviewed by the study team revealed that although there are several employment options within the prison, most of these are outdated avenues of making a livelihood and that they engaged in prison work as a means of keeping themselves occupied in the prison and as a way of earning remission, and not with the hope of using these skills to find employment upon release from prison.

**Though 29 female convicts were engaged, they are not allowed to participate in the factory areas, and are restricted to tailoring and cleanliness work in their barracks.**

Wages are still maintained by the prison in the Prisoners Property and Cash (PPC) Accounts as the process of opening bank accounts is under process and several inmates still did not have their own bank accounts. **Payment had not been made for about 27 months at the time that the study team visited the prison.** Prison officials informed the study team that payments would be released once all inmates had their accounts opened, although there is no clear timeline for this.

Two meetings of the Advisory Board were held in the year 2018 with 42 inmates being recommended for release of whom 34 were actually released.



## 10. VULNERABLE GROUPS

### A. Women prisoners

Barracks are self-contained with facilities for TV and newspapers. The female enclosure has three toilets and three bath spaces. **Female inmates are not allowed to step outside their barracks unless it is to meet visitors**, or when they are allowed to meet their relatives lodged in the male barrack.

At the time of the visit by the study team to the female barracks, there were 31 convicts, 24 under trials and one child. A teacher comes in the day for those interested in learning to read and write. **Tailoring classes are conducted for those interested, with a permanent instructor who comes in every day**, in addition to special instructors who come intermittently for some time through local NGOs. Along with tailoring, embroidery and crochet are also taught. While most tailoring is done in the work section for male inmates, some work is also done in the female barracks.

**Doctors make regular visits to the prison. A lady doctor visits every Monday. Sanitary napkins are provided sufficiently.**

**There is a female jail visiting lawyer who comes to the female barrack once a week on Fridays.**

### B. Transgender prisoners

At the time of the visit by the study team, there were two transgender inmates in a cell, who had to share it with a female inmate who was on high security as she had been recently arrested in a case which was in full media gaze. **One of the two transpersons had been diagnosed of cancer and had been sent to Bangalore Central Prison for treatment in Kidwai Memorial Institute**

of Oncology, Bangalore, but she had returned to Mysore as the alarming escort shortage in Bangalore had resulted in her neither being taken for treatment, nor being able to stay in touch with her community in Mysore.

### C. Prisoners with mental health concerns

As on 31st December 2018, there were 15 male and 14 female prisoners undergoing psychological counselling, while 29 male and three female inmates were undergoing psychiatric treatment in the prison. **There were about six convicts with mental health concerns who had been lodged for longer than five years.** No under trial prisoner with mental illness was detained for longer than three years. There is no permanently appointed psychologist or psychiatrist for this prison, however there is a weekly visit by both specialists. Not all inmates with mental health concerns were segregated, with some being kept in the medical ward for observation along with other patients, and others being lodged in the general wards. About 14 inmates were sent for higher treatment to NIMHANS, Bangalore, in the year 2018.

**None of the under trials with mental health concerns had been declared unfit to stand trial.**

### D. Young Offenders

At the time of visit by the study team, there were at least 19 inmates in the age group of 18-21 years. **They were not segregated from the older inmates.**

There were also a few convicts who claimed to be less than 18 years at the time of their offence, were unable to get relief under the Juvenile Justice (Care and Protection of Children) Act 2015 or are pending hearing in appellate courts on their juvenility claims.

### E. Old age offenders

At the time of visit by the study team, there were at least eight inmates who were above the age of 60, among both male and female, and among convict and under trial prisoners. While those with serious medical ailments were in the medical ward, most of them were in the general ward with other inmates and with no special dietary or other facilities.

### F. Prisoners from other countries

At the time of the visit by the study team, there were four foreign nationals, all of them from Bangladesh. **Since no international phone calling facility is available in the prison, some of them had been unable to inform their families about their whereabouts.**

### G. Prisoners from other states

The study team found at least 21 inmates who were from other states and for whom language was a communication barrier. There are inmates from Madhya Pradesh, Bihar, Odisha, West Bengal, Rajasthan, Delhi, Tamil Nadu, Kerala and Andhra Pradesh. Being a central prison, options available for food include rice and *ichapattis* or *ragi mudde*. **There is no facility for a translator in courts for people belonging to other states.**

### H. High security prisoners

The study team was allowed to meet prisoners maintained in the high security cells. There were three inmates lodged in the high security cell. The problems faced by these inmates were more to do with the nature of their cases, than with their treatment in the prison itself. Although they are locked away with an additional gate apart from the main door of the cell, they are allowed to step out of their cell and converse with other inmates on their floor.



## 11. PRISON ADMINISTRATION

### Staff vacancies

There is a very serious shortage of staff. The study team was informed that with the recent recruitment and training of warders, the crunch at the warder level is expected to soon be eased. However, the shortage at the officer level is a grave concern. Of the sanctioned posts of eight officers, only three posts were filled at the time of visit by the study team.<sup>11</sup>

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
04	02	187	02	01	-	-	-	34	17	02	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
	Male	Female	Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
						M	F	M	F	M	F
08	03	-	05	25	127	01	01	09	02	22	14

### Experiences of prison administrators

**Weekly day off is being availed by very few staff members. Even difficult to take leave during the year to visit their families.** Due to high prison population staff is required to be on constant vigil to maintain peace and order in the prison. Some of the staff members interviewed by the study team expressed the need for training in non-armed self-defence in order to be able to control prison population and ensure their safety.

There is no crèche facility for the female staff, although this prison has 17 female staffers.

While new technology was being introduced to the prison system, in the form of Video Conferencing, or e-Prisons, CCTVs, etc., corresponding infrastructure to facilitate the same and more importantly adequate and timely training and appointment of staff to handle the new technology was lacking.

### Staff Accommodation

There is a need for constructing more number of living quarters to enable all staff members to have living quarters in the vicinity of the prisons, in addition to **renovating existing living quarters which are very old and in need of urgent repairs.**

## 12. PRISON OVERSIGHT

Six Non-Official Visitors (NOVs) appointed in 2017 continued to visit this prison. **Though the Board of Visitors have been constituted, no mandatory meetings took place during 2018.** Under-trial Review Committee (UTRC) meetings are being conducted in prison.

## 13. ISSUES OF CONCERN

a) **Instances of custodial violence and torture in police custody** – Of the 43 inmates

<sup>11</sup> In the course of the study, the Chief Superintendent of the prison had been promoted and transferred to the head office.

interviewed by the study team 16 alleged to the study team that they had been victims of custodial torture in police custody, which was not revealed either to the remand court or the doctor performing medical examination under police duress.

- b) **Inability to secure early release for life convicts** – There are a few convicts who have been convicted for offences under central legislations and have not been considered for release despite having spent close to 16 years in prison because of the exemption in the government order.

### Chief Superintendent's Diary

*The Chief Superintendent of the Mysore Central Prison, Mr. P.V. Anand Reddy, is a trained lawyer, and has spent several years as a prison administrator. In his opinion, a sizeable proportion of convicts are one time offenders who are unlikely to reoffend or be a menace to society. The real hardened criminals, he believes, are difficult to catch and even harder to retain in correctional facilities.*

#### UPDATES AS OF APRIL 2022

In the meeting held on 23 March 2022, the study team was informed about the following changes since its visit:

- ❖ Regarding infrastructure, the prison visiting room has been renovated to include intercom systems, bulletproof glass partitions and seating area for visitors. The toilets now have taps and doors. New toilets and bathrooms have been sanctioned to meet the ratio as prescribed in the Model Prison Manual. An additional capacity of 240 in the male barrack and 15 in the female barrack has been sanctioned and construction work will soon begin.
- ❖ There are now 6 functional VC units in the prison. During Covid *emulakaat* facility was extended to inmate, including foreign national prisoners.
- ❖ Wages have been paid for the inmates and Jan Dhan accounts have been opened.
- ❖ Young and old inmates are being segregated from the remaining inmates.
- ❖ The duration of each call has been increased to 10 minutes.
- ❖ In addition to a doctor on permanent basis, there is also a psychiatrist on permanent basis working in the prison.
- ❖ Educated prisoners are enrolled with the Adult Education Department to provide literacy programmes for those interested. Capacity of work sheds has been increased.
- ❖ Women inmates now work in coir making, agarbatti packaging and the educated inmates teach those willing to study. There is a crèche within the female barrack for the children of inmates. When there are cultural programmes or legal literacy programmes, female inmates can participate in the main prison area.
- ❖ Staff shortage has decreased and staff is able to avail weekly off as per rules. A crèche facility for children of female employees has been set up.

## KEY RECOMMENDATIONS FOR MYSURU

### PRISON HEADQUARTERS

- *Increase the number of staff quarters, and improve the existing ones.*
- *Renovation of the prison complex to include underground drainage, guard room and watch towers required.*
- *Consider deploying phone jammers which are capable of being used for 4G connections.*

### PRISON STAFF

- *Ensure that prisoners who have been unable to inform their families about their incarceration are assisted in doing so with help from concerned police stations.*
- *Ensure that a copy of the medical records of prisoners undergoing treatment for mental illnesses are made available to their lawyers, or concerned court, as the case may be.*
- *Kindly make a requisition for a biochemistry auto analyser and a haematology auto analyser for use in the hospital laboratory.*
- *Request the District Magistrate to convene regular meetings of Board of Visitors.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Kindly ensure that Prison appeals sent to the SCLSC are accompanied by necessary translations and case records.*
- *Given the large number of out of state prisoners, kindly ensure that there is a pool of court translators who can assist such prisoners in court, and also ensure a mechanism to secure translated copies of chargesheets for such inmates to ensure that a fair trial is provided to them.*
- *Collect a list of under trial prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken. Further determine if any of them have been transferred to this prison in violation of s.19(3) of the same Act.*
- *Collect a list of convicts who were less than 18 at the time of their offence, or if there is a doubt regarding their age at the time of the offence, and assist them in securing relevant documents and also assist them to seek relief in the appropriate courts under the Juvenile Justice (Care and Protection of Children) Act, 2015.*
- *Issue a communication from the UTRC to the courts in its jurisdiction regarding the alternative and mandatory means of securing sureties for indigent persons for granting bail – personal surety, surety of persons out of state, surety of family members. Persons who have been granted bail but have been unable to secure sureties must also be recommended by the UTRC for release.*
- *Kindly assist convicts in the prison who have not had their period as under trials specifically set off in their orders to seek modifications of their orders to this effect, as per the proviso to s.428, CrPC.*

# SHIVAMOGGA CENTRAL PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

Established only in 2018, the Central Prison in Shivamogga is the most recent prison built in the state. Convicts from the districts of Mangalore, Udupi, Davangere, Chitradurga, Chikkamagalur and Shivamogga are sent to this prison, in addition to undertrials from the district of Shivamogga.

The total prison area is spread over 62 acres with the built-up area of 10.5 acres. The prison complex is located inside a large area far away from the city. This prison is one of a kind in the state, modelled along the lines of South Korean prisons. There are no barracks in this prison like elsewhere, and instead two to three inmates share one cell.

At the entrance are the office area and the visiting room. Further inside is the gate that leads into the main prison complex. A dispensary on left side and legal aid clinic on rights side are at the beginning of this complex. Cells are divided into different blocks for under trial prisons and convict prisoners, named after rivers in the state, and spread along a rectangular fashion. The kitchen complex is in the middle of this area, on the right side. At the centre of this complex is a watch tower, which also has the newspaper reading room and the prison canteen. This watch tower provides a full view of the prison complex from above. On the far end of this complex are the library and study rooms, in addition to the coir making room. Being a new prison, the buildings are fresh and clean. There are no separate washrooms outside the cells, like in most prisons, but are provided for within each cell.

## 2. PRISON POPULATION AND OVERCROWDING

Being a Central Prison, this prison houses both convicts and under trials. Since the Womens' Prison is right next to this prison, all female inmates are sent to that prison. The capacity of this prison is 500. As of 31st December 2018, the occupancy in the prison was 82.2%. There is currently no concern of overcrowding in this prison.

	<b>Capacity</b>	<b>500</b>		<b>Capacity</b>	-
	<b>Strength</b>	<b>411</b>		<b>Strength</b>	-
	Undertrials	285		Undertrials	-
	Convicts	126		Convicts	-
	Detenues	0		Detenues	-
	Civil Prisoners	0		Civil Prisoners	-
	Occupancy Rate	82.20%		Occupancy Rate	-

The study team physically checked all the barracks and visited all parts of the prison and interacted with inmates in all barracks as well as prison staff. The team also conducted detailed interviews of 11 under trials and 16 convicts to understand the real issues and functioning of the prison.



### 3. PROCEDURES UPON ADMISSION

At the time of admission, an inmate is made to undergo a detailed medical check-up, and the format issued by the prison department (similar to the NHRC format) is being maintained by the medical staff in the prison. The study team was allowed to inspect some of the records. There is a separate admission room where an inmate is kept for about one week before being assigned a cell. Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel).

Mandate	Status
Whether first medical examination done using the NHRC format?	Yes
Whether a separate admission room for quarantine in prison?	Yes
Whether basic articles given?	Yes

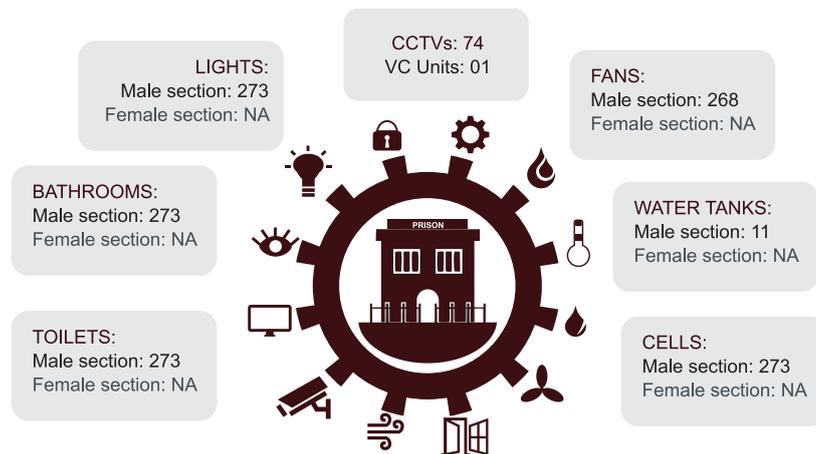
### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, this prison is divided into cells and not barracks, and has 224 general cells and 49 single cells.

	Number of Cells	Number of Inmates per Cell
General Cells	224	2
Single Cells	49	1

Every cell is equipped with fans and light bulbs. Each cell also has a washing area provided inside the cell, which has resulted in inmates being unable to find a space to dry their clothes as is common practice in other prisons. **Some of the cells have western commodes, for use by old age and differently abled prisoners.** About 93 TVs have been provided to this prison, installed in separate cells. The cells doors require some protection from the wind and rain as they open into a large open space bringing in dust and water.

One video conferencing device had been installed for use in the prison, with five more being set up at the time of visit by the study team.



The kitchen area is large and has basic features including steamer, chimney and refrigerator. The study team learnt that the **food is not always sufficient, or well prepared**. There is a prison canteen with basic needs and food items.



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, *Chapattis*, Rice, *Ragi mudde* and Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	Yes	Yes



## 5. CONTACT WITH OUTSIDE WORLD

There is a visitors' room at the very entrance of the prison complex. 'Entry' or visits from family members is allowed once a week for under trials and once a fortnight for convicts. **This prison has the most modern visiting room, with glass partitions and an intercom phone for conversations. Further, the visiting room is spacious and well ventilated.** A concern that the study team learnt was that there is a considerable distance between the main entrance to the prison and the prison complex itself and vehicles are not allowed inside beyond the main entrance and **there is no waiting room for visitors**. Therefore, when the weather is inclement, **families have a hard time walking the distance** and waiting for their chance for a visit. The study team was informed by the prison authorities that measures would soon be undertaken to ensure that there is a waiting area and drinking water facilities for visitors.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

PCO facility is available in this prison, where convicts are allowed to speak twice a week, and under trial prisoners once a week. Each phone call can last up to seven minutes, and inmates who wish to use the PCO facility have to buy calling cards, which cost about Rs.50 per month. Inmates can give up to two numbers to make calls to, which will soon be increased to three. The PCO facility was only started last month before the visit of the study team and is still not functioning smoothly with some last mile glitches that needed to be fixed.

No. of phone numbers allowed	Duration of Calls	Periodicity	Cost per month
2	7 minutes per week	Once in 3 days	Rs. 50

Since this prison houses convicts, an important measure to ensure contact with the outside world is through regular visits to family members on parole. Several inmates that the study team interacted with had been unable to go on parole since the concerned station had not passed their applications. Another common concern regarding parole is that inmates have had their parole rejected for not furnishing surety from the district in which their concerned police station is located, although this is not a requirement under law. Further, being a new central prison, most convicts in this prison have spent less than two years in prison, making them ineligible to apply for parole. **General awareness about parole was also low among this prison population as compared to convicts in other central prisons with whom the study team has interacted.**

**There is a separate meeting room to conduct lawyer-client interviews. Lawyers are allowed to meet their clients once a week, for up to 45 minutes per visit.**



## 6. MEDICAL FACILITIES AND HEALTHCARE

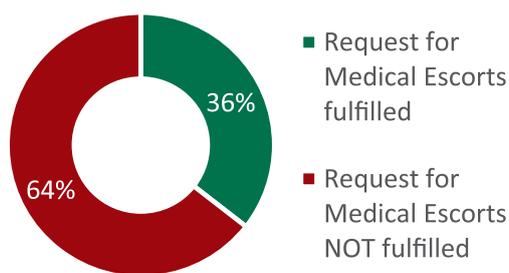
There is a hospital in the prison complex, which was still being set up at the time of visit by the study team. Once set up, the hospital will have a capacity of 20 beds, in addition to a laboratory with necessary medical equipment, a list of which has been sanctioned and sent for procurement. **There is a permanent medical officer in this prison**, who used to be a medical officer when in the older prison in Shivamogga, which was a district prison. He visits the prison daily and is assisted by a pharmacist, a nurse, **a warder who has studied B.Pharm, is also a trained pharmacist**, and a convict prisoner who has been provided basic training. Very soon, this prison will also have a dental chair. **A psychiatrist visits this prison every Thursday.** During the year 2018, 1500 inmates were provided treatment in the prison itself.

Medicines are procured by placing an order online from the government medical service. **A concern with respect to procurement through the government medical department is that it tends to lead to delay.** Instead, if the procurement can be negotiated directly with the prison department, the medical officer is of the opinion that this could lead to a more efficient method of procurement.

At the time that the study team visited there was one inmate undergoing treatment for TB, three for HIV/AIDS and 34 were receiving treatment for mental health concerns, in addition to treatment for other ailments. There is a functional ambulance in this prison. Medical examination at the time of admission into the prison is conducted, and the same is uploaded by the medical officers in the ePrisons portal.

An advantage of prisoners staying in cells is that the skin infections can be treated and controlled effectively than inmates staying in barracks where the infection spreads quickly, given the close proximity in which inmates live and the general level of hygiene. There is also a growing number of instances of diabetes, even among the younger prison population.

The information provided by prison authorities to the study team revealed that two inmates died in the year 2018 due to natural causes, with appropriate **judicial enquiry under s.176, CrPC having been initiated, and reports pending.** Both deaths arose out of natural causes.



Medical escorts are a serious problem in this prison. In the year 2018, the prison officers had to provide medical escort 321 times, while the DAR provided it only 177 times. In the same year, 284 inmates were sent to hospitals outside the prison for treatment, of which 18 were sent to higher medical institutes including CIMS, Victoria, NIMHANS and Minto Eye Hospital while the remaining were sent to the District

Government Hospital in Shivamogga.



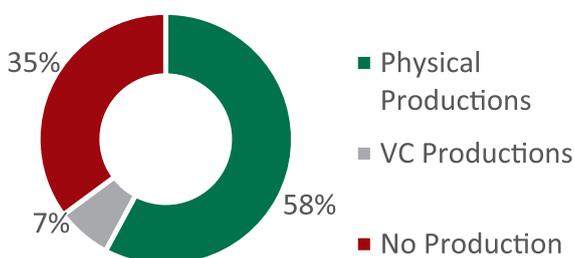
## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed either by prison authorities themselves about their right to a lawyer, or were asked by the committal court if they had legal representation. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

In the year 2018, 11 jail appeals were filed in the High Court. A major concern is the delay in the disposal rate of appeals, with several inmates having spent over five years without any movement in their cases. Further, information regarding the case is rarely communicated by legal aid lawyers appointed to the inmates in the High Court and Supreme Court, either in writing or through phone calls.

There is a legal services clinic inside the prison premises which is open on the days that the jail visiting lawyers visit. Jail visiting lawyers are appointed on a rotation basis, with each panel lawyer serving a term of about three months each. One lawyer from the Shivamogga DLSA visits the prison four days a week. The legal aid clinic has a computer system which is used by the jail visiting lawyer to inform inmates about the status of their cases.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?	No. of Convict PLVs appointed
	Yes	Four days a week	0



In the period between 1st January 2018 and 31st December 2018, 4,356 physical productions were made in court, while 529 productions were made through video conferencing. However, about 2,650 court orders for production could not be made either physically or through video conferencing.

This is a very high number, and several inmates have missed more than three consecutive dates of court hearings, especially inmates with multiple cases. The problem of shortage in escorts is not only for out of district prisons, but also for local court productions. Further, since this prison is still new, the existing district armed reserve force is not sufficient to meet the needs of a central prison. It is also unclear as to which district's armed reserve force has the responsibility to ensure court production in districts outside Shivamogga.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

**Two full time teachers come into the prison every day, one male and one female, both deputed from the education department.** The male teacher works in this central prison full time, while the female instructor splits her time between this prison and the adjacent women' prison. There are a few inmates who are learning to read and write; books from the Adult Education Department have been supplied for this purpose. Further, there are several inmates who are pursuing higher education, through IGNOU and the Kuvempu Universities. **The Kuvempu University has set up a study centre in this prison.** There is a study room with benches for inmates to study. There is a functional library with over 8,670 books, well-catalogued. 24 news papers are subscribed to, and one convict manages the library along with the lady teacher. As regards recreational facilities, a television set and carom board provided in almost every cell.



## 9. PRISON LABOUR AND WAGES

For a central prison, this prison has very few avenues for employment. Basic opportunities include prison cleanliness and kitchen work. A few are also involved in working with the medical officer, or the teacher. There is also a small flower garden that some of the inmates have set up. A commonly available avenue for labour is agarbatti packing for a private company, which provides inmates an opportunity to earn on the basis of the number of boxes packed. Further, training in coir making and paper bag making has also been provided. However, there is a dire dearth of labour opportunities in this prison as it currently is. There is also an out gang that is involved in cultivating vegetables in a plot of land close to the prison, which is still in its early stages.

Payment is Rs.225 for skilled work, Rs.200 for semi-skilled work and Rs.175 for unskilled work per day as per the revised wage rates for prison labour. However, at the time of visit by the study team, **none of the inmates had been paid since bank accounts could not be opened for everyone.** One of the major hindrances for opening bank accounts is the fact that those who had an adhaar card prior to entering the prison are unable to secure their cards, and it is taking time to obtain duplicate cards. Prison officials informed the study team that payments would be released soon as all inmates had their accounts opened.

Not having an opportunity to work results in inmates not having the means to use basic prison facilities such as the PCO and canteen, in addition to being unable to provide for their families and wasting productive years of their lives.

There were no meetings held by the Advisory Board in the year 2018 for this prison, since there were no eligible prisoners for early release in this prison in that period.



## 10. VULNERABLE GROUPS

### A. Prisoners with mental health concerns

As on 31st December 2018, there were 20 inmates undergoing psychiatric treatment, and about 48 undergoing psychological counseling. **None of the under trials with mental health concerns had been declared unfit to stand trial.** There is no permanently appointed psychologist or psychiatrist for this prison, however there is a weekly visit by a psychiatrist. About six inmates were sent for higher treatment to NIMHANS, Bangalore. None of the under trials with mental health concerns had been declared unfit to stand trial. Insomnia and depression are rampant in this prison, as is the case with most prison populations.

## B. Young Offenders

At the time of visit by the study team, there were at least 15 under trial inmates in the age group of 18-21 years, and far fewer among convicts, **none of whom had been segregated from the older inmates.**

## C. Old age offenders

At the time of visit by the study team, there were at least five under trial inmates who were above the age of 60, and about five convicts above this age. Medical issues are a major concern for this age group.

## D. Prisoners from other states

During the visit by the study team, there were about six convicts from other states, and five under trial prisoners, from the states of Madhya Pradesh, Bihar, Kerala, Tamil Nadu and Chhattisgarh. **There is no facility for a translator in courts for people belonging to other states.**

## E. High security prisoners

The study team was allowed to meet prisoners maintained in the high security cells. At the time of the visit by the study team, there were about 17 inmates lodged in the high security cell. Most of them had been placed in the high security cells as punishment for possessing mobile phones and other contraband in the prison, or because there was a threat to their security from other prisoners. Only one had been transferred from the central prison in Bangalore for administrative reasons. Being in the punishment cell comes with the additional loss of privilege to spend time outside the cells, in this prison.

**All inmates, except for one, who were separately confined in cells were found to be locked up 24 hours and were not allowed to step out of the cell for half an hour a day for exercise or continue to work as required under rule 240 of the Karnataka prison manual.**



## 11. PRISON ADMINISTRATION

### Staff vacancies

As on 31st December 2018, of the sanctioned posts of four officers all four posts were filled. There is a very serious shortage of staff. The study team was informed that with the recent recruitment and training of warders, the crunch at the warder level is expected to soon be eased. However, the shortage at the officer level is a grave concern.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
0	07	158	14	01	-	03	-	60	-	04	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
06	03	02	04	23	98	01	-	15	01	26	12

## Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in **very few of them being able to avail a weekly day off, or even take leave during the year to visit their families. Long work hours with long distances from their families results in high stress and mental health concerns for the staff as well. The study team learnt that there are a few staff members in this prison who are taking mental health care services.** Further, since this prison has prisoners spread across several cells, the level of monitoring required by prison staff is higher than in a traditional prison structure divided into barracks. There is no crèche facility for the female staff, although this prison has 15 female staffers.

## Staff Accommodation

**This is one of the few prisons in the state where staff accommodation is not a concern.** In fact, the accommodation provided here is considered to be a model for the state. All types of houses, for all cadres of staff, have more rooms than in any other accommodation in the state. Further, **there are opportunities for sports for staff and their families, and the proximity to the prison facilitates their availability for service.**

## 12. PRISON OVERSIGHT

There were three BoV meetings in the year 2018, with three visits made by NoVs and three by official visitors in the same period. Under-trial Review Committee (UTRC) meetings are now being conducted in prison every month from January to June in compliance with directions from the Supreme Court to this effect.

## 13. ISSUES OF CONCERN

- a) **Instances of custodial violence and torture in police custody** – Of the 27 inmates interviewed by the study team 11 alleged to the study team that they had been victims of custodial torture, which was not revealed either to the remand court or the doctor performing medical examination under police duress.
- b) **Delay in appeal process** – Several convicts with whom the study team interacted with have been awaiting a decision on their appeals for over five to six years. Further, there is very little communication from legal aid lawyers, leaving inmates who have preferred jail appeals with little to no information about the fate of their appeals.
- c) **Body Warrants** – The study team found several instances of under trial prisoners who have been unable to gain release from prison despite being granted bail and satisfying bail conditions in the case for which they have been arrested, on account of having a body warrant in one or more cases. The body warrant seems to be used by the police as an effective way to subvert release on granting of bail.
- d) **POCSO cases** – The study team found several cases of undergoing trial, or charged under sections of the POCSO Act. One of the common situations where the provisions of this special legislation are used is in instances of young romance. Given the high rates of POCO cases in the districts of Chitradurga, Davangere, Chikkamagaluru, Mangalore, Udupi and Shivamogga, the number of convicts from these districts on conviction who have been transferred to Shivamogga Central Prison is high.

### Chief Superintendent's Diary

*The Chief Superintendent of this prison, Ms. Divyashree, has been instrumental in setting up this prison from scratch. She considers this challenging opportunity to build a model prison. One of the concerns she has is the inability of the prison to provide ample work opportunities for inmates.*

#### UPDATES AS OF APRIL 2022

In the meeting held on 22 March 2022, the study team was informed about the following changes since its visit:

- ❖ There are now 6 functional VC units, and *emulakaat* facility was available during Covid.
- ❖ Young and old inmates are being segregated from other prison inmates, with 5 separate rooms demarcated for this. Cells have been provided with facilities for inmates to keep their personal belongings. A waiting room has been established for visitors to be seated.
- ❖ There is no delay in procuring necessary medicines.
- ❖ Prison wages are being paid through Jan Dhan accounts which have been opened for inmates.
- ❖ Two inmates have been appointed as convict PLVs.
- ❖ Convict inmates now have more awareness about their rights regarding remission and parole, with a few having availed of these rights as well.
- ❖ Staff shortage has come down which has enabled staff to avail weekly off as per rules.

## KEY RECOMMENDATIONS FOR SHIVAMOGGA

### PRISON HEADQUARTERS

- *Facilitate under trial prisoners and female prisoners to be involved in the prison labour activities, for just wages. Kindly also consider expanding labour opportunities, including repairing existing facilities and introducing new facilities such as computer training, electrical work, etc.*
- *Kindly consider communicating with the bank providing services to this prison to not insist on an Adhaar card for opening accounts for inmates as this is leading to an inordinate delay in payments.*
- *Kindly ensure that there is clarity on the responsibility of each concerned district armed reserved force to enable court production for inmates with trials in courts outside Shivamogga.*

### PRISON STAFF

- *Consider introducing sports facilities for both inmates and prison staff.*
- *In the event of parole applications being rejected, kindly make such copies available to inmates so that they may pursue further legal remedies if available.*
- *Kindly hold a workshop/session with the convicts and explain their basic parole and remission rights.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Kindly assist convicts in the prison who have not had their period as under trials specifically set off in their orders to seek modifications of their orders to this effect, as per the proviso to s.428, CrPC.*
- *Kindly create a pool of translators for inmates who are from other states and cannot follow court proceedings in Kannada.*
- *Issue a communication from the UTRC to the courts in its jurisdiction regarding the alternative and mandatory means of securing sureties for indigent persons for granting bail – personal surety, surety of persons out of state, surety of family members. Persons who have been granted bail but have been unable to secure sureties must also be recommended by the UTRC for release.*
- *Kindly ensure that Prison appeals sent to the SCLSC are accompanied by necessary translations and case records.*
- *Collect a list of under trial prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken. Further determine if any of them have been transferred to this prison in violation of s.19(3) of the same Act.*
- *Collect a list of convicts who were less than 18 at the time of their offence, or if there is a doubt regarding their age at the time of the offence, and assist them in securing relevant documents and also assist them to seek relief in the appropriate courts under the Juvenile Justice (Care and Protection of Children) Act, 2015.*

### BOARD OF VISITORS

- *Since there is a crisis arising out of shortage of escorts, kindly convene a meeting with all concerned departments in order to formulate a plan to manage the problem.*
- *Since not having an Adhaar card is holding up several inmates having their bank accounts opened, kindly consider facilitating those who already have an Adhaar card to get duplicate copies, or if there are those without an Adhaar card then kindly assist them in procuring one.*

# VIJAYAPURA CENTRAL PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

Established in 1887, the Central Prison of Vijayapura has a unique structure with a history. The building itself is much older having been constructed in 1640 as a sarai (rest house) under the Adil Shahi dynasty. It is declared a protected monument by the Archeological Survey of India.

The prison is spread over an area of 55.10 acres. After the main entrance to the prison is an alley which has the office area on the right and across that is the visiting room. The alley also has the place fixed for the jail visiting lawyer on the left side without a proper room. Further down the alley on the left is the female barrack, and to the right is the entrance to the medical wing. The medical wing is on the first floor. The medical wing also has some inmates who are segregated from other inmates, and the VC room.

The alley opens into the main prison section. Lined across two sides of a rectangular area are the convict cells, and across the remaining two sides are the under trial cells. At the cusp of the convict cells is the prison canteen, and adjacent to the under trial cells is the library. At the centre are the tower (office of the chief warden), factory section, the kitchen area, and the common bathing area. There are some lands for cultivation around the prison, to the tune of about 11 acres.

## 2. PRISON POPULATION AND OVERCROWDING

Being a Central Prison, this prison houses both convicts and under trials, male and female. As of 31st December 2018, the occupancy in the prison was 173.13%. There is currently a problem of overcrowding in this prison, more in the men section.

	<b>Capacity</b>	<b>300</b>		<b>Capacity</b>	<b>20</b>
	<b>Strength</b>	<b>533</b>		<b>Strength</b>	<b>21</b>
	Undertrials	310		Undertrials	05
	Convicts	233		Convicts	16
	Detenues	0		Detenues	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	177.67%		Occupancy Rate	105.00%

The study team physically checked all the barracks and visited all parts of the prison and interacted with inmates in all barracks as well as prison staff. The team also conducted detailed interviews of 12 male convicts, 20 male undertrials, four female convicts, and two female under trials to understand the real issues and functioning of the prison.



### 3. PROCEDURES UPON ADMISSION

At the time of admission, an inmate is made to undergo a detailed medical check-up, and the format issued by the prison department (similar to the NHRC format) is being maintained by the medical staff in the prison. The study team was allowed to inspect some of the records.

Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a chombu (vessel).

Mandate	Status
Whether first medical examination done using the NHRC format?	Yes
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes

### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

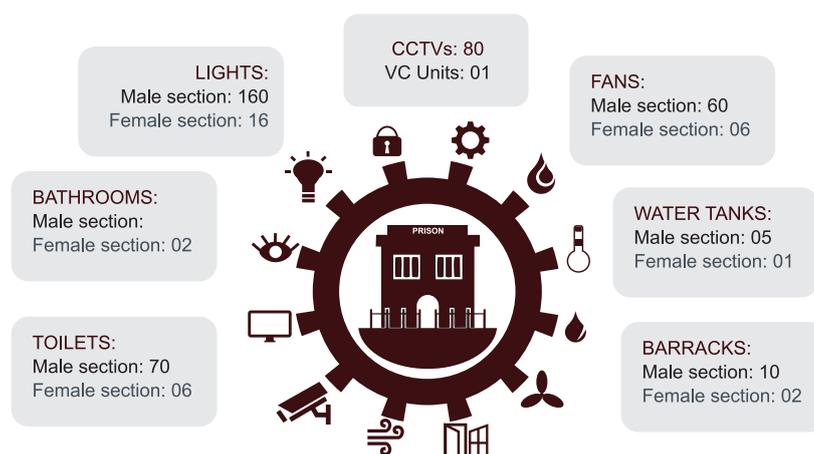
As per information provided, there are a total of ten male barracks, in addition to eight single cells and two barracks under the women enclosure.

	Number of barracks	Inmates per barrack
Male Section	10	54
Female Section	2	11

Every barrack is equipped with fans and light bulbs. The design of the male barracks is unique, with about five to seven cells that open into each other forming one barrack. The building is very old and is constructed in a way that does not allow for more than 1 fan per cell. Since the study team visited in May during peak summer, it was evident that less number of fans made the rooms very uncomfortable to live in, especially given that there is over-crowding. Either the first or last room of the barrack had a toilet without a door at the corner with a small water body. **The rooms are quite dark with only one long window on a side giving limited access to sunlight. Walls need to be painted.**

The open bathing areas and toilets were clean at the time of visit by the study team and seemed sufficient for use. There is a common washing area and toilets outside the barracks for use during the day.

One video conferencing device had been installed in the prison, with three more being set up at the time of visit by the study team. There are CCTV cameras for continuous monitoring.



The kitchen had basic facilities including refrigerator, grinder, etc. **The steamers were not in working condition at the time of visit by the study team. Further, the RO in the prison was not working since a few months before the study team's visit, making unavailability of clean drinking water a grave concern for inmates.** There is a prison canteen with basic needs and food items. The study team learnt that prison food was more often than not supplemented with canteen food, unless inmates could not afford to do so.



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, *Jolad Rotti*, Rice and Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	Yes	Yes



## 5. CONTACT WITH OUTSIDE WORLD

There is a visitors' room at the very entrance of the prison complex. The visiting room is very small, and has wire meshes through which conversations are facilitated, unless permission is given for special entry where a meeting can happen near the gates. 'Beti' or visits from family members is allowed once a week for under trials and once a fortnight for convicts. **Staff's share in the money received from home at the time of visits is common practice in this prison, as in most others.**

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

PCO facility is available in this prison, where inmates are allowed to make a call lasting for about seven minutes, at intervals of three days. Inmates who wish to use the PCO facility have to buy calling cards, which cost about Rs.100. Inmates can give up to three numbers to make calls.

No. of phone numbers allowed	Duration of Calls	Periodicity	Cost per month
3	7 minutes per week	Once in 3 days	Rs. 100

Since this prison houses convicts, an important measure to ensure contact with the outside world is through regular visits to family members on parole. Several inmates that the study team interacted with had been unable to go on parole since the concerned police station had not passed their applications, or on occasion even when the concerned police station grants approval, the Superintendent of Police of the district vetoes the same. For these reasons and the high costs involved, the study team found that very few convicts in this prison even apply for parole, general or emergency.

**There is a separate meeting room to conduct lawyer-client interviews. Lawyers are allowed to meet their clients every day of the week, for up to 15 minutes per visit.**



## 6. MEDICAL FACILITIES AND HEALTHCARE

There is a hospital in the prison complex with only a capacity of six beds which is taken care of by a medical officer (on contract), pharmacist, lab technician and a group D employee. There is a basic laboratory handled by a lab technician. There are also at least four convicts who assist in hospital duty. There is however **no nursing orderly for the hospital**. The study team was able to meet all the medical staff in this prison.

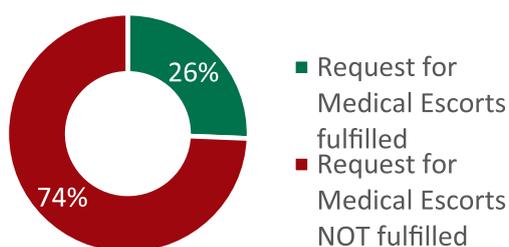
**Medical records of each individual inmate are alphabetized and well maintained.** A total of 36 inmates were admitted in the prison hospital in the year 2018, and the medical officer had 9,948 OPD sessions with under trials, and 3,763 with convicts.

**A psychiatrist and psychologist from the district hospital make a visit to the prison once a week. There is an ambulance for use.** Medicines are procured by placing an order online from the government medical store (GMS). Contingency funds available with the prison are used to purchase emergency medicines.

At the time of visit by the study team, 10 inmates were undergoing treatment for HIV/AIDS, 13 inmates were receiving psychiatric treatment while 10 were receiving psychological counseling for mental health concerns, four inmates were receiving treatment for heart ailments, in addition to treatment for other ailments. One of the common medical concerns in the prison is related to skin, given the close proximity in which inmates live and the general level of hygiene. There are also a growing number of instances of diabetes, even among the younger prison population.

The laboratory available in the hospital has the ability to test for HBS (hemoglobin), blood grouping, RBS (random blood sugar), HIV, etc. Further, the laboratory has a microscope, a centrifugal machine and a hemocytometer. There is however no x-ray machine or some of the more recent machines used for blood tests (hematology analyzer).

The information provided by prison authorities to the study team revealed that four inmates died in the year 2018, including one female child. No information was provided as regards the mandate of informing NHRC within 24 hours of the incident of death or about the status of judicial magistrate enquiries.



Medical escorts are an alarming problem in this prison. A total of 1,076 requests for medical escorts were made in the year 2018, of which a meagre 276 were satisfied, which is just 26% fulfillment. Further, medical escorts are generally provided only on Sundays.

About 167 inmates were provided medical treatment in the year 2018 in out hospitals, where they were referred to the district hospital, and higher medical institutions including KIMS, Hubballi, DIMHANS, Dharwad, Victoria, Bangalore and Al Ameen Medical College, Vijayapura. In emergency situations, when no medical escorts are provided, the prison staff has to make appropriate arrangements.



## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed either by prison authorities themselves about their right to a lawyer, or were asked

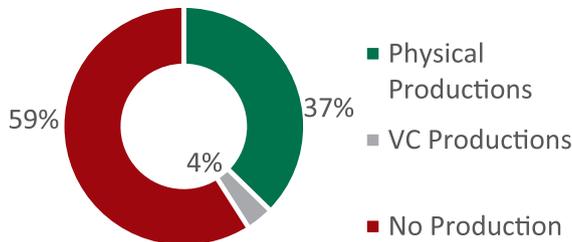
by the committal court if they had legal representation. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

In the year 2018 only two jail appeals were filed in the High Court. A major concern is the delay in disposing these cases, with several inmates having spent over five years without any movement in their cases. Further, information regarding the case is rarely communicated by legal aid lawyers appointed to the inmates in the High Court and Supreme Court, either in writing or through phone calls. A further concern is the frequent change in lawyers making it difficult for inmates to be in touch with their current lawyers.

There is a legal services clinic in the prison. But there is **no proper room for legal aid clinic** and the table/chair of the jail visiting lawyer is placed in the alley near the office area. A cupboard and a computer are placed next to them. Panel advocates are appointed as jail visiting lawyers on rotation basis and visit every day. However, the study team learnt that very few inmates visit the jail visiting lawyer, and it is generally only the under trials who meet them and not the convicts. The probable reason is the location of the clinic being not accessible.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?	No. of Convict PLVs appointed
	Yes	Every day on rotation	2

In the period between 1st January 2018 and 31st December 2018, 2,302 physical productions were made in court, while 226 productions were made through video conferencing. However, about 3,638 court orders for production could not be made either physically or through video conferencing.



This is a very high number, and several inmates have not been to court, sometimes for as long as over two years. Consequently, many inmates have not had charges framed in their cases, or had their cases committed, or evidence recorded.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The prison has a library with 6,388 books which can be issued by inmates. The prison subscribes to 22 newspapers daily – in Kannada, Urdu and English, in addition to 3 periodicals. Only 1 inmate had enrolled for higher education through distance education. In addition to this, 12 convicts and 11 undertrials were undergoing adult education classes with the **teachers appointed here on deputation from the education department**. Next to the library is an ‘Om Shanti’ room as it is called in the prison, for those interested in practising yoga. Further, inmates play volleyball on occasion. The Prison Ministry of India and Sneha Sangama are among the only few organisations working in the prison.

As regards recreational facilities, a television set and carom board provided in each barrack. Inmates can also play some sports.



## 9. PRISON LABOUR AND WAGES

The prison has few avenues for work. Options available include power loom weaving, pit loom weaving, warping, tailoring, prison maintenance in the form of maintaining cleanliness and hygiene in the prison, kitchen work, laundry, assisting in medical care, office assistance, etc. An 'out gang' works in the land adjacent to the prison complex, which is cultivated with vegetables. **Several of the existing weaving and tailoring machines require maintenance and upkeep, having become dysfunctional.** Further, the carpentry section has been abandoned as there is no instructor. Like in other prisons in the state, work is only available to convict prisoners. **Female inmates are not allowed to participate in the work areas, being restricted to their barracks, where they have the option of cleaning the barrack.**

In the year 2018, on an average, about 78 inmates worked every month. The wages in 2018 were Rs.30/day for unskilled work, Rs.40/day for semi-skilled work and Rs.50/day for skilled work, which has currently been increased to Rs.175, Rs.200 and Rs.225 respectively. As per directions from the prison head office, all inmates are required to have bank accounts now for direct payment into their accounts, earlier the money used to be maintained by the prison in the Prisoners Property and Cash (PPC) Account. Since this process has taken some time, **payment had not been made for the last year and a half at the time that the study team was visiting the prison, and several inmates still did not have their own bank accounts.** Prison officials informed the study team that payments would be released soon as all inmates had their accounts opened. Further, **not all inmates were aware of the wages credited to their accounts or the number of days that they had earned in work remission since this is not disclosed as a matter of practice.**

As is the case in other central prisons, there is a need to revitalise the opportunity for work in the prison, with new options like electrical work, computer training, etc., in addition to using available facilities to the optimum.

One meeting of the Advisory Board was held in the year 2018 with eight inmates being recommended for release, of whom four were actually released.



## 10. VULNERABLE GROUPS

### A. Women prisoners

The female barrack is a self-contained section of the prison, where both the convicts and under trials live together. On entering, there is a long corridor with the cells on the left, and a common area ahead. The cells open into one another and have insufficient fans. The common area has a large room used by the teacher to take classes for those interested in learning, and the washing and bathing area. Some inmates have also been taught tailoring, although there is no work available for wages from this. Two of the convicts were being provided work remission and wages for cleaning. As is the case with most female prison inmates, many of them have been abandoned by their families and have not been able to seek parole or keep track of their cases in court. Pregnant and lactating women get milk and eggs to supplement their food, while children get milk, eggs, bread and fruit. **Sufficient sanitary napkins are provided to the inmates.**

### B. Prisoners with mental health concerns

As on 31st December 2018, 12 male and one female inmates were undergoing psychiatric treatment. Of these, seven were convicts who have been in this prison for longer than five years,

two under trials who have spent over five years in prison and four under trials who have spent between three and five years in the prison. Further, 10 inmates were receiving psychological counseling in 2018.

**There is no permanently appointed psychologist or psychiatrist for this prison, however there is a weekly visit by a psychologist and a psychiatrist.** None of the inmates with mental health concerns had been declared unfit to stand trial. Insomnia and depression are rampant in this prison, as is true of most central prisons.

### C. Young Offenders

At the time of visit by the study team, there were at least 20-25 under trial inmates in the age group of 18-21 years, **none of whom had been segregated from the older inmates.** It would be ideal for a prison of this size to ensure that young offenders are provided separate cells and a different daily routine tailored to their special needs. Further, the study team met about three convicts who were juveniles at the time of their arrest, but had not raised this issue at their trial or appeal. One of the three has approached court to raise this issue since he saw a fellow inmate secure release on the same ground recently. The study team also met a 17-year-old undertrial who had been arrested on a grievous charge.

### D. Old age offenders

At the time of visit by the study team, there were several inmates over the age of 60. There is no separate place to house older inmates. Some of them receive special diet in the form of milk, eggs and bread.

### E. Prisoners from other states

At the time of visit by the study team, there were about 19 under trial prisoners and two convicts from other states including Andhra Pradesh, Uttar Pradesh, Rajasthan, Madhya Pradesh, Haryana and Goa. For these inmates, language is a barrier both in the court and in prison. Further, **several of them have been unable to establish and/or maintain contact with their family members owing to the distance and the lack of resources to make phone calls. No facility for a translator in courts for people belonging to other states.**

### F. High security prisoners

The study team was allowed to meet prisoners maintained in the high security cells. Inmates are sent here from other prisons as punishment or to control prison scuffles. The high security barrack is made up of very small cells, with about three to five inmates per cell. These cells are also used as punishment cells for inmates in the general barracks.



## 11. PRISON ADMINISTRATION

### Staff vacancies

As on 31st December 2018, of the sanctioned posts of six officers, three were filled. There is a very serious shortage of staff in this prison.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
02	01	140	10	01	-	-	-	61	24	03	01

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
06	03	-	05	23	88	03	-	16	01	33	17

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in **very few of them being able to avail a weekly day off, or even take leave during the year to visit their families. There is no crèche facility for the female staff, although this prison has 25 female staffers.**

While new technology was being introduced to the prison system, in the form of Video Conferencing, or e-Prisons, CCTVs, etc., corresponding infrastructure to facilitate the same and more importantly adequate and timely training and appointment of staff to handle the new technology was lacking.

### Staff Accommodation

There is a need for constructing more number of living quarters to enable all staff members to have living quarters in the vicinity of the prisons, in addition to **renovating existing living quarters which are very old and in need of urgent repairs.** The study team learnt that there is **a water problem in the staff living quarters which requires immediate attention.**

## 12. PRISON OVERSIGHT

There were three BoV meetings in the year 2018, with three visits made by non-official visitors and three by official visitors in the same period. Under-trial Review Committee (UTRC) meetings are regularly conducted and the prison and DLSA work in tandem to follow the Standard Operating Procedure suggested by the Supreme Court in conducting these meetings.

## 13. ISSUES OF CONCERN

- a) **Instances of custodial violence and torture in police custody** – Of the 38 inmates interviewed by the study team 16 alleged that they had been victims of custodial torture during police custody, which was not revealed either to the remand court or the doctor performing medical examination under police duress. Corporal punishment and segregation is used as a means of discipline and punishment in the prison.
- b) **Inability to secure early release for life convicts** – Another common concern learnt by the study team is the number of convicts (about 15-20 in this prison) who have been serving a life sentence without being eligible for release by the Advisory Board since they have been convicted under sections that are exempted under GO HD 384 PRA 2015 .
- c) **Delay in appeal process** – More than about 40 convicts with whom the study team interacted with have been awaiting a decision in their appeals pending before the High Court for over five to six years, some longer than that. Further, many of these inmates have been unable to establish and/or sustain contact with their High Court lawyers, appointed both privately or through legal aid, making their wait debilitating and unending. Very few inmates prefer appeal before the Supreme Court both due to the inability to afford the process, and also because of the long time spent during trial and appeal before the High Court, by which time they would have already served a major portion of their sentence.

- d) **Set-off not granted as a matter of right** – Despite the fact that courts have consistently held that the time served as an under trial ought to be set-off against the sentence imposed under s.428 of the CrPC, the study team found close to 25 inmates not having benefited from the same. This is resulting in inmates having to spend longer terms than the ones imposed on them, and/or delay in being considered for early release by the Advisory Board.

### Chief Superintendent's Diary

*The Superintendent of this prison, Mr. Mallikarjun B. is of the opinion that rehabilitation is a necessary part of his responsibility as the head of a prison establishment. Being a trained psychologist, he understands the need for expert intervention in the process of reform and encourages mental health experts to be involved in the same. He is also of the firm belief that children of prisoners must not suffer for their mistakes and has been instrumental in ensuring that children of prisoners receive education through So Care during his stint in Kalaburagi Central Prison.*

### UPDATES AS OF APRIL 2022

In the meeting held on 15 March 2022, the study team was informed about the following changes since its visit:

- ❖ Overcrowding in the prison has been reduced by adding an additional capacity of 80, including 20 for admission/quarantine. Further, a new prison is under construction at an estimated cost of Rs.99,00,00,000 (rupees ninety nine crores).
- ❖ Regarding infrastructural facilities in the prison, there has been whitewash and painting of the prison. Open bathing will be replaced by closed bathrooms, for which an amount of Rs.28,00,000 (rupees twenty eight lakhs) has been allocated. The prison visiting room has been renovated to include intercom systems, bulletproof glass partitions and seating area for visitors.
- ❖ The kitchen now has steam cooking facility. Further, an RO system has been installed.
- ❖ During the restrictions enforced during the Covid-19 pandemic, physical meetings were suspended and replaced with *e-mulakaats* through videoconference, a facility extended for local as well as inter-state and foreign national prisoners. In good practice, the charge for calling cards is Rs.50 per month as the normal amount of Rs.100 is rarely used up by an inmate.
- ❖ Labour options have expanded since the time of visit by the team, specially the weaving and tailoring units and new avenues such as compost making. An instructor has also been appointed. Regarding prison labour and wages, Jan Dhan accounts have been opened for all prisoners earning wages, and there is presently no outstanding unpaid wages.
- ❖ Young and old offenders are now segregated.
- ❖ Staff shortage is less steep presently. An amount of Rs.50,00,000 (rupees fifty lakhs) has been allocated for renovation of the staff quarters.
- ❖ For assistance in medical concerns of prison inmates, a ward boy and a technician have been appointed. Capacity of the prison hospital has been creased from six to ten beds.

## KEY RECOMMENDATIONS FOR VIJAYAPURA

### PRISON HEADQUARTERS

- *Facilitate under trial prisoners and female prisoners to be involved in the prison labour activities, for just wages. Kindly also consider expanding labour opportunities, including repairing existing facilities and introducing new facilities such as computer training, electrical work, etc.*
- *Increase staff quarters, and improve the existing ones, provide water facilities at the earliest.*

### PRISON STAFF

- *In the event of parole applications being rejected, kindly make such copies available to inmates so that they may pursue further legal remedies if available.*
- *Kindly ensure that there is no discrepancy in the remission granted to prisoners on the basis of the work undertaken in prison. Kindly also inform prisoners of the remission and wages earned by them on a regular basis.*
- *Kindly ensure that more fans are provided in the barracks, both male and female.*
- *Kindly ensure that the PCO is in working condition.*
- *Kindly ensure that the RO is fixed at the earliest.*
- *Kindly address the need to have more beds in the hospital, and preferably in a new and upgraded hospital wing.*
- *Kindly ensure appointment of nursing orderly to the prison.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Issue a communication from the UTRC to the courts in its jurisdiction regarding the alternative and mandatory means of securing sureties for indigent persons for granting bail – personal surety, surety of persons out of state, surety of family members. Persons who have been granted bail but have been unable to secure sureties must also be recommended by the UTRC for release.*
- *Kindly assist convicts in the prison who have not had their period as under trials specifically set off in their orders to seek modifications of their orders to this effect, as per the proviso to s.428, CrPC.*
- *Kindly ensure that Prison appeals sent to the SCLSC are accompanied by necessary translations and case records.*
- *Collect a list of under trial prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken. Further determine if any of them have been transferred to this prison in violation of s.19(3) of the same Act.*
- *Collect a list of convicts who were less than 18 at the time of their offence, or if there is a doubt regarding their age at the time of the offence, and assist them in securing relevant documents and also assist them to seek relief in the appropriate courts under the Juvenile Justice (Care and Protection of Children) Act, 2015.*

### BOARD OF VISITORS

- *Kindly consider the grievance of lack of escorts to court and hospital seriously and ensure that there is a resolution to this at the earliest.*

# WOMEN CENTRAL PRISON, SHIVAMOGGA



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The Women Central Prison in Shivamogga is the only one of its kind in the state. It was earlier located in Tumkur and has recently shifted to Shivamogga when the new prison was established in 2018. This prison has under trial inmates from Shivamogga and Davangere (the district prison in Davangere does not have a female barrack), and also convicts from across the state.

This is one of the most recent prison constructions in the state. It is constructed in a total area of 1.5 acres. The entrance to the prison has the main office area, and the gate further inside opens into the main prison complex which is rectangular in layout. Convicts and under trials are segregated and placed in cells which are lined next to one another around a rectangular open court yard. The kitchen and library are also lined alongside these cells.

## 2. PRISON POPULATION AND OVERCROWDING

This prison houses both under trial and convict prisoners. **The total capacity of this prison is 100, with the occupancy of 54% as on 31st December 2018.** There is no problem of overcrowding in this prison.

	Capacity	-		Capacity	100
	Strength	-		Strength	54
	Undertrials	-		Undertrials	24
	Convicts	-		Convicts	30
	Detenues	-		Detenues	0
	Civil Prisoners	-		Civil Prisoners	0
	Occupancy Rate	-		Occupancy Rate	54.00%

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 13 inmates and the prison staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that **medical examination upon entering the prison is not conducted immediately upon admission since there is no**

**medical officer appointed to this prison.** Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel).

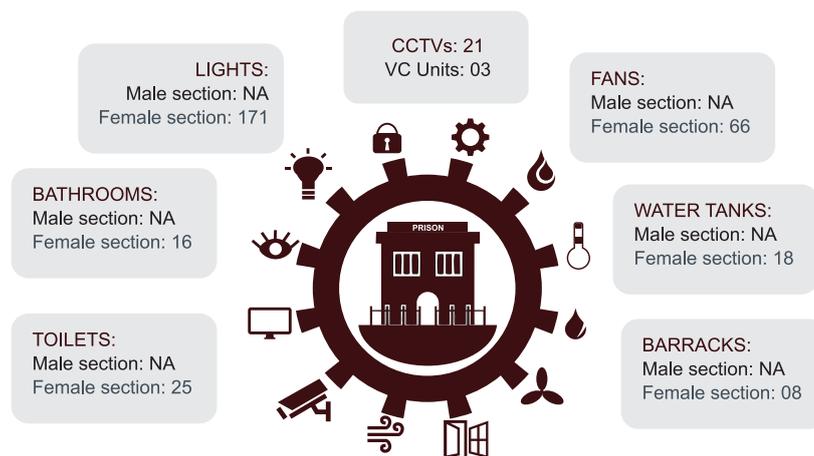
Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	Yes
Whether basic articles given?	Yes

#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS<sup>12</sup>

As per information provided, there are a total of 8 barracks and 4 cells and 4 solitary cells.

	Number of barracks	Inmates per barrack
Male Section	10	54
Female Section	2	11

Basic amenities such as electricity, water, clothes, seemed to be well taken care of, none of the inmates complained about this. Being a new building, the basic facilities in this prison are well provided. **Toilets in the barracks did not have doors.**



The kitchen has basic features including refrigerator, chimney, and steamers. Although there is no canteen in the prison, canteen supplies including soap, paste, etc., are brought to the prison once in two weeks.



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Chapattis, Rice, Ragi *mudde* and Buttermilk.
- Eggs once a week; Non-veg every Sunday (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	No	Yes	Yes

12 As on 31st December 2018



## 5. CONTACT WITH OUTSIDE WORLD

As per the information provided by the prison, 'entry' or visits from family members is allowed once a week for an under trial prisoner and once a fortnight for convicts, on any working day of the week. Each meeting is allowed for about 45 minutes. There is a separate visiting room in this prison. Unfortunately, for **women who are from far away, the number of visits by their family members is almost negligible**. The visiting room is like the ones in district prisons, with rails separating the two sides, and can get about 4-5 persons for an interview at a time.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**Phone facility is not available in this central prison.**

No. of phone numbers allowed	Duration of Calls	Periodicity	Cost per month
3	7 minutes per week	Once in 3 days	Rs. 100

Since this is a central prison with convict prisoners, one of the important means of continuing contact with the outside world is through parole. The study team met very few inmates who had been able to secure parole since they do not have anyone outside prison to run around for the same, or the concerned police stations have not passed their requests. Further, the level of awareness about parole is low among the inmates in this prison.

**Lawyers are allowed to meet their clients once a week, for as long as required.**

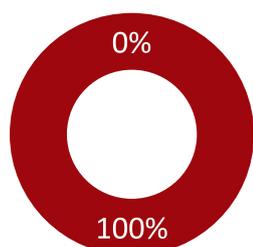


## 6. MEDICAL FACILITIES AND HEALTHCARE

There is no permanent medical officer or nursing staff appointed at this prison. However, the medical officer serving in the Shivamogga Central Prison makes regular visits to this prison as well. In the year 2018, 424 inmates were provided medical treatment in the prison.

There are 32 inmates in this prison who were being given psychological counselling in the year 2018, and three who were being given psychiatric treatment in the same period, and two were transferred to a mental health establishment for treatment. **None of the under trial inmates with mental health concerns have been declared unfit to stand trial. A psychiatrist from the government hospital visits the prison every week.**

At the time of visit by the study team, there were five inmates who were HIV +ve, and were being provided ART from the government.



- Request for Medical Escorts fulfilled
- Request for Medical Escorts NOT fulfilled

45 were sent to the government district hospital in Shivamogga. **Since there are no female officers in the district armed reserve force in Shivamogga, no escorts were provided. All 45 escorts to hospital were provided by the prison officers themselves.**



## 7. ACCESS TO LEGAL AID AND COURT

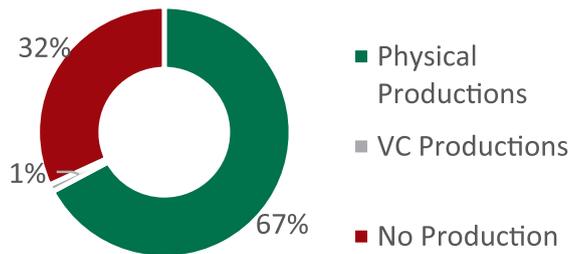
Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

Two jail appeals were filed in the High Court but like other prisons, information regarding the case is rarely communicated by legal aid lawyers appointed to the inmates in the High Court, either in writing or through phone calls.

Jail legal aid clinic is set up. There is one jail visiting lawyer who come to this prison four times a week. One of the convicts has also been appointed as a paralegal volunteer.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?	No. of Convict PLVs appointed
		Yes	Four days a week

**Since the district armed reserve force in Shivamogga does not have any female officers, female officers from concerned police stations come to escort inmates for their trials.** There are 3 VC systems for use in this prison.



In the year 2018, 187 of the 356 court productions were made through physical production, and 5 through video conferencing. About 169 court orders for production could not be made either physically or through video conferencing.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The prison subscribes to newspapers and periodicals, and there is also a library with a well catalogued collection of books. The barracks are provided with television facilities. **A teacher on deputation from the education department visits this prison and teaches inmates who wish to learn to read and write.** On an average about 18-20 inmates are reported to securing adult education in this prison.

In addition to this, eight inmates have enrolled for the Bachelor Preparatory Programme (BPP) with IGNOU, which is a bridge course for those who could not complete their schooling, and wish to be able to enroll for bachelor degree programmes. Further, **one star inmate is enrolled for both the Diploma in Paralegal Practice and MA in English.** This is one of the few prisons in which education of female inmates is being given such importance. **High rate of education programmes are being opted by female convicts.**



## 9. PRISON LABOUR AND WAGES

Kitchen staff is appointed from among the inmates and they prepare meals for the inmates. Further, a few inmates assist the staff in managing the office, as convict officers. Some inmates are involved in keeping the prison clean, while several are involved in packing agarbattis. Like in most other prisons, **inmates involved in prison work have not been receiving payment since**

**bank accounts have to be opened.** For those who pack agarbattis however, since it is private work, payment is being made regularly, and enables them to buy basic needs such as soap, paste, etc. Some of the inmates have learnt to make bags, and the prison authorities are working out a means of marketing them. When this prison was in Tumkur, the bakery run by the women was very popular and supplied their wares to the courts and other government offices in the district.

Since this prison only opened in the year 2018, the process of establishing a Board of Visitors, and conducting meetings with the Advisory Board are in the process.



## 10. VULNERABLE GROUPS

### A. Children and pregnant women

Some of the children of the inmates are with their mothers in the prison. At the time of visit by the study team, there were two children. **They are given additional nutrition in the form of eggs, milk and fruit. The children were also provided clothes, bedding and other requirements** with the help of donations from various organisations. There was also a pregnant inmate at the time of visit by the study team who is given milk and eggs to supplement her diet.

### B. Young Offenders

At the time of visit by the study team, there were about two inmates between the age group of 18 and 21 years, one is an under trial and the other a convict.

### C. Old age offenders

At the time of visit by the study team, there were about three undertrials over the age of 60, and an equal number of them among convicts. There are no special facilities available for these convicts.

### D. Prisoners from other countries

**There is one inmate from Bangladesh, who is unfortunately also suffering from mental health concerns and has been unable to establish contact with her family.**

### E. Prisoners from other states

This prison has several inmates who are from the neighboring state of Telangana, and mostly speak in Telugu, some from Tamil Nadu.



## 11. PRISON ADMINISTRATION

### Staff vacancies

As with most prisons in the state, there is vacancy among staff. This information is as on 31st December 2018:

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	01	25	-	-	-	-	01	02	14	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
01	-	01	01	03	20	-	-	01	01	01	13

### Experiences of prison administrators

**Staff shortage is a very grave concern, and this has resulted in very few of them being able to avail a weekly day off, or even take leave during the year to visit their families.** There is currently no crèche in this prison, but the prison staff are trying to create one in the near future.

### Staff Accommodation

This is one of the few prisons in the state where staff accommodation is not a concern. In fact, the accommodation provided here is considered to be a model for the state. All types of houses, for all cadres of staff, have more rooms than in any other accommodation in the state. Further, there are opportunities for sports for staff and their families, and the proximity to the prison facilitates their availability for service.

## 12. PRISON OVERSIGHT

Since this prison only opened in the year 2018, the process of establishing a Board of Visitors, and conducting meetings with the Advisory Board are in the process. Under-trial Review Committee (UTRC) meetings had been conducted for January 2019, with preparations for following Supreme Court directions to conduct a meeting per month till June. The list of inmates to be considered by the UTRC is verified by the Member Secretary of the DLSA, including the maximum punishment, changes in charges mentioned in the FIR and chargesheet, etc.

## 13. ISSUES OF CONCERN

- Instances of custodial violence and torture in police custody** – All nine inmates interviewed by the study team alleged that they had been victims of custodial torture, which was not revealed either to the remand court or the doctor performing medical examination under police duress.
- Body Warrants** – The study team found a few instances of persons who have been unable to gain release from prison despite being granted bail and satisfying bail conditions in the main case, on account of having a body warrant in one or more cases delivered to the prison.

### Chief Superintendent's Diary

*This prison is the only one of its kind in the state. Ms. R. Latha who has been the Superintendent of the Women Central Prison both in Tumkur and here in Shivamogga is the first Chief Superintendent to hold independent charge of this post. She is of the opinion that this prison has to always assert its identity, whether it is with the state judicial services or other state agencies.*

### UPDATES AS OF APRIL 2022

In the meeting held on 22 March 2022, the study team was informed about the following changes since its visit:

- ❖ One PCO has been installed for inmates to make phone calls.
- ❖ Toilets have now been fit with fiber doors. A generator has been set up.
- ❖ One counselor has been appointed.
- ❖ Prison wages are being paid through Jan Dhan accounts which have been opened for inmates.
- ❖ A teacher has been appointed for the children of inmates.
- ❖ Staff shortage has come down which has enabled staff to avail weekly off as per rules.

## **KEY RECOMMENDATIONS FOR SHIVAMOGGA WOMEN'S PRISON**

### **PRISON HEADQUARTERS**

- *Sanction additional posts for one medical officer/one nursing staff, one SDA/FDA, one driver, and one attendant.*
- *Introduce avenues of labour inside the prison, with just wages in return, and also facilitate marketing the bags, etc., made by the women currently.*
- *Kindly ensure that pending wages are cleared at the earliest.*
- *Kindly coordinate efforts with the DAR, Shivamogga to ensure that female escorts are recruited and deployed for both court and medical escort purposes.*
- *Introduce sports facilities for both inmates and prison staff.*
- *Kindly introduce PCO facilities in this prison.*

### **PRISON STAFF**

- *Kindly provide periodic information to the inmates regarding the remission and wages earned by them.*
- *Kindly hold a workshop/session with the convicts and explain their basic parole and remission rights.*
- *Kindly organise women specific medical camps.*

### **DISTRICT LEGAL SERVICES AUTHORITY**

- *Kindly assist convicts in the prison who have not had their period as under trials specifically set off in their orders to seek modifications of their orders to this effect, as per the proviso to s.428, CrPC.*
- *Kindly create a pool of translators for inmates who are from other states and cannot follow court proceedings in Kannada.*
- *Kindly ensure that Prison appeals sent to the SCLSC are accompanied by necessary translations and case records.*

# **DISTRICT PRISONS**

# BAGALKOT DISTRICT PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The district prison in Bagalkot was established in 2006. The district of Bagalkot has a taluka prison in Jamkhandi apart from this district prison.

This prison is built over an area of 12 acres. At the entrance is a large visiting room on one side and on the other side are offices and the VC room. Further down the office block are the female barracks. The female barracks are spacious, and have toilets inside and a bathing area outside the barracks. The male section consists of the kitchen area, a set of single cells, and the male barracks all lined next to one another. A separate building houses the dispensary and library.

## 2. PRISON POPULATION AND OVERCROWDING

This district prison houses only under trial prisoners, and those sentenced to less than 6 months' imprisonment. **As on 31st December 2018, occupancy in the prison was 47%. As such, there is no problem of overcrowding in this prison.**

	Capacity	210		Capacity	50
	Strength	117		Strength	4
	Undertrials	115		Undertrials	4
	Convicts	2		Convicts	0
	Detenues	0		Detenues	0
	Civil Prisoners	1		Civil Prisoners	0
	Occupancy Rate	56.19%		Occupancy Rate	8.00%

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 16 inmates (including 3 female inmates) and prison staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that medical examination upon entering the prison is not conducted immediately upon admission as there is **no permanent medical officer**.

Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel).

Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes

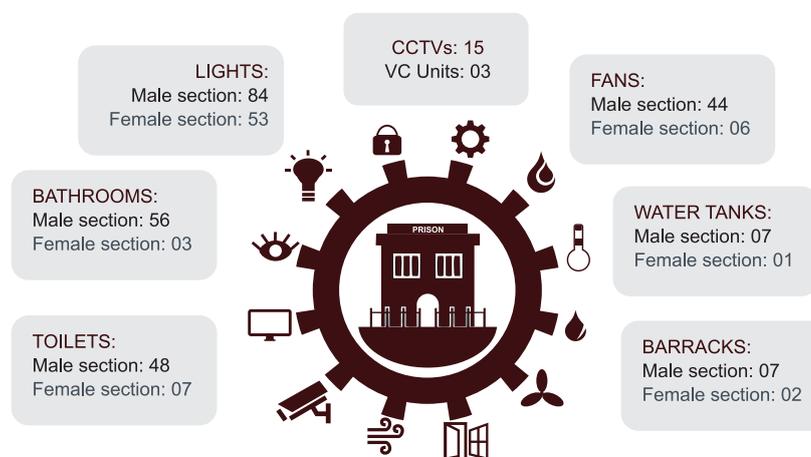
#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, there are a total of 7 male barracks and 2 female barracks and 5 single cells.

	Number of barracks	Inmates per barrack
Male Section	7	17
Female Section	2	2

Basic amenities such as electricity, water, clothes, seemed to be well taken care of, none of the inmates complained about this. Every barrack is equipped with sufficient fans and light bulbs. The toilets inside the cells have lights and taps. The prison also has a separate washing area, with several bathing cubicles and toilets. **Toilets outside the cells are in need of deep cleaning.**

A separate building houses both the dispensary and library. There is a room for VCs, which is also the legal aid room.



The kitchen is well equipped with steamers, chimney, fridge, kneader, etc., and is large and spacious. At the time of visit by the study, **the prison did not have an RO system** yet, which had however been sanctioned by the office of the DC, and was soon to be installed.



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, *Chapattis*, Rice, Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
No	No	Yes (to be installed)	Yes



## 5. CONTACT WITH OUTSIDE WORLD

**The visiting room is well ventilated, with lights and fans, and is very spacious.** As is the case with most prisons in the state, the visiting room has wire meshes separating the visitors from the inmates. As per the information provided by the prison, 'beti' or visits from family members is allowed once a week per prisoner, on any working day of the week between 11 and 12:30 in the morning and 4-5:30 in the evening. Each visit can last for about an hour.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

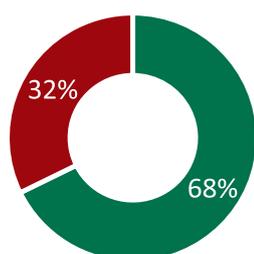
**There is a separate meeting room to conduct lawyer-client interviews.** Lawyers are allowed to meet their clients whenever required, for up to 30-45 minutes per visit. **PCO facility is not available in this prison.**



## 6. MEDICAL FACILITIES AND HEALTHCARE

Unlike most district prisons in the state, this prison has a dispensary with one bed and basic equipment like a BP machine, glucometer, etc. **There is no permanent medical officer or nursing staff appointed at this prison,** however a general physician from the government hospital visits the prison twice a week. There were 2 inmates requiring mental health treatment as on 31st December 2018, one of whom was sent to DIMHANS, Dharwad for treatment, and both of whom spent less than 1 year in prison. In the year 2018, 620 inmates were provided medical treatment in the prison.

In the period between 1st January 2018 and 31st December 2018, as per the data provided to the study team by the prison administration, 491 prisoners were provided medical treatment at the District Government Hospital, Bagalkot, District Hospital Vijayapura, DIMHANS, Dharwad and KIMS, Hubballi.



- Request for Medical Escorts fulfilled
- Request for Medical Escorts NOT fulfilled

In all, a request for medical escorts was made about 725 times in the year 2018, of which 491 were satisfied, at a rate of about 73%. However, as is the case in several other districts, medical escorts are provided only on Sundays, when most doctors in the government hospital are on leave.

In the year 2018, 2 inmates died in the prison, both of natural causes. **The judicial enquiry into their deaths under s.176 CrPC were complete at the time of visit by the study team. Further, these deaths had been reported to NHRC.**



## 7. ACCESS TO LEGAL AID AND COURT

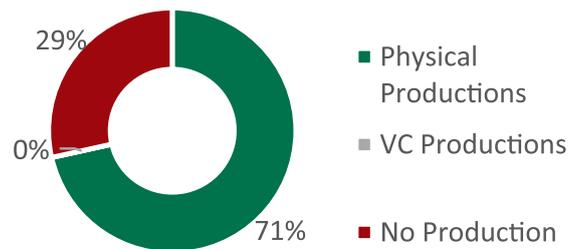
Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

The legal aid room is set up along with the VCs. Jail visiting lawyers visit the prison 4 times

a week, appointed from among remand lawyers on a rotation basis. The computer system provided by the DLSA to be used by the jail visiting lawyer has been set up for use.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	4 times a week

There is a dearth of escorts, especially for production in courts outside Bagalkot. No productions through VCs took place in the year 2018, although 3 systems have been set up for use.



In the year 2018, 2491 of the 3484 requests for court escorts were fulfilled by the concerned police station. About 993 court orders for production could not be made either physically or through video conferencing.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The prison subscribes to newspapers and periodicals, and there is a small collection of books for the inmates to read. **The prison has 2 teachers on deputation from the primary education department.** In the year 2018, 38 male and 2 female inmates took basic adult education classes from these teachers. The barracks are provided with television facilities, carom boards and chess sets. Vocational training in the form of electrical work, plumbing, bar bending, office file making, etc., were provided by various NGOs in the year 2018. An organization called SEARCH (Social Educational Activity Rural Child Health Development Society) is involved in the prison. Various vocational training courses are provided to inmates.



## 9. PRISON LABOUR AND WAGES

Kitchen staff, appointed from among the under trials prepare meals for the inmates. As with other prisons in the state, **no wages are paid for under trial inmates.** Further, there are no other avenues for work in the prison.



## 10. VULNERABLE GROUPS

### A. Women prisoners

The women in the prison have a separate enclosure. At the time of visit by the study team, there was also one child. Children are given milk and fruit. Sufficient sanitary napkins are provided. The female barrack can house about 50 inmates at a time, and is rarely filled to that capacity leaving lots of space for the inmates. The area around the barrack is used for washing and drying clothes. There is a set of bathrooms outside the cells.

### B. Prisoners with mental health concerns

Between 1st January 2018 and 31st December 2018, there were 2 prisoners with mental health concerns in this prison, both of whom had spent less than 1 year in prison. Neither of these inmates had been declared unfit to stand trial.

### C. Young Offenders

At the time of visit by the study team, there were about 10 inmates between the age group of 18 and 21 years. **They are not segregated from the remaining inmates** since there is not enough space for this.

### D. Old age offenders

At the time of visit by the study team, there were about 2 inmates over the age of 60, who did not have special diet nor were they segregated from other prisoners.

### E. Prisoners from other countries

At the time of visit by the study team, there were 2 inmates from Nepal, for whom following court proceedings in Kannada was a problem.

### F. Prisoners from other states

During the visit by the study team, there were 6 prisoners from Maharashtra, Andhra Pradesh, Uttar Pradesh and Delhi, for whom understanding court proceedings in Kannada is a problem. There is no facility for a translator in courts for people belonging to other states.



## 11. PRISON ADMINISTRATION

### Staff vacancies

As of 31st December 2018, there was vacancy among staff, which has eased since the mass recruitment of personnel in 2019.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	-	39	-	-	-	-	-	13	14	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
02	01	-	02	05	27	02	-	04	-	06	12

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in **very few of them being able to avail a weekly day off, or even take leave during the year to visit their families.**

### Staff Accommodation

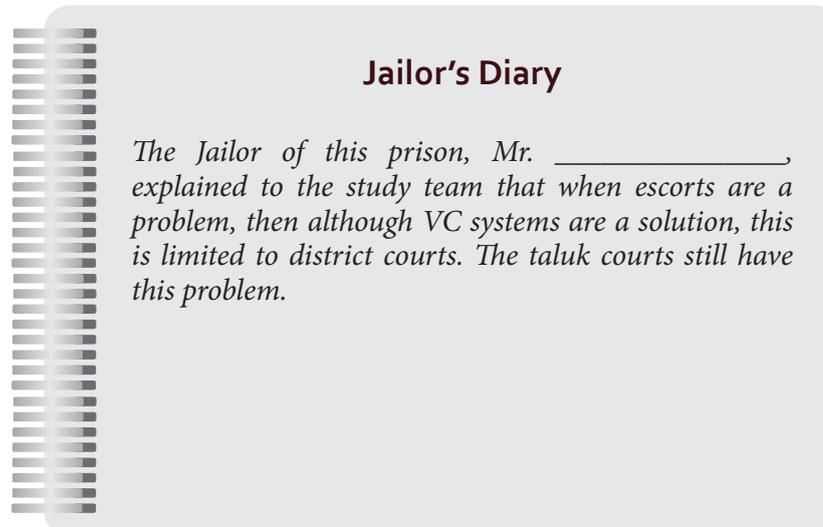
There are only 7 staff quarters currently, which is insufficient for the total number of posts sanctioned for this prison.

## 12. PRISON OVERSIGHT

In the year 2018, there were 2 visits by official visitors, and 2 by non-official visitors. 2 BoV meetings were held in the year 2018. **Under-trial Review Committee (UTRC) meetings are being conducted in prison.**

## 13. ISSUES OF CONCERN

- a) **Instances of custodial violence and torture in police custody** – Of the 16 inmates interviewed by the study team, 10 (including 2 female) alleged that they had been victims of custodial torture, which was not revealed either to the remand court or the doctor performing medical examination due to police duress. Some of the inmates also informed the study team that they were being subjected to corporal punishments inside the prison as well.
- b) **Body Warrants** – The study team found about 10 inmates who have been unable to gain release from prison despite being granted bail and satisfying bail conditions on account of having a body warrant in one or more cases delivered to the prison.
- c) **Long under trial period** – At the time of visit by the study team, there were about 5 inmates who had spent about 7-8 years as under trials, while another 5 inmates had spent more than 3 years. This is a higher number than the study team met in most other prisons.



### UPDATES AS OF APRIL 2022

In the meeting held on 15 March 2022, the study team was informed about the following changes since its visit:

- ❖ RO plant has been established. Further, a generator is also now operational in the prison.
- ❖ There are now two PCO systems for prisoners to make phone calls.
- ❖ Inmates who work in the kitchen or help in cleaning the prison are paid wages through the Jan Dhan system.
- ❖ Young and old offenders are now segregated.
- ❖ Staff is now able to avail one weekly off since vacancy has decreased.

## KEY RECOMMENDATIONS FOR BAGALKOT

### PRISON HEADQUARTERS

- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Introduce sports facilities for both inmates and prison staff.*
- *Sanction additional posts for one medical officer/one nursing staff, one pharmacist, one teacher, one technician, one driver, and one attendant.*
- *Renovate and expand staff quarters on a priority basis.*

### PRISON STAFF

- *Kindly ensure that an RO system is installed in the prison at the earliest.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Kindly monitor cases of individuals with body warrants and ensure that trials in all their cases are proceeding.*
- *Kindly consider the inmates who have spent long time as under trials in the prison, and consider steps to under taken to ensure that their trials are expedited.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*
- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*

### BOARD OF VISITORS

- *Since there is a crisis arising out of shortage of escorts, kindly convene a meeting with all concerned departments in order to formulate a plan to manage the problem.*

# BIDAR DISTRICT JAIL



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The district prison in Bidar was constructed in 1920. This jail is an old structure, and is built over an area of 1 acre, 32 guntas. Upon entering the prison, the female barrack is on the left side of the passageway, and further down, on the right is the entrance to the office section, and straight ahead is the entrance to the male barracks. The male barracks are spread across a rectangular area, two of the barracks having been added subsequently to the original structure. The office section has rooms lined after another around a rectangular courtyard, which is covered with plants.

## 2. PRISON POPULATION AND OVERCROWDING

This district jail houses only under trial prisoners, and those sentenced to less than 6 months' imprisonment. Since there are two taluk prisons, Aurad and Humnabad, in the district of Bidar, the pressure of prison population is not centralised in this district. As on 31st December 2018, occupancy in the prison was 132.5%. There is a problem of over-crowding, especially in the female barrack.

	<b>Capacity</b>	<b>116</b>		<b>Capacity</b>	<b>4</b>
	<b>Strength</b>	<b>147</b>		<b>Strength</b>	<b>12</b>
	Undertrials	145		Undertrials	12
	Convicts	2		Convicts	0
	Detenues	0		Detenues	0
	Civil Prisoners	1		Civil Prisoners	0
	Occupancy Rate	126.72%		Occupancy Rate	300.00%

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 39 inmates (including 4 female inmates) and prison staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that medical examination upon entering the prison is conducted upon admission, and a health screening pro forma is used (similar to, but not the same as the one prescribed by the NHRC).

Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a

plate and a chombu (vessel). Sometimes, the inmates are not issued fresh items and have to adjust with what is available and left behind by previous inmates in the room. **Soap provided is not adequate for use. This in turn leads to increased instances of skin allergies.**

Mandate	Status
Whether first medical examination done using the NHRC format?	Yes
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes but not adequate

#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS<sup>13</sup>

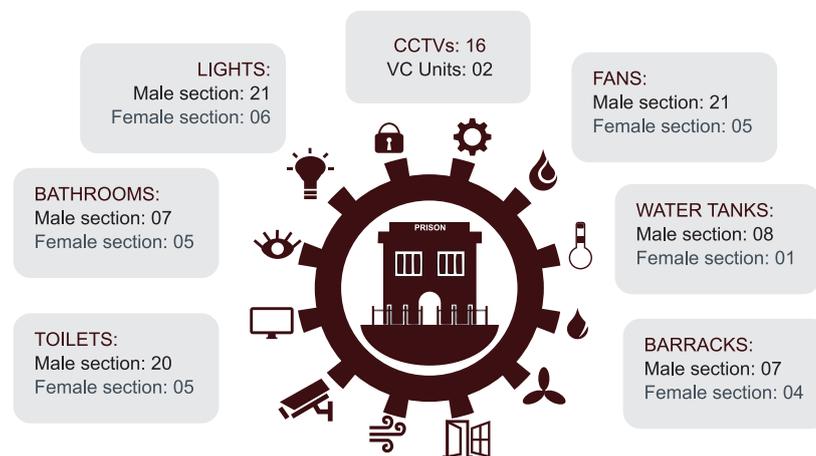
As per information provided, there are a total of 7 male barracks and 4 female barracks.

	Number of barracks	Inmates per barrack
Male Section	7	21
Female Section	4	3

Basic amenities such as electricity and water supply seem to be satisfactory. Every barrack is equipped with sufficient fans and light bulbs. There is a general bathing and washing area within the male enclosure. Toilets are new, clean and fixed with flushes. **There is no RO drinking water.**

Although the kitchen has most basic fixtures including steamer, fridge and chimney, being an old building, it is very small.

There are 16 CCTV cameras installed in the prison. There is a visiting room, a legal aid clinic, a dispensary, and a separate room for three VC facilities.



Inmates are more or less satisfied with the food in the prison, although the study team learnt that the **food provided was inadequate at times.**



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, *Chapattis*, Rice, Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

13 As on 31st December 2018

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
No	Yes	Yes (to be installed)	Yes (16)



## 5. CONTACT WITH OUTSIDE WORLD

There is a common visiting room both for men and women. As per the information provided by the prison, 'beti' or visits from family members is allowed once a week per prisoner, on any working day of the week. Each visit can last for about 45 minutes.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison. Inmates were unaware about their right to communicate through written communication.**

Lawyers are allowed to meet their clients once a week, for up to 45 minutes per visit. Very few private lawyers visit the prison, and there is a general level of dissatisfaction with the private lawyers.



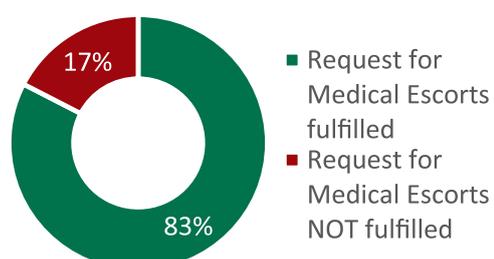
## 6. MEDICAL FACILITIES AND HEALTHCARE

**Unlike most other district jails, this jail has a small dispensary inside the prison premises, with a capacity of 5 beds.** A retired government doctor has been hired on contract basis who is assisted by a full time pharmacist.

In the year 2018, 8,682 inmates were provided medical treatment in the prison. The dispensary is equipped with basic medical apparatus including a stethoscope, thermometer, nebulizer, glucometer and weighing machine. **Ambulance is not functional and needs repair.**

The working medical staff is of the opinion that a basic laboratory with a technician may be provided, along with a nursing staff, and permanent psychiatrist and/or psychological counsellor. **A psychiatrist from BRIMS hospital visits the prison once a week.** There were about 4 patients requiring psychiatric treatment as on 31st December 2018, and 33 requiring psychological counseling.

In the period between 1st January 2018 and 31st December 2018, as per the data provided to the study team by the prison administration, 850 prisoners were provided medical treatment at the District Government Hospital, Bidar and 42 inmates referred to higher medical centres for treatment including Victoria Hospital, Bangalore, BRIMS, Bidar, DIMHANS, Dharwad and Jayadeva, Kalburgi.



In all, request for medical escorts was made about 1,080 times in the year 2018, and about 83% of these requests were satisfied.

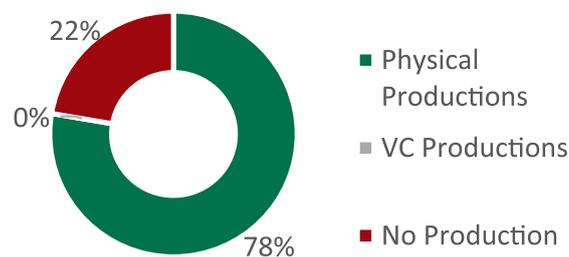


## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There are 2 jail visiting lawyers who come to this jail four times a week. The computer system provided by the DLSA to be used by the jail visiting lawyer is being set up for use in the legal aid room which had been inaugurated shortly before the visit by the study team.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	4 times a week



In the year 2018, 4,517 of the 5815 requests for court escorts were fulfilled by the district armed reserve force. About 1,298 court orders for production could not be made either physically or through video conferencing. The study team learnt that sometimes, there is bribe involved in being produced before court through escorts.

There are 2 VC systems which have been set up for use in the prison, but they are yet to become operational. The study team was informed that very soon the VCs would become functional.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The jail subscribes to newspapers and periodicals. **There is an instructor on deputation from the primary education department who also maintains the library.** The books in the library are well organised and maintained. with a selection of about 400 books that are supplied by the district public library. The barracks have television sets, and carom boards.



## 9. PRISON LABOUR AND WAGES

Kitchen staff, appointed from among the under trials, prepare meals for the inmates. However, **being under trial work, currently, no wages are available.** Further, in the female section there are two tailoring machines which inmates learn from, and use.



## 10. VULNERABLE GROUPS

### A. Women prisoners

At the time of visit by the study team, there were 5 female inmates and one child in the female barrack. At times, there are as many as 20 women in the female barrack, which has four small cells. There is a need to expand the female barrack since the current capacity is only for 4 inmates. Further, **there is no separate staff room for female staff in the female barrack.**

In the event of female inmates having male relatives, they are allowed to meet them once a

week. There was one child at the time of the visit by the study team, who was about 2 years old. **Although the prison has an instructor on deputation from the primary education department, since the teacher is male, he does not visit the female barrack, even to teach the children.** There are two sewing machines which are sometimes used to sew and learn to sew. Food comes from the male barrack and the **women are generally not allowed to step outside their barrack.** The doctor visits them in their barrack, and refers them to hospitals outside in the event of such a requirement.

### B. Prisoners with mental health concerns

Between 1st January 2018 and 31st December 2018, there were 4 prisoners with mental health concerns in this jail and all of them had been sent to DIMHANS, Dharwad for further treatment. A total of 33 inmates were undergoing psychological counselling. None of the inmates who are undergoing treatment for mental health issues however have been certified to be unfit to stand trial. **A psychiatrist visits the prison once a week.**

### C. Young Offenders

At the time of visit by the study team, there were about 7 inmates between the age group of 18 and 21 years. **They are not segregated from the remaining inmates.** Further, there was a unique case of one inmate who was a juvenile at the time of the alleged offence, however, despite having school records, he has been made to undergo several medical examinations by the courts with respect to his age, all of which were to be considered by the High Court at the time of visit by the study team.

### D. Old age offenders

At the time of visit by the study team, there were about 6-8 male inmates who were above 60 years of age, and one female inmate above the age of 60. All of them had medical conditions, and were not segregated from other prisoners since they formed such a small number.

### E. Prisoners from other states

During the visit by the study team, there were 14 prisoners from other states. Most of the out of state prisoners were from the bordering states of Maharashtra and Telangana, and those from border towns and villages were bilingual and spoke Kannada as well. However those from non-border towns found it hard to follow court proceedings, and maintain contact with their families. No facility for a translator in courts for people belonging to other states.



## 11. PRISON ADMINISTRATION

### Staff vacancies

As of 31st December 2018, there was vacancy among staff, which has since eased with the mass recruitment in 2019.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	04	47	02	-	-	-	-	23	04	01	01

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
03	01	-	02	08	28	01	-	06	02	13	01

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in **very few of them being able to avail a weekly day off, or even take leave during the year to visit their families.**

### Staff Accommodation

There were 34 staff quarters of which 5 are currently condemned. Four years ago, staff quarters were renovated. Sanctions for basic maintenance and upkeep could be considered.

## 12. PRISON OVERSIGHT

In the year 2018, there were four visits by official visitors, and four by non-official visitors (NoVs). Two BoV meetings were held in the year 2018. Recommendations were sought from the prison for appointment of NoVs.

Under-trial Review Committee (UTRC) meetings had been conducted for January and February 2019, with preparations for following Supreme Court directions to conduct a meeting per month till June.

## 13. ISSUES OF CONCERN

- a) **Instances of custodial violence and torture in police custody** – Of the 39 inmates interviewed by the study team, 19 (including 2 females) alleged that they had been victims of custodial torture, which was not revealed either to the remand court or the doctor performing medical examination due to police duress. Further, mandatory production before the magistrate within 24 hours of arrest is seldom followed.
- b) **Body Warrants** – The study team found at least 10 inmates who have been unable to obtain release from prison despite being granted bail and satisfying bail conditions on account of having a body warrant in one or more cases delivered to the jail.

### Jailor's Diary

*The Jailor of this prison, Mr. Mallikarjun Rao, is of the opinion that society expects prisoners to undergo the kind of transformation that Valmiki underwent in prison. The trouble with this however, he expressed, is that currently, there are insufficient resources to enable this.*

### UPDATES AS OF APRIL 2022

In the meeting held on 17 March 2022, the study team was informed about the following changes since its visit:

- ❖ A new central has been sanctioned for Bidar with a capacity of 1000, which is under construction. The present prison campus has a new female barrack with a capacity of 30. Further, construction of 35 new toilets has been sanctioned.
- ❖ An RO plant has been installed, as well as two PCOs for inmates to make phone calls. Two additional VC systems have also been added.
- ❖ Young and old offenders are now segregated.
- ❖ Soap is now being regularly provided to inmates.

## KEY RECOMMENDATIONS FOR BIDAR

### PRISON HEADQUARTERS

- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Renovate and expand the female barrack, including a rest room for female staff.*
- *Ensure that there is a functional RO in the prison.*
- *Provide a new ambulance for this prison.*
- *List of required sanctioned staff for the prison to function optimally – one medical officer/ one nursing staff, one driver, and one attendant.*
- *Introduce sports facilities for both inmates and prison staff.*

### PRISON STAFF

- *Kindly facilitate female inmates to make use of the facilities in the prison as available to the male inmates, including the opportunity to study from the teacher appointed to the prison.*
- *Kindly facilitate a medical camp to ensure basic hygienic practices among inmates to curtail skin infections.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Kindly provide translators for inmates who are from other states and are unable to follow court proceedings in Kannada.*
- *Kindly prepare a list of inmates who have bail but are unable to furnish surety and consider them in the UTRC meeting to determine if they can be released on cash surety or personal bonds, as the case may be.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*
- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*

# CHAMRAJNAGAR DISTRICT JAIL



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The district jail in Chamrajnagar was established in 2005 with the sub-jail in Kollegala being merged with it on 1st August 2018.<sup>14</sup> Chamrajnagar is the southernmost district in Karnataka. A fairly large district area-wise, it is divided into five talukas including Chamrajnagar, Yelandur, Gundalpet, Kollegal, and Hanur. Many parts of this district are forested, and home to several scheduled tribes.

Built on land which is just about 1 acre and 38 guntas, this is a very small sized prison. **There is insufficient open space available for prisoners to move around, or attempt playing any sports in.**

The building is constructed on one side of the land over two floors. Since the residential layouts around the prison have higher floors, some parts of prison are easily visible from outside. The Superintendent of this prison informed the study team that there is no watch tower and the concentration of the built structure on one side of the plot of land makes this a prison scoring low on monitoring and security. **The structure of this prison makes administration very difficult**, especially to monitor inmates who are lodged on the first floor. There is no scope for any plantation since much of the prison is cemented.

## 2. PRISON POPULATION AND OVERCROWDING

Since this is a district prison, it houses only under trial prisoners, and convicts sentenced to less than 6 months' imprisonment. The total capacity of this prison is 105, and the occupancy as on 31st December 2018 was 122%. There is no pressing problem of overcrowding and a sleeping area of 2.25 square meters per inmate is provided. Although there is a designated female barrack, there were no female inmates in this prison as no more than 10 female prisoners have been referred at any given time, less than the minimum capacity for female prisoners.

	Capacity	95		Capacity	10
	Strength	116		Strength	0
	Undertrials	116		Undertrials	0
	Convicts	0		Convicts	0
	Detenues	0		Detenues	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	122.11%		Occupancy Rate	0.00%

<sup>14</sup> The Sub-jail at Kollegala was part of the court complex and the rooms have now been handed back to judiciary for their requirements.

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of six inmates and prison staff to understand the real issues and functioning of the prison.



### 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that **medical examination upon entering the prison is not conducted immediately upon admission**, but after a few days, whenever the visiting doctor from the District Hospital, Chamrajnagar is due to visit the jail. Some inmates do not recall being medically examined upon admission into prison. Also, **the visiting doctor is not using the NHRC format for first medical examination in prison.**

Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel).

Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes

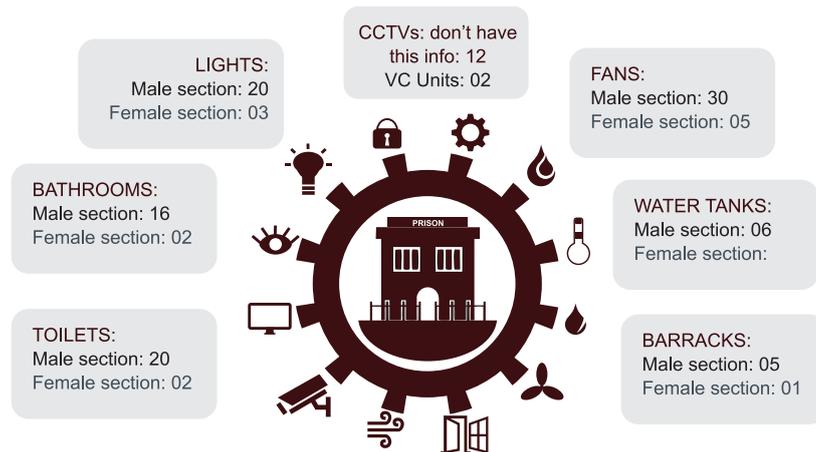
### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, there are a total of 5 male barracks and 1 female barrack.

	Number of barracks	Inmates per barrack
Male Section	5	24
Female Section	1	0

Basic amenities such as electricity, water, clothes, food seemed to be well taken care of, none of the inmates complained about this. Every barrack is equipped with sufficient fans and light bulbs powered by solar energy. **Toilets inside barracks are segregated with almost a full-size wall, unlike other prisons where there is only a partition of about 3 to 4 feet.** Solar power used for electricity and have a generator for power back up. Since the prison population is small, a separate dining hall could be built to serve food to inmates.

**RO facility is not available at present. All barracks need to be painted and flooring of barracks on ground floor needs repair. The Superintendent informed the study team that it took 1.5 years to the Public Works Department (PWD) to give the estimate for paint and repairs. Deep cleaning is required to maintain toilet hygiene and broken faucets need to be fixed.**



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice and *Ragi mudde*, Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	Yes	Yes



## 5. CONTACT WITH OUTSIDE WORLD

There is a small visiting room available within the prison premises. It can host at most about 3-4 visitors at a time. ‘Entry’ or visits from family members is allowed once a week per prisoner, for a maximum period of 45 minutes.

**No PCO facility available in this prison, as is the case with most district prisons.** The interview room is in need of expansion to be able to accommodate at least 10 interviews at a time. The interview room must also be modernised with glass panels and intercom phone facility at both ends.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**There is a separate meeting room to conduct lawyer-client interviews. Lawyers are allowed to meet their clients once a week, for not more than 45 minutes per visit. The district courts are located a stone’s throw away and hence this prison has a good practice of regular visits by lawyers.**



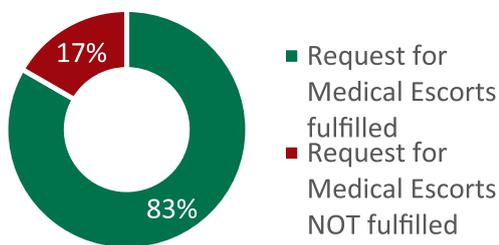
## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer appointed at this prison,** and there is no dispensary/hospital inside the prison either. Doctors from the District Government Hospital, Chamrajnagar, visit the prison twice a week (every Tuesday and Friday). A multi-purpose room is being used for conducting medical check-ups, in addition to being the room where two new video-conferencing systems are being installed.. There is **no regular system of procuring medicine**

**and medicines are being brought by the doctor from the district hospital.**

A total of 1,312 prisoners were provided medical assistance in the prison during the period of 1st January 2018 and 31st December 2018, as per the data provided to the study team by the prison administration. During the same period, 36 prisoners were referred for medical treatment outside the prison to hospitals including the District Government Hospital, Chamrajnagar, NIMHANS, Bangalore (for mental illness), Jayadeva Hospital, Mysore (for heart ailments), and Victoria Hospital, Bangalore (for general medical conditions). Prisoners are first referred to the Mysore Central Jail from where they are further referred to these hospitals in Mysore or Bangalore as the case may be.

**There is no nursing staff in this prison, which might be required as there are at least 11 patients who undergo regular treatment for mental health related issues.** Although these prisoners are sent back to prison from NIMHANS after basic treatment, they require regular monitoring and follow-up which the prison staff is not trained to provide.



Medical escorts do not seem to be a problem in this jail, with about 83.37% of the request for medical escorts being fulfilled in 2018.



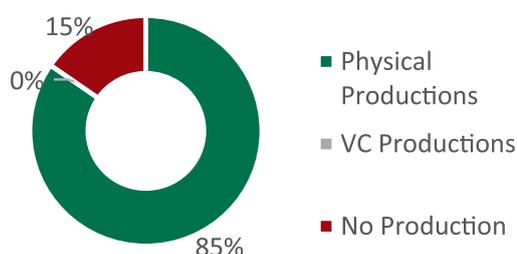
## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed by prison authorities themselves about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of chargesheet.

Two lawyers from DLSA visit the jail twice a week each. During the interviews, study team however learnt that while some of the court-appointed legal aid lawyers were efficient, some others had not appeared in the case on several occasions, and some had even asked for payment. **Also, there is no practice of having a remand lawyer in courts.**

There seems to be a mixed response with respect to the experience with lawyers engaged by prisoners, both private and court appointed. While some inmates expressed satisfaction with the quality of legal representation they were receiving, some others had been unable to pay lawyer fees or were unable to secure bail by furnishing adequate surety.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	2 lawyers - twice a week each



Court production is mostly physical in this jail, with a very high turn-out rate of escorts at about 84.66% in the year 2018. About 589 court orders for production could not be made either physically or through video conferencing. There is a good practice of sending escorts even during festivals.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

Newspapers and periodicals are subscribed in this prison, and there is a small library in one of the cells as well. There is however no teacher or librarian to supervise this library, which has a collection of books sent from the District Government Library.

The Superintendent of this jail informed us that there was no teacher or instructor appointed to this prison. She is very committed to the idea of a prison being an institution of reform. She has donated a tailoring machine out of her own resources for inmates. In addition to this, she has appointed a few inmates who are educated to train other inmates. There are various NGOs which are invited to the prison, as per the list furnished to the study team by the prison administration:

- International Logos Ministry and Educational Trust Bangalore
- Art of Living
- Prajapitha Brahma Kumari Eeshvariya Vishwa Vidyanilaya, Chamrajnagar
- Saloon Chrisitan Assembly, Bangalore
- Rangatharanga, Bangalore; Hope for Prisoners
- Prison Ministry of India
- Sadhane Samsthe, Chamrajnagar
- Core Swayam Seva Samsthe
- Dhvani Mahila Abhiruddi Samsthe Kadamba Kannade Sene Chamrajnagar
- Gidions International of India, Kollegala
- Vyakti Vikasa Kendra, Bangalore
- Karnataka Gandhi Smaraka Nidhi, Bangalore

Since the Superintendent is quite keen to regularly organise events for inmates, she has even arranged for a speaker system. However, **there is no spare room or open space for conducting any vocational or awareness programs.**

As regards recreational facilities, a television set and carom board provided in each barrack. There was however a request from some of the prisoners who were interviewed by the study team to introduce sports facilities in the prison. A further request was to appoint permanent staff for teaching and vocational instruction.



## 9. PRISON LABOUR AND WAGES

Kitchen staff, appointed from among the under trials, prepare meals for the inmates. Apart from this, there is only incense sticks' packaging work available inside the prison (provided by Cycle Agarbatti). Wages for those who pack incense sticks is as per the rates fixed by Cycle Agarbatti, and payment is not through government wages.



## 10. VULNERABLE GROUPS

### A. Prisoners with mental health concerns

As on 31st December 2018, there were 11 prisoners undergoing psychological counseling and psychiatric treatment in the prison. These prisoners are not segregated, and are in the same cells as the other inmates. The study team was informed about a mentally unwell inmate who had been beaten up by a gang of inmates last year.

**There is no provision for a visiting psychologist/counselor from the district hospital or a**

**nearby district.** When prisoners with mental health issues require specialised attention, they are sent for treatment to NIMHANS, Bangalore. However, they are sent back to jail once their condition improves in NIMHANS with prescriptions for continued medication.

**The experience of the prison staff is that there is relapse in many instances of mental illness, and there are a few prisoners who can be violent and difficult to manage for the prison staff.**

Since there is no medical officer, the appointment of at least one nursing staff could be useful in monitoring such prisoners.

#### B. Young Offenders

There are a few young offenders that the study team could identify, who were less than the age of 21. **They were not segregated from the older inmates.**

#### C. Prisoners from other states

Since this is a border district, there are a few prisoners from the neighbouring states of Tamil Nadu and Kerala, some of whom are unable to understand Kannada. This results in an inability to speak with prison staff, and further in communicating with local lawyers and understanding court proceedings, which mostly take place in Kannada or English. **There is no facility for a translator in courts for people belonging to other states.**

#### D. Physically differently abled

During the visits to the barracks, the study team found one inmate who was much shorter than the average human height. During a personal interview with him, the inmate revealed that although he was verbally ridiculed in the first week of his incarceration, there has been no discrimination against him thereafter.

#### E. Forest dwellers

The study team learnt that one of the common categories of prisoners in this district is of those arrested under the Karnataka Forest Act, Indian Forest Act and even the Wildlife Protection Act. Since this is a forest rich district, forest dwellers form a considerable section of the population. Arrest of traditional forest dwellers could be in contravention of their rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, and is required to be closely considered by the courts.



## 11. PRISON ADMINISTRATION

### Staff vacancies

As of 31st December, there was vacancy in staff, which has since eased following the mass recruitment of personnel in 2019.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	01	36	-	-	-	01	-	12	08	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
03	02	01	02	04	27	-	01	-	01	11	05

Further, in the absence of clerical staff appointments, existing official staff were doing all financial and administrative management including maintaining and updating the e-Prisons portal.

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in **very few of them being able to avail a weekly day off, or even take leave during the year to visit their families.** There is no crèche facility for the female staff, although this prison has 8 female staffers.

While new technology was being introduced to the prison system, in the form of Video Conferencing, or e-Prisons, CCTVs, etc., corresponding infrastructure to facilitate the same and more importantly adequate and timely training and appointment of staff to handle the new technology is lacking.

### Staff Accommodation

There is sufficient number of quarters for prison personnel – one for the Superintendent and six for warders. At present, only four out of six quarters are occupied and two are vacant. Reason being that many staff members stay in nearby districts with families and travel daily for work. Some staff members who do not stay with their families share existing quarters.

## 12. PRISON OVERSIGHT

**23 visits by official visitors, and nine visits by non-official visitors were made during the period of 1st January 2018 and 31st December 2018. Under-trial Review Committee (UTRC) meetings are conducted in prison and all members take the round of the prison. There were no under trial prisoners who had been incarcerated beyond five years in this prison as on 31st December 2018. The District and Sessions Judge had directed in one of the UTRC meetings that persons arrested under ss.107/109 of the CrPC must not be imprisoned and must be released on executing a bond.**

## 13. ISSUES OF CONCERN

- a) **Instances of custodial violence and torture in police custody** – Of the six inmates interviewed by the study team, three alleged that they had been victims of custodial torture, which was not revealed either to the remand court or the doctor performing medical examination under police duress. Significantly, there seems to be a prevalent practice of producing accused before the magistrate in their houses, as opposed to court premises in almost all the interviews conducted.
- b) **Inability to procure surety convicts** – Being a border district, there were a few from the neighbouring states of Kerala and Tamil Nadu. A common grievance of inmates from outside the state was that they could not avail bail as they had been asked to provide local sureties, and sometimes asked to provide sureties outside of their family members.

## Superintendent's Diary

*The Superintendent of this prison, Ms. Shantha Shree, is of the opinion that a prison ought to be reformatory in spirit. However, in the absence of sufficient posts meant for such efforts and policy directions towards this end, there is no clear process for incorporating reformatory measures in the day to day prison functioning. She has spent a few days in the prisons in Telangana and has therefore seen how there can be a vision for a rehabilitative model within prison administration, and hopes to inculcate the same under her administration.*

### UPDATES AS OF APRIL 2022

In the meeting held on 23 March 2022, the study team was informed about the following changes since its visit:

- ❖ With respect to infrastructure, 2 PCO systems have been set up for inmates to make phone calls. Floors and walls have been repaired. Deep cleaning of the toilets has been done, and the taps have been fixed.
- ❖ There is now a multipurpose room for conducting programmes.
- ❖ Wages are being paid to inmates who work in kitchen and cleaning.
- ❖ Young and old inmates are being segregated from the remaining inmates.
- ❖ There is no shortage of staff, and they can now avail weekly off as per rules.

## KEY RECOMMENDATIONS FOR CHAMRAJNAGAR

### PRISON HEADQUARTERS

- *Increase the height of the outer wall, beyond the prescribed height, to ensure security and safety of inmates.*
- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Expand and modernise interview room to ensure effective communication.*
- *Introduce sports facilities for both inmates and prison staff.*
- *Sanction additional posts for one FDA, one SDA, one Medical Officer, one Nursing staff, one Teacher or Instructor, one Driver, two sweepers and one Attendant.*
- *Introduce avenues of labour inside the prison, with just wages in return.*
- *Ensure fresh painting of staff quarters this year.*

### PRISON STAFF

- *Ensure that prisoners who have been unable to inform their families about their incarceration are assisted in doing so with help from concerned police stations.*
- *Ensure that a copy of the medical records of prisoners undergoing treatment for mental illnesses are made available to their lawyers, or concerned court, as the case may be.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Appropriate directions may be issued by the District and Sessions Judge during the next UTRC meeting to the Superintendent of Police to ensure first production at the court and not at Magistrate's house. It may also be directed that upon arrest, the right to inform a family member be facilitated by the concerned police station. Fixing remand hours in court for first production may also be considered.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*
- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*
- *An enquiry be conducted on all panel lawyers appointed by the body to determine whether fee is being unlawfully demanded from prisoners.*

### BOARD OF VISITORS

- *The issue of delay by the PWD in preparing estimates must be dealt by the District Magistrate in the next quarterly meeting of the BOVs.*
- *Ensure RO plant is installed at the earliest.*

# CHIKKABALLAPURA DISTRICT PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The district prison in Chikkaballapura was constructed in 2011, and is one of the more recently constructed prisons in the state. Chikkaballapura itself is a fairly recent district, having been carved out of the district of Kolar in the year 2007.

This prison is built over an area of 9 acres. It has a rectangular design, with cells around a central courtyard. There is some space in the front yard of the prison which has been converted into a garden, but the space inside the prison itself is very bare. Inmates have however put up little boxes to make nests for birds, which provide some relief in what is an otherwise dreary place.

## 2. PRISON POPULATION AND OVERCROWDING

This district prison houses only under trial prisoners, and those sentenced to less than 6 months' imprisonment. **There is a very pressing problem of over-crowding with the occupancy of 214% as on 31st December 2018.** New barracks have been constructed to double the capacity of the prison, but they had not been opened for use at the time that the study team was visiting the prison.

	Capacity	100		Capacity	-
	Strength	214		Strength	-
	Undertrials	212		Undertrials	-
	Convicts	2		Convicts	-
	Detenues	-		Detenues	-
	Civil Prisoners	0		Civil Prisoners	-
	Occupancy Rate	214.00%		Occupancy Rate	-

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 19 inmates and prison staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

The first medical examination is not conducted upon admission. Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel).

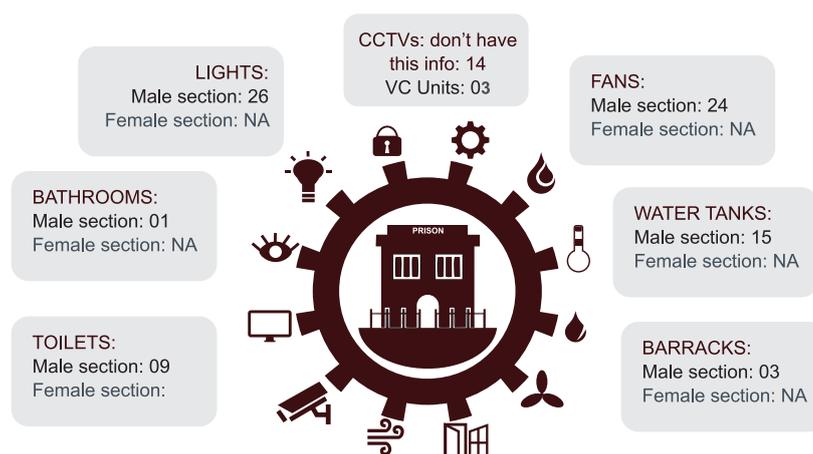
Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	Yes
Whether basic articles given?	Yes

#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, there are 03 male barracks and no female barracks.

	Number of barracks	Inmates per barrack
Male Section	3	71
Female Section	0	0

Basic amenities such as electricity, water, clothes, seemed to be well taken care of, none of the inmates complained about this. Every barrack is equipped with sufficient fans and light bulbs. **There are far too few toilets and bathrooms for the number of inmates in the prison. Deep cleaning is required to maintain toilet hygiene and broken faucets need to be fixed.**



**There are however complaints about how insects have been regularly found in the food, and that the quantity given is less than the amount fixed as per the manual.**



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice and *Ragi mudde* and Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	Yes	Yes



#### 5. CONTACT WITH OUTSIDE WORLD

As per the information provided by the prison, 'entry' or visits from family members is allowed once a week per prisoner, on any working day of the week. Each visit can last for about 30

minutes. **The visiting room is very small, and there is a discarded bike taking up space in the room.**

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility is provided in the prison.**

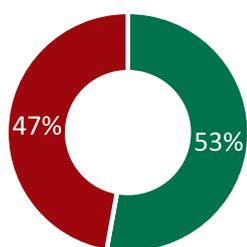
**Lawyers are allowed to meet their clients any number of times a week, for up to 30 minutes per visit.**



## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison.** A general physician from the government hospital visits the prison twice a month. **Further, a psychiatrist and a dermatologist also visit the prison once or twice a month. There is a raging problem of skin ailments given the overcrowding in the prison.**

In the year 2018, 930 inmates were provided medical treatment in the district hospital, while about 10 inmates were transferred to the Central Prison in Bangalore for treatment in higher medical centres. There were a staggering 42 patients requiring mental health treatment as on 31st December 2018. **There is a functional ambulance.**



- Request for Medical Escorts fulfilled
- Request for Medical Escorts NOT fulfilled

In the period between 1st January 2018 and 31st December 2018, as per the data provided by the prison administration, a request for medical escorts was made about 1,760 times, and only about 930 of these requests were satisfied.



## 7. ACCESS TO LEGAL AID AND COURT

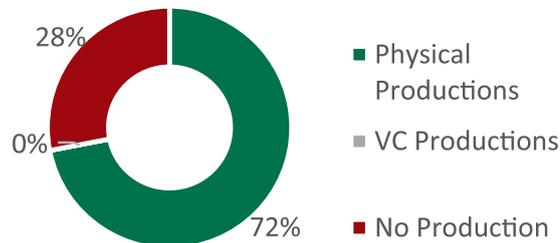
Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There are 02 jail visiting lawyers who are supposed to visit this prison twice a week, but **the study team learnt that in practice they only visit about once a month.**

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	Once a month

**There is a delay in intimation of court dates when a prisoner has not been produced in person. Currently, intimation is mostly through post, which reaches after the date has passed on some occasions.**

Unlike most other districts, police escorts in Chikkaballapura are provided by the concerned police stations and not by a separate district armed reserve. There is a huge problem of escorts in this prison. Several inmates have missed more than three consecutive court dates on account of shortage of escorts. There are 3 VC systems which have been sent up for use in the prison, however since there is no router yet these systems have not been set up for use.



In the year 2018, 1907 of the 2,650 requests for court escorts were fulfilled. About 743 court orders for production could not be made either physically or through video conferencing.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

**There is no instructor appointed to this prison. The library has a very small collection of books which are not organised or used by the prisoners.** The barracks are provided with television facilities. There is no strong presence of NGOs in this prison.



## 9. PRISON LABOUR AND WAGES

Kitchen staff, appointed from among the under trials, prepare meals for the inmates. However, **being under trial work, currently, no wages are paid.** There are no other opportunities for work in this prison.



## 10. VULNERABLE GROUPS

### A. Prisoners with mental health concerns

Between 1st January 2018 and 31st December 2018, there were as many as 42 prisoners with mental health concerns in this prison. Unfortunately, **the prison does not maintain records of the details of mental health treatment**, and therefore it is not possible for the study team to assess how many were sent to NIMHANS for further treatment, and how many of the inmates with mental health concerns had been tested for their competence to stand trial. A psychiatrist visits the prison twice a month. **This is one of the few district prisons in the state which has regular visits both by a psychiatrist and a psychologist.**

### B. Young Offenders

At the time of the visit by the study team, there were 2 prisoners from other countries, including one from Bangladesh and one from South Korea. As per the data provided by the prison administration, there were as many as 11 foreign nationals repatriated from this prison in the year 2018, including prisoners from Nepal, Bangladesh and Nigeria.

### C. Prisoners from other states

During the visit by the study team, there were 15 prisoners from other states, some of whom could not understand Kannada well. Given that the district of Chikkaballapura is close to Bangalore, there are several prisoners from outside the state who made their way here in search of work. At the time of visit by the study team, there were inmates from Assam, West Bengal and New Delhi. Further, Chikkaballapura is close to the Andhra Pradesh border and therefore

has a few prisoners from there. There is no facility for a translator in courts for people belonging to other states.



## 11. PRISON ADMINISTRATION

### Staff vacancies

As of 31st December 2018, there was vacancy among staff, which has since eased with the mass recruitment of personnel in 2019.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	01	43	02	-	-	-	-	18	08	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
03	01	01	02	06	30	01	-	-	02	11	06

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in **very few of them being able to avail a weekly day off, or even take leave during the year to visit their families.**

### Staff Accommodation

**There are no staff quarters for this prison currently.** However, a proposal for the same was ready to be implemented at the time of the visit by the study team. Many of the staff members travel from very far away to reach the prison, some travelling all the way from Bangalore (about 2-3 hours away).

## 12. PRISON OVERSIGHT

**In the year 2018, there were no visits by official or non-official visitors of the BoV. No BoV meetings were held in the year 2018. No records of visitors is maintained by the prison staff.**

Under-trial Review Committee (UTRC) meetings had been conducted for January 2019, with preparations for following Supreme Court directions to conduct a meeting per month till June. There was a UTRC meeting once every three months in 2018.

## 13. ISSUES OF CONCERN

- Instances of custodial violence and torture in police custody** – Of the 19 inmates interviewed by the study team, 12 alleged that they had been victims of custodial torture, which was not revealed either to the remand court or the doctor performing medical examination due to police duress. Further, none of those interviewed had been produced before a magistrate within 24 hours of actual arrest. **Some of the inmates also informed the**

**study team that they were being beaten inside the prison as well.**

- b) **Body Warrants** – The study team found a few instances of persons who have been unable to gain release from prison despite being granted bail and satisfying bail conditions on account of having a body warrant in one more cases delivered to the prison. At the time that the study team visited the prison, an oral representation was made by several inmates regarding their continued incarceration on account of body warrants.

### Jailor's Diary

*This prison is headed by a lady jailor who informed the study team that she has had to work hard to ensure that the faith imposed in her was not in vain. She believes in maintaining discipline in the prison, an ethic she has instilled in her staff.*

#### UPDATES AS OF APRIL 2022

In the meeting held on 25 March 2022, the study team was informed about the following changes since its visit:

- ❖ Overcrowding in this prison has come down as the first floor of the prison complex has been opened for use. Two PCO units have been installed.
- ❖ Young and old inmates are being segregated from the other inmates. There is also a separate room for admission.
- ❖ A medical officer visits the prison twice a week now. Meetings of the Board of Visitors takes place regularly.
- ❖ The library has now been arranged and made functional.
- ❖ Staff shortage has come down, and this allows them to avail weekly off as per rules. New staff quarters have been constructed.

## KEY RECOMMENDATIONS FOR CHIKKABALLAPURA

### PRISON HEADQUARTERS

- *Open the new barracks for use at the earliest since the prison houses almost twice the capacity if inmates at any given time.*
- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Introduce sports facilities for both inmates and prison staff.*
- *Sanction additional posts for one medical officer/one nursing staff, one SDA/FDA, one driver, one attendant and one cleaner.*
- *Establish staff quarters at the earliest.*
- *Expand and modernise the visiting room.*

### PRISON STAFF

- *Provide chapattis for one meal at least once or twice a month since this prison has several inmates from outside the state.*
- *Kindly maintain regular records of the medical treatment provided to inmates, mental health records, visits by official and non-official members of the Board of Visitors, and NGOs.*
- *Kindly ensure that there is a system of displaying the next court dates in a prominent place so that inmates are at least kept aware about their next dates.*
- *Kindly make space in the visiting room as far as possible, so as to ensure comfortable entries by family members.*
- *Get help from interested prisoners to manage and run the prison library.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Kindly ensure that the jail visiting lawyers conduct their visits to the prison more regularly.*
- *Kindly enquire into whether the panel advocates are charging money from inmates, as there were several allegations to this effect.*
- *Kindly coordinate with all courts in the district to enable quicker despatch of intimation of court dates, and intimation by phone where necessary.*
- *In the preparation of lists of prisoners to be considered for UTRC meetings, kindly assist the prison staff in determining the maximum punishment and also in identifying prisoners who have been granted bail but have been unable to furnish surety as this information is only available with the courts. If required, kindly direct the concerned Taluka Legal Services Committee, and the jail visiting lawyers, to assist in this process.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*
- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*

### BOARD OF VISITORS

- *Kindly ensure that you make regular visits to the prison.*
- *Kindly ensure that records of the visits made are maintained by the prison staff.*
- *Kindly reconsider the current escort arrangement by concerned police stations as opposed to the DRA as is the practice in other districts. Kindly make a proposal of reintroducing the DRA to perform escort duties to the prison head quarters and the concerned department for the DRA, if found to be a better alternative.*

# CHIKKAMAGALURU DISTRICT PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The district prison in Chikkamagaluru was established in 2009-10 and serves as the prison for under trials in all the taluks of this district since the taluk prisons in the district were all closed for repair at the time of visit by the study team. This is one of the more recent prison constructions, and has been renovated further in recent times.

This prison is built over an area of 15 acres, and is at the foothills of the highest mountain peak in Karnataka. Upon entering the main gate, to the right is the female barrack, and to the left is the main prison complex where the male barracks, office rooms and kitchen are all lined next to each other around an open rectangular courtyard. With the recent renovation underway, this prison now has a spacious visiting room, and two floors of office space near the main entrance, which will soon be occupied once the renovation is complete. The current office space is a large room in which a portion has been converted to a library.

## 2. PRISON POPULATION AND OVERCROWDING

This district prison houses only under trial prisoners, and those sentenced to less than 6 months' imprisonment. With the strength of 197 as on 31st December 2018, the occupancy in the prison was 87.56%. **There is no problem of over-crowding in this prison.**

	Capacity	200		Capacity	25
	Strength	190		Strength	7
	Undertrials	188		Undertrials	7
	Convicts	2		Convicts	0
	Detenues	0		Detenues	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	95.00%		Occupancy Rate	28.00%

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 25 inmates (including 3 female inmates) and prison staff to understand the real issues and functioning of the prison.



### 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that medical examination upon entering the prison is not conducted immediately upon admission as there is no medical officer.

Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel).

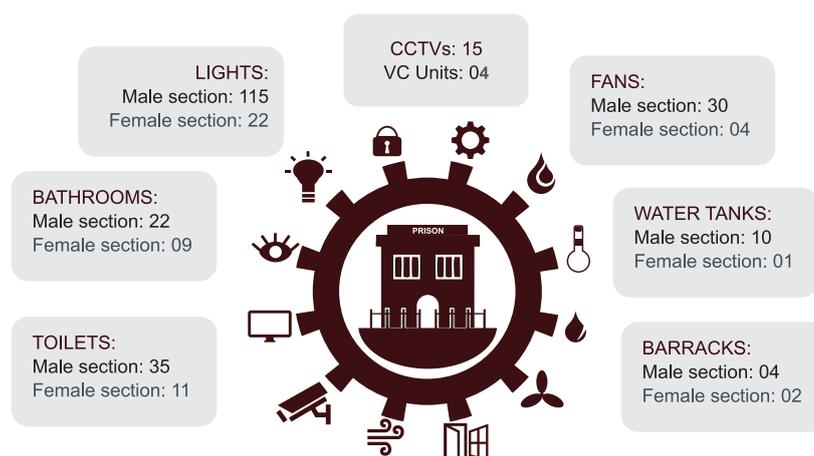
Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	Yes
Whether basic articles given?	Yes

### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, there are 4 male barracks and 2 female barracks. There are also 20 single cells in this prison.

	Number of barracks	Inmates per barrack
Male Section	4	48
Female Section	2	4

**The prison, like the rest of the city, has a water crisis, with water being bought from the nagar sabha to meet requirements.** Basic amenities such as electricity, food, clothes, seemed to be well taken care of, none of the inmates complained about this. Every barrack is equipped with sufficient fans and light bulbs, except **one barrack which has 2 fans missing** at the time of visit by the study team. The toilets, both inside the cells, and the general washing areas outside the cells were clean at the time of visit by the study team. There are 15 CCTV cameras operational in the prison.



**Currently, the kitchen space is very small and congested which is running out of two very small cells.** However the study team was informed that a new kitchen is under construction, and the tender for the same was being finalised. Fridge is available in the kitchen, with steam cooking and chimney. Inmates are more or less satisfied with the food in the prison.



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, *Chapattis*, Rice, Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	Yes	Yes



## 5. CONTACT WITH OUTSIDE WORLD

Although as originally built there was no visiting room in the prison, the renovation has resulted in a spacious visiting room, which will soon be put to use. As per the information provided by the prison, 'entry' or visits from family members is allowed once a week per prisoner, on any working day of the week.

As is the practice in several other prisons, money is taken at the time of visit by the family. However, in this prison, the study team learnt that this **problem is grave in this prison, with money being demanded even from families** who are barely able to afford to travel to the prison for visits.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in the prison.**

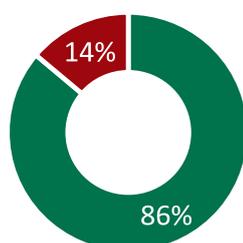
**There is a separate meeting room to conduct lawyer-client interviews.** Lawyers are allowed to meet their clients twice a week, for 15-30 minutes per visit. **Over 197 lawyers visited their clients in prison in the year 2018.**



## 6. MEDICAL FACILITIES AND HEALTHCARE

A dispensary has been constructed as part of the renovations to the prison, which is yet to be fully equipped. **There is no permanent medical officer or nursing staff appointed at this prison.** A general physician from the government hospital visits the prison once a week. Further, **a psychiatrist visits the prison once a month.**

In the year 2018, 1,656 inmates were provided medical treatment in the prison, 24 were referred to the district hospital for treatment and 12 had been referred to higher medical centres including Jayadeva Hospital and Victoria Hospital, Bangalore. There were about 17 inmates requiring mental health treatment as on 31st December 2018, 6 of whom had been referred to NIMHANS for treatment. **Ambulance is not in working condition.**



- Request for Medical Escorts fulfilled
- Request for Medical Escorts NOT fulfilled

Request for medical escorts was made about 643 times in the year 2018, and close to about 554 of these requests were satisfied, which is a higher rate than in most other district prisons.



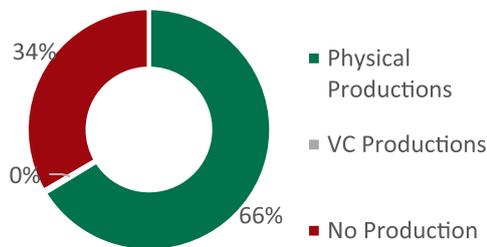
## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

The jail visiting lawyer visits this prison 3 times a week. There is a separate legal aid room for the inmates to meet the jail visiting lawyer as part of the renovations.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
		Yes

In the year 2018, 4,676 of the 7,037 requests for court escorts were fulfilled by the Chikkamagaluru district armed reserve force, and concerned police stations. 21 productions took place through video-conferencing. About 2,361 court orders for production could not be made either physically or through video conferencing.



There are 4 VC systems in this prison, of which only one is sufficient for the current level of productions through VC, and the remaining are being set up for future use. Separate VC rooms have been constructed as part of the renovation of the prison.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The prison subscribes to 5 newspapers and a one periodical. **There is an instructor on deputation from the primary education department who also maintains the library.** The books in the library are well organised and maintained, with a huge selection of about 4200 books that are supplied by the district public library. The barracks are provided with television facilities, but inmates have to pool in money to pay for cable facilities. The rooms also have carom boards for inmates to play. There are a few NGOs which are involved in the prison including the Brahma Kumaris, Prison Ministry of India and the Art of Living.



## 9. PRISON LABOUR AND WAGES

Kitchen staff, appointed from among the under trials, prepare meals for the inmates. However, **being under trial work, currently, no wages are available.** There are few other employment opportunities available in the prison, as is the case with most other district prisons in the state.



## 10. VULNERABLE GROUPS

### A. Women prisoners

The female barrack is separate from the main prison barracks. There are 5 single cells and 2 large cells. Since the female population is generally low, there is more than enough space in the female barrack, and one of the large cells has been converted to a storage space. Further, **there is**

**a separate room for female warders. In good practice, female inmates are taken to the main barrack where they can visit the library and pick books to read once a week, on Tuesdays.** Further, they are also allowed to spend some time with their male co-accused once a week. On the days that the medical officer from the district hospital visits, the female inmates are taken for examination if required.

Although the barrack has a TV, since there are generally very few inmates, they are unable to pool in enough money to pay for cable, which is the practice in the male section. The female barracks have sewing machines, but the same have not been used in a long time. Both the inmates and the guarding staff expressed their desire for work opportunities in prison – both as a means to keep the stress of incarceration at bay, and as a means of earning money to pay their lawyers and children. As is the situation with most female prisoners, here too, maintaining ties with minor children is difficult.

#### **B. Prisoners with mental health concerns**

Between 1st January 2018 and 31st December 2018, there were 16 male and one female inmate who were being provided psychiatric treatment in the prison. Of them, six had been sent to NIMHANS for further treatment, all of whom had been in prison for less than a year. None of the inmates who are undergoing treatment for mental health issues however have been declared unfit to stand trial. **A psychiatrist visits the prison once a month.**

#### **C. Young Offenders**

At the time of visit by the study team, there were at least 10 inmates in the age group of 18-21 years. **They were not segregated from the older inmates.**

#### **D. Old age offenders**

At the time of visit by the prison team, there were about four old age inmates, for whom there was no differential treatment in terms of separate rooms, special diet or medical facilities.

#### **E. Prisoners from other states**

During the visit by the study team, there were five prisoners from other states including Andhra Pradesh and Assam. Following court proceedings in Kannada is difficult for these inmates, in addition to being unable to maintain and sustain contact with their family. Further, since it is difficult for such inmates to follow instructions in the prison in Kannada, they have a tough time in the initial days of incarceration. **There is no facility for a translator in courts for people belonging to other states.**



## **11. PRISON ADMINISTRATION**

### **Staff vacancies**

As of 31st December of 2018, there was vacancy among staff, which eased with the mass recruitment of personnel in 2019.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	01	38	02	-	-	01	-	09	08	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
03	02	-	02	04	38	02	-	02	01	04	07

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in **very few of them being able to avail a weekly day off, or even take leave during the year to visit their families.**

### Staff Accommodation

**There are currently only five staff quarters. Further, the existing quarters are in grave need of repair, being in a dilapidated condition.** There is an urgent need to renovate the existing staff quarters, and also make provisions for new staff quarters so that all staff members have living arrangements.

## 12. PRISON OVERSIGHT

In the year 2018, there were three visits by official visitors, and three by non-official visitors. 3 BoV meetings were held in the year 2018. Under-trial Review Committee (UTRC) meetings had been conducted for January 2019, with preparations for following Supreme Court directions to conduct a meeting per month till June. **UTRC meetings are being conducted in the prison premises.**

## 13. ISSUES OF CONCERN

- a) **Instances of custodial violence and torture in police custody** – Of the 25 inmates we interviewed, 15 (including 1 female) alleged that they had been victims of custodial torture, which was not revealed either to the remand court or the doctor performing medical examination due to police duress. The study team had the opportunity to speak to all the female inmates who confided that almost all of them had been misled by the police on their way to the prison, having been falsely made to believe that they were being taken back to their homes. It was only on their arrival at prison that they realised that they have been remanded to custody.
- b) **Body Warrants** – The study team found several instances of persons who have been unable to gain release from prison despite being granted bail and satisfying bail conditions on account of having a body warrant in one or more cases delivered to the prison.
- c) **POCSO cases** – The study team was informed that there were several cases of persons charged under POCSO. While they are all awaiting trial, one of the common situations where the provisions of this special legislation are used is in instances of young romance. The study team was given a written representation signed by 42 inmates undergoing trial under this special legislation expressing the manner of misuse of this law. Further, even in cases where the boy and girl involved are in a relationship with one another and there is a possibility of a settlement, the possibility of securing compensation is resulting in the prosecutor and family on the side of the girl thwarting attempts at reconciliation. Further, chances of securing bail in POCSO cases are very slim in this district.

### **Assistant Superintendent's Diary**

*The Assistant Superintendent is from the batch of 2017 and is of the opinion that prisons being a space where individuals with mental health concerns are found in high concentration are in need of counselors. He believes that counselors can be effective not only in treating those with serious mental health concerns, but also help everyone in prison, which tends to be a space of high stress, depression and insomnia.*

#### **UPDATES AS OF APRIL 2022**

In the meeting held on 22 March 2022, the study team was informed about the following changes since its visit:

- ❖ Two PCOs have been installed in the prison for inmates to make phone calls.
- ❖ A new kitchen section has been added in the prison. Barracks have been fit with sufficient fans.
- ❖ Wages for inmates working in kitchen and cleaning are now being paid.
- ❖ Young and old inmates are segregated from the remaining inmates.
- ❖ There is no staff shortage and this enables them to avail weekly off as per rules.

## KEY RECOMMENDATIONS FOR CHIKKAMAGALURU

### PRISON HEADQUARTERS

- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Sanction additional posts for one medical officer/one nursing staff, one FDA, one driver, and one attendant.*
- *Renovate and expand staff quarters on a priority basis.*
- *Kindly provide a new ambulance for this prison.*
- *Kindly introduce opportunities for work with just wages in return.*
- *Introduce sports facilities for both inmates and prison staff.*

### PRISON STAFF

- *Kindly ensure that the construction of the new kitchen area is expedited.*
- *Kindly assist the female inmates in reusing the sewing machines available in their barrack for skill development and as a means of work.*
- *Kindly ensure that fans in all barracks are functional.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Kindly monitor cases of individuals with body warrants and ensure that trials in all their cases are proceeding.*
- *Kindly assist the prison authorities in preparing the lists to be considered during the UTRC meeting.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*
- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*

### HIGH COURT OF KARNATAKA

- *Kindly ensure that there is sufficient appointment of public prosecutors to the courts in this district.*

### BOARD OF VISITORS

- *Since there is a crisis arising out of shortage of escorts, kindly convene a meeting with all concerned departments in order to formulate a plan to manage the problem.*

# CHITRADURGA DISTRICT PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The district prison in Chitradurga was constructed in 2007 and serves as the prison for under trials in all the taluks of this district which are Chitradurga, Hiriyur, Hosdurga, Molakalmuru, Challakere and Holalkere. In 2018, this district prison was awarded the best district prison in the southern zone by Academy of Prison and Correctional Administration, Vellore.

This prison is one of the more recently constructed ones, and is built over an area of 19.16 acres. The cells are aligned in a star shaped layout, with a large open space in the centre of the structure, covered with vegetation and a space for prayers. Vacant space in the compound of the prison has been converted into a vegetable garden which also provides an opportunity for labour inside the prison. The female barracks are separated from the male barracks, and is in a self contained structure adjacent to the main building. The cells in the female barrack are constructed around a rectangular courtyard.

## 2. PRISON POPULATION AND OVERCROWDING

This district prison houses only under trial prisoners, and those sentenced to less than 6 months' imprisonment. As on 31st December 2018, the occupancy in the prison was 49.33%. **There is no problem of over-crowding, in fact, some of the cells are used for community programs since there is sufficient living space for inmates.**

	<b>Capacity</b>	275		<b>Capacity</b>	25
	<b>Strength</b>	140		<b>Strength</b>	08
	Undertrials	133		Undertrials	08
	Convicts	06		Convicts	0
	Detenues	0		Detenues	0
	Civil Prisoners	1		Civil Prisoners	0
	Occupancy Rate	50.91%		Occupancy Rate	32.00%

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 18 inmates (including 3 female inmates) and prison staff to understand the real issues and functioning of the prison.



### 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that medical examination upon entering the prison is not conducted immediately upon admission. Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel).

Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	Yes
Whether basic articles given?	Yes

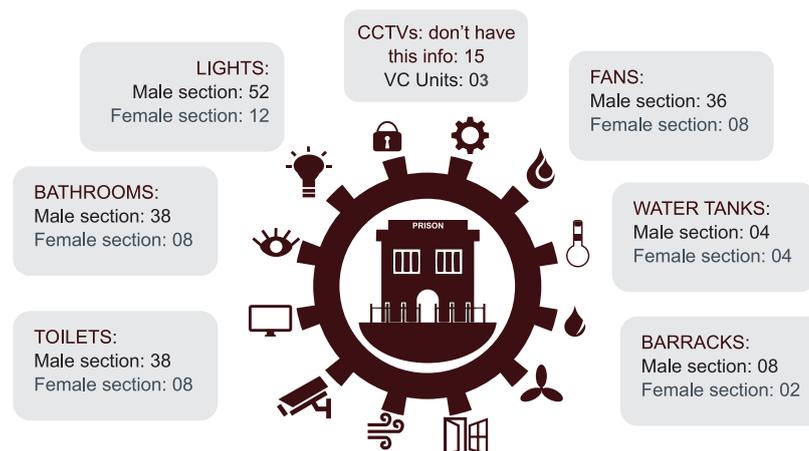
### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS<sup>15</sup>

As per information provided, there are a total of 8 male barracks and 2 female barracks.

	Number of barracks	Inmates per barrack
Male Section	8	18
Female Section	2	4

Basic amenities such as electricity, water, clothes, seemed to be well taken care of, none of the inmates complained about this. Every barrack is equipped with sufficient fans and light bulbs. However in one of the barracks visited by the study team, one fan was not in working condition. Deep cleaning is required to maintain toilet hygiene and broken faucets need to be fixed. Permanent barber appointed with a separate room.

**In the women barracks, there was a severe rodent infestation which needs to be urgently addressed.**



Kitchen is fairly big and has all basic equipments including fridge. **Inmates are more or less satisfied with the food in the prison, although tea and curry are both very watered down.**

<sup>15</sup> As on 31st December 2018



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice, *Ragi mudde* and Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	Yes	Yes



## 5. CONTACT WITH OUTSIDE WORLD

As per the information provided by the prison, ‘entry’ or visits from family members is allowed once a week per prisoner, on any working day of the week. Each visit can last for about 45 minutes.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**The teacher in the prison helps prisoners write letters to their families, and maintains a register of letters sent and received. No PCO facility is available in this prison.**

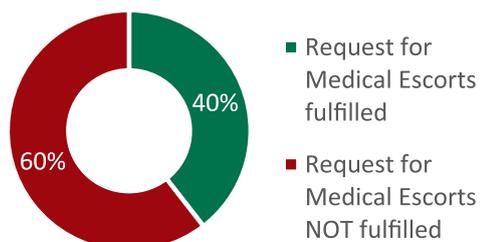
**There is a separate meeting room to conduct lawyer-client interviews. Lawyers are allowed to meet their clients once a week, for up to 45 minutes per visit.**



## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison.** However, unlike most other district prisons, this prison has a small dispensary inside the prison premises, with a capacity of 2 beds. A general physician from the government hospital visits the prison twice a week. In the year 2018, 1309 inmates were provided medical treatment in the prison. Further, **a psychiatrist visits the prison once a week.** There were about six patients requiring mental health treatment as on 31st December 2018. **Prison has an ambulance for use.**

In the period between 1st January 2018 and 31st December 2018, as per the data provided to the study team by the prison administration, 457 prisoners were provided medical treatment to the District Government Hospital, Chitradurga and 13 inmates were sent to the Bangalore Central Prison from where they were further referred to higher medical centres for treatment.



A request for medical escorts was made about 1,650 times in the year 2018, and only about 652 of these requests were satisfied and in about a thousand requests were not fulfilled.



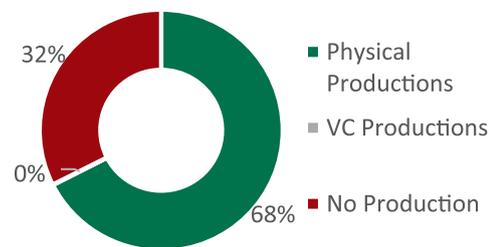
## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

**There is a separate legal aid room for the inmates to meet the jail visiting lawyer.** There are three jail visiting lawyers who come to this prison every day between 4 and 6 PM. The computer system provided by the DLSA to be used by the jail visiting lawyer is being set up for use.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	Every day

There are three VC systems which have been set up for use in the prison. There is also a separate VC room in this prison.



In the year 2018, 2,578 of the 3,817 requests for court escorts were fulfilled by the Chitradurga district armed reserve force. Only about 2 court productions were through video conference during the year 2018, although this number is likely to rise in the year 2019. About 1,239 court orders for production could not be made either physically or through video conferencing.

**To deal with this issue, the Principle District and Sessions Judge issued a novel circular on 20.11.2017, by which, days of the week are assigned to the five different taluks in the district, such that one of the two vehicles from the armed reserved police would have to only travel to only one taluk court premises in a day. The second vehicle is to be used for escorting inmates to the district court premises. This circular was then circulated among all the judicial officers in the courts of the district such that there could be compliance with the same. At the time of the visit by the study team, this circular was being slowly complied with, and although there is still a problem with escorts, this system has the potential to tide over the concerns.**



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The prison subscribes to newspapers and periodicals. **There is an instructor on deputation from the primary education department who also maintains the library.** The books in the library are well organised and maintained with huge selection of about 5000 books that are supplied by the district public library and also due to the efforts of the jailor to get more books from the state public library. The library room also has chairs and tables for inmates to sit and read newspapers, with freedom to issue books to their barracks. Further, books from the Adult Education Department are being sent for the purpose of educating older learners. The barracks are provided with television facilities, but inmates have to pool in money to pay for cable facilities.

**Inmates who wish to learn are kept in a separate cell, called the 'school cell', where they have classes in the mornings with the instructor. Various awareness programmes, vocational**

training programmes and commemoration of important dates are organised in the prison, which are also documented. Several NGOs are involved in the work of the prison including Rudset, Windmill Society and the Innerwheel Club.



## 9. PRISON LABOUR AND WAGES

Kitchen staff, appointed from among the under trials, prepare meals for the inmates. Further, the open space around the prison has been converted into a vegetable garden with drip irrigation facilities and several inmates spend some time working in this garden and seem to enjoy it. However, **being under trial work, currently, no wages are available.** The study team was informed that if the vegetable garden starts being profitable, then the same would be used to pay wages.



## 10. VULNERABLE GROUPS

### A. Prisoners with mental health concerns

Between 1st January 2018 and 31st December 2018, there were six prisoners with mental health concerns in this prison. Of them, four had been sent to NIMHANS for further treatment, while two others were receiving medication in the prison itself. A total of eight inmates were undergoing psychological counselling. None of the inmates who are undergoing treatment for mental health issues however have been declared unfit to stand trial. A psychiatrist visits the prison once a week, while a psychologist visits once a month. **This is one of the few district prisons in the state which have regular visits both by a psychiatrist and a psychologist.**

### B. Young Offenders

At the time of visit by the study team, there were about 11 inmates between the age group of 18 and 21 years. **They are not segregated from the remaining inmates, and the study team learnt while interviewing one of them that they are made to do menial work in the prison by the older inmates.**

### C. Prisoners from other states

During the visit by the study team, there were eight prisoners from other states, some of whom could not understand Kannada well. **There is no facility for a translator in courts for people belonging to other states.**



## 11. PRISON ADMINISTRATION

### Staff vacancies

As of 31st December 2018, there was a vacancy in staff which eased with the mass recruitment of personnel in 2019.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	01	39	02	-	-	-	01	20	08	01	01

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
03	01	01	02	05	27	01	-	05	-	10	08

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in **very few of them being able to avail a weekly day off, or even take leave during the year to visit their families.**

### Staff Accommodation

There are 15 staff quarters currently. **There is a need to renovate the existing staff quarters, and also make provisions for new staff quarters so that all staff members have living arrangements.**

## 12. PRISON OVERSIGHT

In the year 2018, there were four visits by official visitors, and four by non-official visitors. Two BoV meetings were held in the year 2018. Under-trial Review Committee (UTRC) meetings had been conducted for January 2019, with preparations for following Supreme Court directions to conduct a meeting per month till June.

## 13. ISSUES OF CONCERN

- a) **Instances of custodial violence and torture in police custody** – Of the 18 inmates we interviewed, 11 (including 2 females) alleged that they had been victims of custodial torture, which was not revealed either to the remand court or the doctor performing medical examination under police duress.

The study teams had the opportunity to speak to all the female inmates and were told that almost all of them had been misled by the police on their way to the prison, having been falsely made to believe that they were being taken back to their homes. It was only on their arrival at prison that they realised that they have been remanded to custody. **Some of the inmates also informed the study team that they were being punished through physical beatings inside the prison as well.**

- b) **Body Warrants** – The study team found a few instances of persons who have been unable to gain release from prison despite being granted bail and satisfying bail conditions on account of having a body warrant in one or more cases delivered to the prison.
- c) **POCSO cases** – The study team was informed that there were several cases of persons charged under POCSO. While they are all awaiting trial, one of the common situations where the provisions of this special legislation are used is in instances of young romance. During the meeting with the Member Secretary of the DLSA, the study team was informed that various awareness programmes were being organised in schools and colleges to in order to reduce wrongful prosecution under the act.

## Assistant Superintendent's Diary

*The Assistant Superintendent of the prison, Ms. Apeksha Satish Pawar, is an energetic administrator who believes strongly for improving the service conditions of the prison personnel. She also believes in implementing good practices from other states.*

### UPDATES AS OF APRIL 2022

Based on the meeting held with the officer in-charge of the prison and DIG headquarters on 22 March, 2022, CHRI was informed about the following changes that have taken place in the prison since the visit conducted by the study team:

- ❖ This prison now has 2 PCO systems for inmates to make phone calls.
- ❖ With regard to infrastructure, the toilets and bathrooms have been fixed and there are sufficient lights and fans. All open holes have been covered, and the rat infestation is under control.
- ❖ Wages for inmates working in kitchen and cleaning are now being paid.
- ❖ Young and old inmates are segregated from the remaining inmates.
- ❖ Staff shortage has come down which has enabled staff to avail weekly off as per rules. Some of the staff quarters have been repaired.

## KEY RECOMMENDATIONS FOR CHITRADURGA

### PRISON HEADQUARTERS

- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Sanction additional posts for one medical officer/one nursing staff, one driver, and one attendant.*
- *Renovate and expand staff quarters.*
- *Introduce sports facilities for both inmates and prison staff.*

### PRISON STAFF

- *Kindly facilitate female inmates to make use of the facilities in the prison as available to the male inmates, including the opportunity to work in the vegetable garden, office, and to attend classes conducted by the teacher who is appointed in the prison.*
- *Kindly also ensure that fumigation and other such treatments are undertaken for the female barracks as there seems to be a rodent infestation there.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*
- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*

# DAVANGERE DISTRICT PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The district prison in Davangere was constructed in 1902. It was earlier designated as a 'special sub-jail' (one of only two such in Karnataka, the other being special sub-jail KGF). It was re-designated as a district prison in 2018.

This prison is a very old construction, built over 100 years ago. It is constructed in a total area of 20887.5 square feet. The prison is located in the middle of the city which makes it easily accessible for family visits, courts and hospitals. However, there is no compound wall or space outside the prison gate for the public to wait, and the prison gates directly overlook a busy road.

Upon entering the main gate, there are few office rooms on the left side of the alley which overlooks the visiting room in front. On the left side is the office of the prison in-charge and on the right is the entrance to the main prison block. On the right side of the complex is the kitchen and in the front are the double-storey barracks. Towards the back of the double storey barracks is the library.

## 2. PRISON POPULATION AND OVERCROWDING

This district prison houses only under trial prisoners, and those sentenced to less than 6 months' imprisonment. Since this is the only prison in the district, and there are no female wards here, female inmates are generally sent to the Shivamogga Central Prison for Women. The strength of the prison, as on 31st December 2018, was 224 making the occupancy 149%. Being an old prison, built to be a sub-jail, there is a problem of over-crowding.

	<b>Capacity</b>	150		<b>Capacity</b>	-
	<b>Strength</b>	224		<b>Strength</b>	-
	Undertrials	216		Undertrials	-
	Convicts	8		Convicts	-
	Detenues	0		Detenues	-
	Civil Prisoners	0		Civil Prisoners	-
	Occupancy Rate	149.33%		Occupancy Rate	-

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 24 inmates and prison staff to understand the real issues and functioning of the prison.



### 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that medical examination is not conducted immediately upon admission.

Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel). Some of the inmates also received a tumbler.

Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes

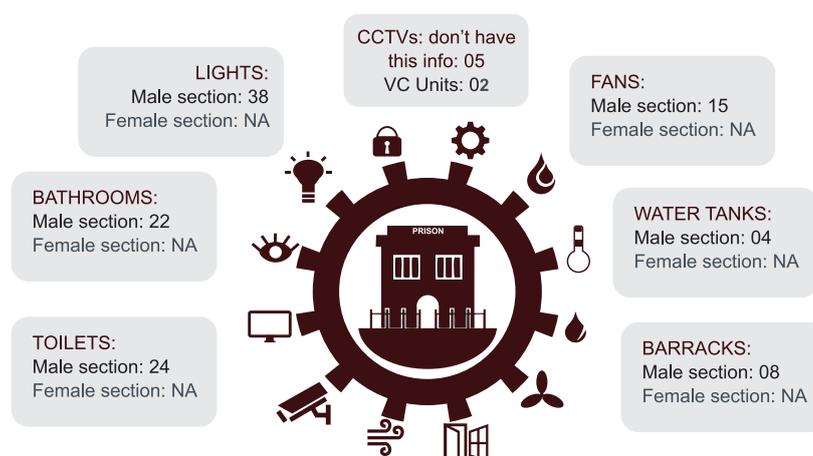
### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, there are a total of 8 male barracks and no female barracks.

	Number of barracks	Inmates per barrack
Male Section	8	28
Female Section	0	0

Unlike most prisons, the district prison in Davangere is a non-intimidating structure, with no central courtyard with cells surrounding it. Instead, **two new airy rooms were constructed** in 1997 for the inmates and there are common areas around the barracks where inmates can bathe, wash clothes, or walk around.

Basic amenities such as electricity, water, clothes, seemed to be well taken care of, none of the inmates complained about this. The newer cells constructed in 1997 are large, airy and have sufficient sunshine. Every barrack is equipped with sufficient fans and light bulbs. While there is an RO system, regular repair is necessary since this region has hard water supply. **Deep cleaning required to maintain toilet hygiene and broken faucets need to be fixed.**



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice, *Ragi mudde* and Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	Yes	Yes



## 5. CONTACT WITH OUTSIDE WORLD

**Since the prison complex is very small, the visiting area is congested.** The visiting area for family members is the space right inside the prison gate, while the inmates are brought into a room with a mesh. Given the small space and the over-crowding in the prison, visiting times are a noisy affair. Further, the prison design is such that the visiting area overlooks the office and this causes disturbance to the office staff.

As per the information provided by the prison, 'entry' or visits from family members is allowed once a week per prisoner, on any working day of the week. Timings are between 11:30 AM and 1 PM and then again between 4:30 PM and 5 PM.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison.**

**There is a separate meeting room to conduct lawyer-client interviews.** Lawyers are allowed to meet their clients twice a week, up for however long they require to interact with their clients.

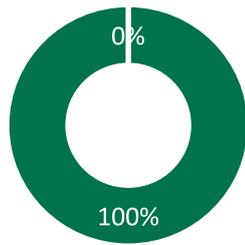


## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison,** and there is no hospital inside the prison either. A doctor from the government hospital visits the prison once a week. 495 inmates were provided medical treatment in the prison in 2018.

Further, this prison also has a counsellor who visits once a week. He is sent as part of his duties under the District Mental Health Programme. **Davangere is one of the 13 districts in the state in which pilot mental health projects have been initiated by the state government.** While the counsellor treats inmates who have sleeping problems, and depression, for the more serious ailments, a referral is made to the psychiatrist in the District Government Hospital. The study team met the counsellor during the visit, and he explained that although there are some avenues of passing time such as playing carom or chess, the absence of work and opportunities for physical activities do not make the prison conducive for mental well-being or reform.

**Prison has an ambulance for use.** In the period between 1st January 2018 and 31st December 2018, as per the data provided to the study team by the prison administration, 300 prisoners were referred for medical treatment to the Chigatere Government Hospital, Davangere or to the Bangalore Central Prison from where they were further referred to higher medical centres for treatment.



- Request for Medical Escorts fulfilled
- Request for Medical Escorts NOT fulfilled

**Medical escorts were provided for all 300 referrals, one of the few prisons where medical escorts are adequately provided.**

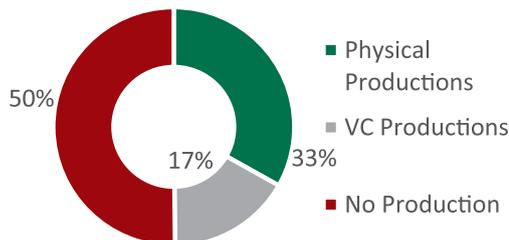


## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There are two jail visiting lawyers who come to this prison four times a week. The computer system provided by the DLSA to be used by the jail visiting lawyer is being set up for use. The study team was able to meet both the jail visiting lawyers who accompanied the study team in the barrack visits.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	Four days a week



- Physical Productions
- VC Productions
- No Production

In the year 2018, only 597 of the 1,500 requests for court escorts were fulfilled by the Davangere district armed reserve force. About 903 court orders for production could not be made either physically or through video conferencing.

Shortage of court escorts is therefore a very dire problem in this prison. About 300 court productions were through video conference during the year 2018. There are 2 VC systems in use in this prison.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The prison subscribes to newspapers and periodicals. **There is an instructor on deputation from the primary education department who also maintains the library.** The books in the library are well organised and maintained. The library room also has chairs and tables for inmates to sit and read newspapers, with freedom to issue books to their barracks. The library is also decorated with paintings made by inmates. Further, books from the Adult Education Department are being sent for the purpose of educating older learners. The barracks are provided with television facilities. Vocational training programmes are conducted in the prison.



## 9. PRISON LABOUR AND WAGES

Kitchen staff who are appointed from among the undertrials, prepare meals for the inmates. However, **no wages are paid to these undertrials.** **The prison Superintendent is trying to get an approval for wages to be paid to the kitchen staff.**



## 10. VULNERABLE GROUPS

### A. Young Offenders

At the time of visit by the study team, there were about 16 inmates between the age group of 18 and 21 years, of whom about 5 had murder charges, and 4 had been charged under the POCSO Act.

### B. Prisoners from other countries

There were four foreign national prisoners at the time of the visit by the study team, all of them from Nepal. In addition to not following the court proceedings, and being unable to maintain contact with their family members, **these foreign nationals also have a difficult time in finding lawyers, or arranging for surety as sought by the courts.**

### C. Prisoners from other states

During the visit by the study team, there were eight prisoners from other states, some of whom could not understand Kannada well. **There is no facility for a translator in courts for people belonging to other states.**



## 11. PRISON ADMINISTRATION

### Staff vacancies

As of 31st December 2018, there was shortage among staff which has since eased with the mass recruitment of personnel in 2019.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	01	02	05	25	-	01	-	04	-	07	03

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
03	01	-	02	05	25	01	-	04	-	07	03

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in **very few of them being able to avail a weekly day off, or even take leave during the year to visit their families.**

### Staff Accommodation

**There is not enough staff accommodation, and there is a need for renovating the existing quarters.**

## 12. PRISON OVERSIGHT

In the year 2018, there were 15 visits by official visitors, and 2 by non-official visitors. Two BoV meetings were held in the year 2018. Under-trial Review Committee (UTRC) meetings had been conducted for January 2019, with preparations for following Supreme Court directions to conduct a meeting per month till June.

## 13. ISSUES OF CONCERN

- a) **Instances of custodial violence and torture in police custody** – Of the 24 inmates we interviewed, 12 alleged that they had been victims of custodial torture, which was not revealed either to the remand court or the doctor performing medical examination under police duress.
- b) **Body Warrants** – The study team found a few instances of persons who have been unable to gain release from prison despite being granted bail and satisfying bail conditions on account of having a body warrant in another case delivered to the prison.
- c) **POCSO cases** – The study team was informed that there were over 70 cases of persons charged under POCSO. While they are all awaiting trial, one of the common situations where the provisions of this special legislation are used is in instances of young romance.

### Superintendent's Diary

*At the time of the visit by the education team, there were two medical emergencies in the prison. The Superintendent personally made visits to the government hospital twice a day to ensure that the inmates in need of medical attention were receiving treatment. His constant observation also allowed one of them to be sent immediately to the Bangalore Central Prison for further treatment.*

### UPDATES AS OF APRIL 2022

In the meeting held on 22 March 2022, the study team was informed about the following changes since its visit:

- ❖ A new prison will soon be constructed, and 10 acres of land has been procured for this.
- ❖ This prison now has 2 PCO systems for inmates to make phone calls. Three more VC units have been set up taking the total to 5. An RO system with higher capacity has been installed. Six new toilets have been sanctioned and work is underway.
- ❖ Wages for inmates working in kitchen and cleaning are now being paid.
- ❖ Staff shortage has come down which has enabled staff to avail weekly off as per rules. Staff quarters will soon be repaired.

## KEY RECOMMENDATIONS FOR DAVANGERE

### PRISON HEADQUARTERS

- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Sanction additional posts for one medical officer/one nursing staff, one driver, and one attendant.*
- *Introduce avenues of labour inside the prison, with just wages in return.*
- *Renovate and expand staff quarters.*
- *Introduce sports facilities for both inmates and prison staff.*

### PRISON STAFF

- *In the preparation of lists of prisoners to be considered for UTRC meetings, kindly assist the prison staff in determining the maximum punishment and also in identifying prisoners who have been granted bail but have been unable to furnish surety as this information is only available with the courts.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*
- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Since there is a crisis arising out of shortage of escorts for production purpose, kindly convene a meeting with all concerned departments in order to formulate a plan to manage the problem.*

# GADAG DISTRICT PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

Gadag is a district in North Karnataka. Gadag was earlier part of the district of Dharwad and was split in the year. The prison here is originally a sub-jail established in the year 1961, and was notified as a district prison only two years ago. The study team was informed that land has been sanctioned for the construction of a new prison, since this is insufficient at current capacity.

The prison is built over a total area of 5 acres and 14 guntas. There are offices and a legal aid room at the entrance. Another gate opens into the main prison complex with the female barracks on the right side, and the male barracks further ahead. The kitchen, male barracks, and cells converted to a generator room, barber room and library are all lined next to each other around a rectangular open courtyard.

## 2. PRISON POPULATION AND OVERCROWDING

This district prison houses only under trial prisoners and those sentenced to imprisonment for less than 6 months. **As on 31st December 2018, occupancy of the prison was as high as 262.5%. Although there are two female barracks in this prison, there are no female inmates as there is insufficient female staff.** They are instead sent to the Central Prison, Dharwad. There is a pressing problem of overcrowding, with many more male inmates than available space.

	Capacity	40		Capacity	8
	Strength	105		Strength	0
	Undertrials	104		Undertrials	0
	Convicts	1		Convicts	0
	Detenues	0		Detenues	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	262.50%		Occupancy Rate	0.00%

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 19 inmates and prison staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

**Medical examination upon entering the prison is not conducted immediately upon admission since the prison does not have a medical officer.**

Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel).

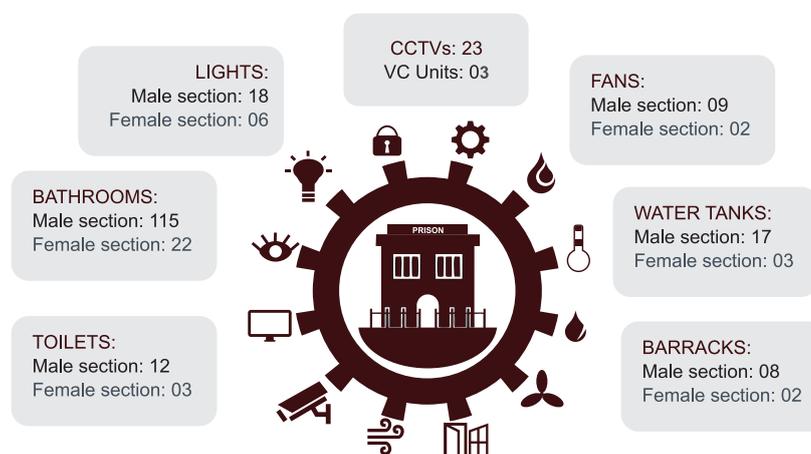
Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes

#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, in all, this prison complex has 8 male barracks, 2 female barracks and 4 single cells which are being used for other purposes.

	Number of barracks	Inmates per barrack
Male Section	8	14
Female Section	2	0

Basic amenities such as electricity, water, clothes, food seemed to be well taken care of, none of the inmates complained about this. Every barrack is equipped with sufficient fans and light bulbs. However, **rooms are overcrowded and not well ventilated**. There are toilets inside the cells, while the main washing and bathing area is outside the cells. **Toilets inside the cells do not have lights or taps, and water has to be collected and filled inside open tanks in the cells, which are prone to become breeding sites for mosquitoes. Further, the toilets outside the cells are not used, as they are in need of repair**, which is not being undertaken since a new prison is in the pipeline. Bathing and washing clothes however is in the washing area outside the cells.



**The kitchen is basic and does not have the more modern amenities including steamers, chimney, fridge, etc.,** that district prisons in the state generally have, in part because the kitchen is very small and cannot accommodate these gadgets. The staple food in this prison is *jolad rotti*, rice and vegetables, with meat once a week. Since there are not enough rooms available for general use in this prison, the single cells have been converted into a barber's room, a generator room and a library.



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice, *Jolad Rotti*, Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
No	Yes	No	Yes



## 5. CONTACT WITH OUTSIDE WORLD

There is a visiting room available within the prison premises. 'Beti' or visits from family members is allowed once a week per prisoner, for about 45 minutes per visit between 11 AM and 12.30 PM, and between 4PM and 5:30 PM on government working days.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison.**

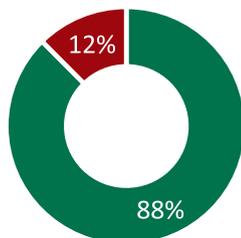
**There is a separate meeting room to conduct lawyer-client interviews.** Lawyers are allowed to meet their clients once a week, for up to 30 minutes per visit.



## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison.** A government doctor visits the prison once a week. About 484 prisoners were provided medical assistance in the prison by the visiting doctor during the period between 1st January 2018 and 31st December 2018. During the same period, 219 inmates were taken to the district hospital in Gadag for treatment, while 24 were taken to KIMS, Hubballi and DIMHANS, Dharwad for higher medical treatment. Further, a psychiatrist also visits the prison regularly. **Medical camps for HIV testing are conducted regularly.**

**There is no dispensary in the prison. Further, there is neither an ambulance nor a four-wheeler for use, which is very essential for emergencies, especially medical emergencies.**



- Request for Medical Escorts fulfilled
- Request for Medical Escorts NOT fulfilled

**Of the 250 requests for medical escorts in the year 2018, about 219 were fulfilled, making this about 88% fulfillment, which is very high compared to the rest of the state.**



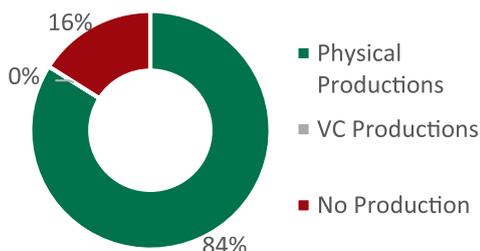
## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed about their right to a lawyer either in court by the judge, or they found out from

other inmates in the prison. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There is a legal aid room with a computer and furniture for their use. Two jail visiting lawyers visit the prison twice a week each.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
		Yes



In the year 2018, 2,130 of the 2,536 requests for court escorts were fulfilled and no VC productions happened in the same time period. About 406 court orders for production could not be made either physically or through video conferencing. **Once again, this is a higher rate of escort fulfillment as compared to the rest of the state.**

Three VC systems have been provided to this prison, and have been set up, although they are yet to be put to use.



## 8. ACCESS TO INFORMATION, EDUCATION AND RECREATIONAL ACTIVITIES

13 Kannada newspapers, one English newspaper, and four periodicals are subscribed to in this prison. One of the single cells has been converted into a library, with a collection of about 6,485 books, maintained by a librarian deputed from the government library department. The barracks are provided with television facilities. The Prison Ministry of India and groups like SAATHI working on HIV/AIDS related issues are involved in this prison.



## 9. PRISON LABOUR AND WAGES

Kitchen staff, appointed from among the under trials, prepare meals for the inmates. Inmates also take up different responsibilities to keep the prison clean. As is the case with most under trial prison labour in the state, **no wages are paid.**



## 10. VULNERABLE GROUPS

### A. Prisoners with mental health concerns

The information provided to the study team revealed that between 1st January 2018 and 31st December 2018, there were two inmates undergoing treatment for mental health concerns, both of whom were sent to DIMHANS for treatment. One of them was in the prison for less than 3 months and the second for less than 3 years – neither of their trials had been suspended for being unfit to stand trial. Further, 10 inmates were provided psychological counselling in the same time period. The district mental health programme provides support to the prison to cope with mental health concerns in the prison.

## B. Young Offenders

At the time of visit by the study team, there were at least nine inmates in the age group of 18-21 years. **They were not segregated from the older inmates.**

## C. Prisoners from other states

During the visit by the study team, there were eight prisoners from other states, including Jammu and Kashmir, Gujarat, West Bengal, Andhra Pradesh and Delhi. Language is a barrier in court for these inmates. **There is no facility for a translator in courts for people belonging to other states.**



## 11. PRISON ADMINISTRATION

### Staff vacancies

Unlike with most prisons, the trouble with staff in this prison is not the high rate of vacancy as much as the limited number of sanctioned posts. However, as of 2019, further posts of guarding staff had been sanctioned. There is a dire need to sanction posts for FDA/SDA and other administrative staff to assist the prison in maintaining records, finances, handling the judicial section, etc.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	-	24	-	-	-	-	-	09	01	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
01	01	-	01	02	08	01	-	02	-	06	01

### Experiences of prison administrators

The limited number of sanctioned staff is a very grave concern, and this has resulted in very few of them being able to avail a weekly day off, or even take leave during the year to visit their families. Further, without any administrative posts in this prison, **all existing prison personnel have to take on multiple duties and are stretched for time.**

### Staff Accommodation

There were 10 staff quarters at the time of visit by the study team. While the existing quarters are sufficient for the sanctioned number of staff in 2018, with new staff being sanctioned and posted to this prison, there will be a need to construct more quarters. Further, **the existing quarters are in a bad condition, with seepage in the walls, lack of drainage, no compound wall, many years since the last round of painting, and very old doors and windows.**

## 12. PRISON OVERSIGHT

**No non-official visitor is appointed to this prison in 2018. One BoV meeting was held in the year 2018, and 1 visit was made by official visitors in the same period.** Under-trial Review Committee (UTRC) meetings are being conducted in prison.

## 13. ISSUES OF CONCERN

- a) **Instances of custodial violence and torture in police custody** – Of the 19 inmates interviewed by the study team, 13 alleged that they had been victims of custodial torture by the police, which was not revealed either to the remand court or the doctor performing medical examination under police duress. The study team learnt that **corporal punishment is practised even in the prison.**
- b) **Body Warrants** – The study team found about 10-12 inmates who have been unable to gain release from prison despite being granted bail and satisfying bail conditions on account of having a body warrant in one or more cases delivered to the prison.
- c) **POCSO cases** – The study team met about 20 inmates charged under the POCSO Act. While they are all awaiting trial, one of the common situations where the provisions of this special legislation are used is in instances of young romance.
- d) **‘Anti-nationals’** - The study team met one inmate who had been imprisoned for having posted content online which had attracted a case under s.153(B) of the IPC for allegedly causing prejudice to national integration. This inmate had been harassed and intimidated and undergone media trial in the process. This is one among the growing cases of filing cases against minority groups in the state for either posting/allegedly posting content considered anti-national, despite the Supreme Court directing the police time and again to not entertain such cases.

### Jailor's Diary

*Mr.K.S.Mani has been serving as a Jailor in this prison for the past 5 years, and has seen the prison transition from a sub-jail to a notified district prison. He has also managed to do this with very few sanctioned posts in the prison, and few facilities in the prison. Given more resources, he is someone who can help see through the district prison's upgrade.*

### UPDATES AS OF APRIL 2022

In the meeting held on 14 March 2022, the study team was informed about the following changes since its visit:

- ❖ There is a separate admission room now.
- ❖ Young and old offenders are now segregated.
- ❖ RO plant has been set up for drinking water.
- ❖ Two PCO systems have been set up. During the restrictions enforced during the Covid-19 pandemic, physical meetings were suspended and replaced with *e-mulakaats* through videoconference.
- ❖ Inmates who work in the kitchen or help in cleaning the prison are now being paid wages.
- ❖ Prison staff vacancy has come down, with only 4 vacant positions. This has resulted in longer unlock hours – 2 hours in the evening and 2 hours in the morning.
- ❖ Rs.16,00,000 (rupees sixteen lakhs) has been sanctioned for setting up six new bathrooms and four toilets.
- ❖ A psychiatrist visits the prison once a week.

## KEY RECOMMENDATIONS FOR GADAG

### PRISON HEADQUARTERS

- *Kindly ensure that work on the new prison complex starts at the earliest. In the meanwhile, kindly ensure that sufficient staff quarters are provided for the full strength of staff. Kindly also ensure that the existing quarters are repaired at the earliest, with a coat of painting, functional drainage system, and seepage treatment for walls.*
- *Kindly provide a four wheeler and an ambulance to this prison at the earliest.*
- *Sanction additional posts for one FDA/SDA, one medical officer/one nursing staff, one pharmacist, one teacher, one technician, one driver, and one attendant.*
- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Ensure that NOVs are appointed to the prison to make regular visits and participate in BoV meetings.*
- *Kindly provide and RO system for this prison.*
- *Introduce sports facilities for both inmates and prison staff.*

### DLSA

- *This prison has several out of state prisoners. Kindly consider establishing a pool of interpreters who can assist them in ensuring that their fair trial rights are protected.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*
- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*

# HASSAN DISTRICT PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The district prison in Hassan was established in 1879 and is one of the oldest district prisons in the state. It is currently serving as the prison for undertrials in all the taluks of this district as the taluk prisons in Arsikere and Sakleshpur are under renovation.

The prison is built over an area of 3.5 acres. Upon entering the prison complex, the office rooms are on the left, and further down is the entrance to the main prison complex. The male barracks are interspersed over a rectangular area, with some barracks being bigger than others. The barracks are constructed in the style common to this area, with slant roofs fit for the heavy rains.

There is a kitchen area close to the barracks, and single cells close to the kitchen. The prison also has a library, which doubles up as the legal aid room when the lawyers from DLSA visit. The female barrack is a self-enclosed space, as is the case with all prisons. Space available around the barracks is used to cultivate green vegetables, and the prison also maintains a plant nursery.

## 2. PRISON POPULATION AND OVERCROWDING

This district prison houses only under trial prisoners, and those sentenced to less than 6 months' imprisonment. This prison is slightly overcrowded with 113.7% occupancy as on 31st December 2018.

	<b>Capacity</b>	<b>210</b>		<b>Capacity</b>	<b>9</b>
	<b>Strength</b>	<b>246</b>		<b>Strength</b>	<b>3</b>
	Undertrials	243		Undertrials	3
	Convicts	3		Convicts	0
	Detenués	0		Detenués	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	117.14%		Occupancy Rate	33.33%

The study team physically checked all the barracks and visited all parts of the prison. The team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 22 inmates (including 4 female inmates) and prison staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that **first medical**

**examination is not conducted immediately upon admission since the prison does not have a medical officer.**

Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel).

Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	Yes
Whether basic articles given?	Yes

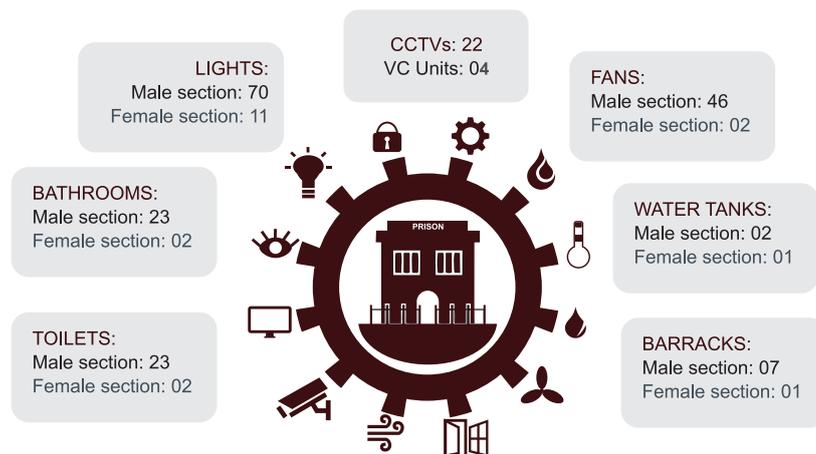
#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, there are a total of 7 male barracks and 1 female barrack.

	Number of barracks	Inmates per barrack
Male Section	7	36
Female Section	1	3

This prison is very old and hence does not have the space for several facilities that modern prisons require, including separate rooms for VC, medical beds, legal aid, etc. Basic amenities such as electricity, water, clothes, seemed to be well taken care of, none of the inmates complained about this. Every barrack is equipped with sufficient light bulbs, however there is only one fan in some of the male barracks which is insufficient in the summer months.

**In the female barrack, there is no ceiling fan, but one table top fan. The cells near the kitchen, unlike the other barracks, have bad floors and insufficient space.** Toilets inside the cells, and the washing area outside the cells, were well maintained at the time of visit by the study team. **The rooms have shelves for inmates to keep their things, which is a feature that not too many prisons in the state have.**



The kitchen, like the prison building itself, is very old, and in need of an upgrade along the lines of other district prisons. It is however equipped with an RO, fridge, steamers and grinders.



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice, *Ragi mudde* and Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	Yes	Yes



## 5. CONTACT WITH OUTSIDE WORLD

The visiting room is a small room with two wire meshes separating the two sides, which is the typical style of visiting rooms in the state's district prisons. **Benches are available for visitors to sit on.** As per the information provided by the prison, 'entry' or visits from family members is allowed once a week per prisoner, on any working day of the week. Each visit can last for about 40 minutes, where possible.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No phone facility is available in this prison.**

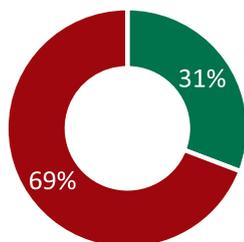
**There is a separate meeting room to conduct lawyer-client interviews.** Lawyers are allowed to meet their clients once a week, for up to 40 minutes per visit. There were 445 prison visits by lawyers in 2018.



## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison.** A general physician from the government hospital visits the prison upon request from the prison. In the year 2018, approximately 1,200 OPD treatment was provided in the prison. In the period between 1st January 2018 and 31st December 2018, 315 prisoners were provided medical treatment at the District Government Hospital, Hassan.

**Regular visits made by psychologist and psychiatrist. Prison has an ambulance.**



- Request for Medical Escorts fulfilled
- Request for Medical Escorts NOT fulfilled

Of the 1,061 requests for medical escorts were sought by the prison, the DAR satisfied only 327 of them. Medical escorts are therefore a huge problem in this prison, with escorts being sent mostly on Sundays and public holidays.

The prison staff therefore has the responsibility of taking inmates to the hospital in emergency situations. **The prison has a functional ambulance. Regular visits are made by a psychologist and a psychiatrist.**



## 7. ACCESS TO LEGAL AID AND COURT

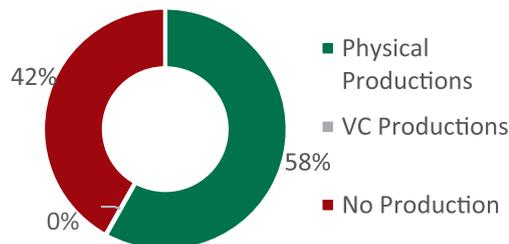
Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There are three jail visiting lawyers who visit the prison four days a week. The library is also used as a legal aid room.

There is a general disgruntlement among inmates with the lawyers in the bar. Many of them get to meet their lawyers for a precious few minutes in court, with very few lawyers visiting prison to meet their clients.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	Four days a week

Shortage of court escort is a huge problem, especially for the court productions in Sakleshpur and Arsikere. Further, the study team learnt that sometimes by the time an inmate is taken to court, the court has already given a date in the case, and there is no effective hearing. The prison authorities write to the concerned police stations to provide escorts in the absence of the district armed reserve being able to fulfill the same, yet this too proves to be insufficient.



In the year 2018, 3,372 of the 5,803 requests for court escorts were fulfilled by the Hassan district armed reserve force. About 2,431 court orders for production could not be made either physically or through video conferencing.

There are 4 VC systems in this prison. While the VC first sent by the head office has already been set up and is in use, the three additional VCs sent by the HC were being set up at the time of visit by the study team. Since there is no separate room for VCs in this old construction, the VC has been set up in the office space. Further, the VC in the district court in Hassan is in a separate complex from the main complex, making courts ill equipped to use VCs effectively for court productions.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The prison subscribes to 9 newspapers and several periodicals. A well catalogued library with a good collection of books supplied by the district public library is maintained in the prison. **A teacher on deputation from the education department, along with one of the inmates, looks after the library. The library has copies of the Indian Penal Code, the Code of Criminal Procedure, the Indian Evidence Act and other law books, enabling prisoners to study their cases.** The barracks are provided with television facilities, where inmates pool in money to pay for cable facilities. The barracks also have carom boards.

**The prison has a healthy participation from NGOs, cultural organisations and civil society, with regular programmes being organised in the prison. Various cultural programmes including plays and music recitals are a regular feature.** Some of the organisations involved in

prison activities include Manava Hakkugala Vedike, Vanita, Akkana Balaga, Lekakiyara Balaga, Shimoga Rangayana, Hoysala Kata Tanda, Pratima Trust.

**The lock-up hours in this prison are very long. Inmates are only allowed outside their barracks for about 2 hours in the day.**



## 9. PRISON LABOUR AND WAGES

Kitchen staff, appointed from among the under trials, prepare meals for the inmates. Apart from this, as is the case in several district prisons, there is no avenue for labour in this prison.



## 10. VULNERABLE GROUPS

### A. Women prisoners

The study team visited the female barrack and spent some time speaking with them, and conducted in depth interviews with four of them. The female barrack has a small ground next to it where the inmates are allowed to walk during release time, and also maintain a plant nursery.

**Owing to the possibility of suicide, the female barrack does not have a ceiling fan, but a table fan instead. As is the case with most prisons, women are not allowed to use facilities in the main barrack, including access to education and work, however books from the library are brought to them.** There were no children at the time of visit by the study team.

### B. Prisoners with mental health concerns

At the time of visit by the study team, there was one inmate who has returned from treatment in NIMHANS, Bangalore and who has been declared fit to stand trial, after having had his trial suspended for the duration of his treatment. Regular visits are made by mental health professionals to this prison.

### C. Young Offenders

At the time of visit by the study team, there were about 10 inmates between the age group of 18 and 21 years. They are not segregated from the remaining inmates, despite being such a sizeable number, given the shortage of space in this prison. **They were not segregated from the older inmates.**

### D. Old age offenders

At the time of visit by the study team, there were about four inmates who were above the age of 60. **There is no space in this prison to provide them with additional facilities.**

### E. Prisoners from other countries

At the time of visit by the study team, there was one foreign national from Tanzania. **He was subject to some discrimination by his fellow inmates, and further had difficulty in gaining access to a lawyer he could trust to represent him in court.**

### F. Prisoners from other states

During the visit by the study team, there were about 10 prisoners from other states, including Assam, Maharashtra, Rajasthan and Odisha. **There is no facility for a translator in courts for people belonging to other states.**



## 11. PRISON ADMINISTRATION

### Staff vacancies

As with most prisons in the state, there was a vacancy among staff at the time of visit by the study team, which has since eased with the mass recruitment of personnel in 2019. Further, two persons had been hired to help with data entry, maintaining ePrisons, and handle work in the judicial section.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	01	46	03	-	-	01	-	11	10	-	02

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
01	01	-	02	07	03	02	-	03	02	04	08

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in **very few of them being able to avail a weekly day off, or even take leave during the year to visit their families.** Given that the prison does not have sufficient space for new facilities, the office space is cluttered. **The guard rooms are very small.**

### Staff Accommodation

There is a **need to renovate the existing staff quarters,** and also make provisions for new staff quarters so that all staff members have living arrangements close to the prison.

## 12. PRISON OVERSIGHT

**No BoV meetings were held or visit made by members in the year 2018 due to elections and transfers.** Under-trial Review Committee (UTRC) meetings are being conducted in prison.

## 13. ISSUES OF CONCERN

- Instances of custodial violence and torture in police custody** – Of the 22 inmates interviewed by the study team, 13 (including one female) alleged that they had been victims of custodial torture in the police station, which was not revealed either to the remand court or the doctor performing medical examination under police duress. **The study team also learnt that corporal punishment and single cell confinement were used as methods of discipline and punishment in the prison.**
- Body Warrants** – The study team found at least 18 instances of persons who have been unable to gain release from prison despite being granted bail and satisfying bail conditions in the ‘arrest case’, on account of having a body warrant in one or more cases delivered to the prison.

- c) **Delay in framing chares** – The study team learnt that in several cases, there was a long time between the time of filing of charge sheet and the framing of charges. Further, in cases when there was a long gap between the framing of charges and the commencement of trial, there is a practice of reframing charges, sometimes up to 3 times, leading to delay in trial.
- d) **Surety sought for release after acquittal** - The study team learnt that in several cases, surety is being sought by under trials at the time of pronouncing their judgment of acquittal to secure release from prison. For inmates who have been unable to secure bail owing to the inability to furnish surety, this additional hurdle for securing their release.

### Superintendent's Diary

*The Superintendent of this prison, Mr.B.T.Baleshappa, was recruited as a Jailor in 1991. He is of the opinion that the constitution of the members of the BoV, especially the posts of non-official members, requires to be streamlined. Unless there are clear criteria and continuity in their appointment, he believes that the monitoring responsibility of a BoV will remain toothless.*

### UPDATES AS OF APRIL 2022

In the meeting held on 23 March 2022, the study team was informed about the following changes since its visit:

- ❖ A new prison has been sanctioned for Hassan with a capacity of 1000, work for which will soon start in the 14 acres procured for this.
- ❖ With respect to infrastructure, there are now 3 PCO units in the prison for phone calls, 2 in the male barrack and 1 in the female barrack. The kitchen area has been renovated, and a steamer has been installed.
- ❖ The female barracks now have ceiling fans. There is also now space around the barrack for female inmates to walk during unlock hours.
- ❖ Wages are being paid to inmates who work in kitchen and cleaning.
- ❖ Young and old inmates are being segregated from the remaining inmates.
- ❖ There is no shortage of staff, and they can now avail weekly off as per rules. This has also reduced the lock up hours for inmates.

## KEY RECOMMENDATIONS FOR HASSAN

### PRISON HEADQUARTERS

- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Sanction additional posts for one medical officer/one nursing staff, one pharmacist, one teacher, one SDA/FDA, one driver, and one attendant.*
- *Renovate and expand staff quarters.*
- *Modernize the kitchen.*
- *Modernize the office space available for administrative staff.*
- *Kindly consider introducing work opportunities with just wages.*
- *Given that there is a space constraint in this prison, kindly upgrade the barrack with the single cells such that they can be used more efficiently.*
- *Kindly consider regularizing their services of the contract employees who have been working in this prison for a long time.*

### PRISON STAFF

- *Kindly ensure that all barracks with single fans are provided additional fans.*
- *Kindly reduce the lock-up time, in accordance with Chapter XIV Karnataka Prison Manual.*
- *Kindly consider allowing female inmates to visit the prison library, with sufficient escort.*

### BOARD OF VISITORS

- *Since there is a crisis arising out of shortage of escorts, kindly convene a meeting with all concerned departments in order to formulate a plan to manage the problem.*

### DLSA

- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*
- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*

# HAVERI DISTRICT PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The district prison in Haveri was established in 2008 and serves as the prison for undertrials of this district. Except for the revenue prison in the taluka of Ranebennur, there is no other taluk prison in this district, making Haveri an important prison to house all inmates from the district.

This prison is one of the more recently constructed ones and is built over an area of 15 acres. It is constructed in a rectangular layout, with the cells, kitchen, legal aid room, office rooms, library, RO room, common bathrooms all lined next to one another around an open courtyard. The female barrack is a separate enclosure adjacent to the main prison complex. The prison also has about 8 acres of land around the complex which has been converted into cultivable land.

## 2. PRISON POPULATION AND OVERCROWDING

This district prison houses only under trial prisoners, and those sentenced to less than 6 months' imprisonment. As on 31st December 2018, the occupancy of the prison was 162.7%. Although as per the sanctioned capacity, there is overcrowding in the male section, the barracks are fairly spacious and there is currently sufficient space to accommodate all the inmates in the prison, however it would help to expand the existing prison complex for better accommodation.

	Capacity	100		Capacity	10
	Strength	169		Strength	10
	Undertrials	163		Undertrials	10
	Convicts	5		Convicts	0
	Detenues	0		Detenues	0
	Civil Prisoners	1		Civil Prisoners	0
	Occupancy Rate	169.00%		Occupancy Rate	100.00%

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 22 inmates (including 6 female inmates) and prison staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that **the first medical examination is not conducted immediately upon admission.**

Upon admission an inmate gets a mat to sleep on, a blanket/bedsheet to cover themselves, a plate and a *chombu* (vessel).

Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	Yes
Whether basic articles given?	Yes

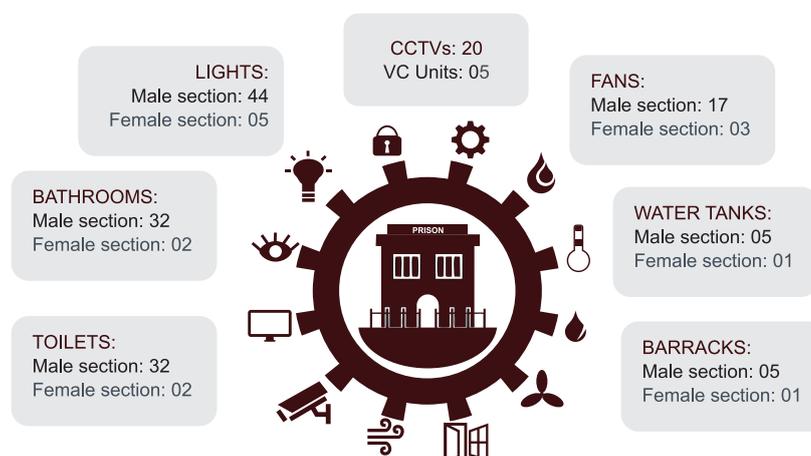
#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, there are a total of 5 male barracks and 1 female barrack and 3 single cells.

	Number of barracks	Inmates per barrack
Male Section	5	34
Female Section	1	10

Basic amenities such as electricity, water, clothes, seemed to be well taken care of, none of the inmates complained about this. Every barrack is equipped with sufficient fans and light bulbs. Further, **the cells have racks in which inmates can keep their items.** The prison also has a separate washing area, with several bathing cubicles and toilets, which are clean and well maintained. **Inmates complained of lack of space for washing and drying clothes.**

There is a legal aid room, which has a functional computer. There is a separate room for VCs and a barber room. There is also a well-equipped library.



The kitchen is well equipped with steamers, chimney, fridge, kneader, etc. **The prison also has a good practice of sending food to the barracks in hot cases so that the food is kept in hygienic conditions. This prison also has a small mill to grind flour which is generally available in central prisons only.** More importantly, this reduces food borne diseases, since the food is always kept covered. Inmates are more or less satisfied with the food in the prison.



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice, *Jolad Rotti*, Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	Yes	Yes

**Prison also has fire extinguishers.**



## 5. CONTACT WITH OUTSIDE WORLD

The visiting room is well ventilated, with lights and fans. As is the case with most prisons in the state, the visiting room has wire meshes separating the visitors from the inmates, and is not very large. There is a smaller and **separate visiting room for female inmates**. As per the information provided by the prison, ‘beti’ or visits from family members is allowed once a week per prisoner, on any working day of the week. Each visit can last for about 45 minutes.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison.**

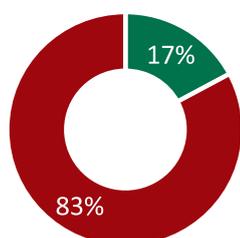
**There is a separate meeting room to conduct lawyer-client interviews.** Lawyers are allowed to meet their clients whenever required, for up to 30 minutes per visit.



## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison, or a dispensary.** A general physician from the government hospital visits the prison twice a week. In the year 2018, 183 inmates were provided medical treatment in the prison. At the time of visit by the study team, there was an inmate who was HIV+ and was receiving milk and eggs as supplementary food. Further, **a psychiatrist visits the prison once a week, while a psychologist visits regularly as well.** There were about four inmates requiring mental health treatment as on 31st December 2018. **Prison also has an ambulance for use.**

In the period between 1st January 2018 and 31st December 2018, as per the data provided to the study team by the prison administration, 621 prisoners were provided medical treatment at the District Government Hospital, Haveri and 3 inmates were sent to KMC Hubli for higher medical treatment.



- Request for Medical Escorts fulfilled
- Request for Medical Escorts NOT fulfilled

A request for medical escorts was made about 740 times in the year 2018, and 641 of these were satisfied. Unfortunately, most medical escorts are provided on Sundays, when most of the doctors in the hospital are on leave.

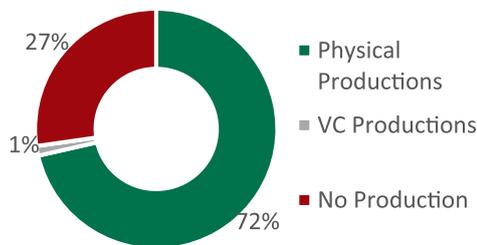


## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There is a jail visiting lawyer who come to this prison 4 times a week. The computer system provided by the DLSA to be used by the jail visiting lawyer has been set up for use. There is a separate legal aid room for the inmates to meet the jail visiting lawyer. **Significantly, one of the inmates who has been in the prison for a long time has been picked as a paralegal volunteer and he plays a pivotal role in keeping inmates informed about their next dates of hearing when they miss dates, and also enable them to read daily orders and witness statements which are all uploaded on the court website.**

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?	No. of inmate PLVs appointed
	Yes	Four days a week	1



There is a dearth of escorts, especially for production in courts outside Haveri. In the year 2018, 2,750 of the 3,800 requests for court escorts were fulfilled by the Haveri district armed reserve force. About 1,050 court orders for production could not be made either physically or through video conferencing.

About 50 court productions were through video conference during the year 2018, although this number is likely to rise in the year 2019. There are 5 VC systems which have been supplied to this prison, of which 1 is completely functional and 3 are being set up for use in the near future. There is also a separate VC room in this prison.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The library has a huge selection of about 2,900 books that are supplied by the district public library. The prison subscribes to 6 newspapers and 3 periodicals. The books in the library are well organised and maintained by a librarian who is posted here on deputation from the library department. The library room also has chairs and tables for inmates to sit and read newspapers, with freedom to issue books to their barracks. Further, **the library has copies of the Indian Penal Code and Criminal Procedure Code which enables prisoners to find out more about their cases.** There used to be a teacher on deputation from the primary education department until 2018, the post is currently vacant.

In the year 2018, about 41 inmates (including two female inmates) had been taking adult education classes with the teacher. Further, about eight inmates had written class X board exams through the prison. The barracks are provided with television facilities, but inmates have to pool in money to pay for cable facilities. The rooms have works of art, charts from motor rewinding classes on the walls. Further, **unlike most district prisons in the state, this prison has a canteen for use by the inmates.** There are praying areas for all communities. **Various awareness programmes, vocational training programmes and commemoration of important dates are organised in the prison,** in association with various organisations including Spandana, Vijaya Bank, etc.



## 9. PRISON LABOUR AND WAGES

Kitchen staff, appointed from among the undertrials, prepares meals for the inmates. Further, the large space around the prison has been converted into cultivable land with the help of the horticulture department and 8 inmates work in this garden. Vegetables like brinjal, cabbage, ladies finger, etc., are cultivated here. Further, byadigi chillies, the famous export from this region, are also being cultivated. There are also coconut and mango trees which have been planted here. **Some of the older inmates who have been working in the prison have also been paid wages (Rs.100 per day).**

Further, there are various vocational courses provided in this prison including motor rewinding, candle making, jewellery making, paper bag making, phenyl making, masala powder making, pumpset repair, chat making, kinhala art, etc. Many of these are available for the female inmates.



## 10. VULNERABLE GROUPS

### A. Women prisoners

The women in the prison have a separate enclosure, and at the time of visit by the study team, there was one child as well. **There are various vocational training courses provided for female inmates, including jewellery making, kinhala art, cooking classes, embroidery, knitting and tailoring classes, etc.** There are also a few sewing machines inside the barrack for those who wish to stitch. Some of the items made by the female inmates are sent to exhibitions and fairs for sale.

Further, the study team was informed that some of the inmates who are now outside prison have put their classes to use; they have set up chat shops. Pregnant and lactating women get milk and eggs as supplementary diet, while children are given milk and fruit. **Sufficient sanitary napkins are provided.** However, the inmates are not allowed to step outside their cell, unlike their male counterparts.

### B. Prisoners with mental health concerns

Between 1st January 2018 and 31st December 2018, there were 4 prisoners with mental health concerns in this prison, 2 of whom had spent between 1 and 3 years in prison. None of the inmates who are undergoing treatment for mental health issues however have been declared unfit to stand trial. A psychiatrist visits the prison once a week, while a psychologist visits regularly. **This is one of the few district prisons in the state which have regular visits both by a psychiatrist and a psychologist.** Unfortunately, the inmates with mental health conditions had been kept in a separate cell at the time of visit by the study team, on grounds of unruly behaviour.

### C. Young Offenders

At the time of visit by the study team, there were at least 12 inmates in the age group of 18-21 years. **They were not segregated from the older inmates since there is not enough space.**

### D. Old age offenders

At the time of visit by the study team, there were about 7 inmates over the age of 60, who did not have special diet or separate place of stay.

## E. Prisoners from other states

During the visit by the study team, there were 2 prisoners from the neighbouring state of Maharashtra, who had just been admitted to the prison.



## 11. PRISON ADMINISTRATION

### Staff vacancies

As of 31st December 2018, this prison had a shortage among staff, which has since eased with the mass recruitment of personnel in 2019.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	01	32	-	-	-	-	-	17	05	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
03	01	01	02	04	25	-	-	-	-	16	04

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in **very few of them being able to avail a weekly day off, or even take leave during the year to visit their families.**

### Staff Accommodation

There are only 3 staff quarters currently, and 12 more have been sanctioned and are yet to be built. There is a **need to renovate the existing staff quarters**, and also built the new staff quarters so that all staff members have living arrangements. This is crucial even from the perspective of prison security since the prison is located very far away from the main city complex, with few private options available to staff around the prison area.

## 12. PRISON OVERSIGHT

In the year 2018, there were seven visits by official visitors, and six by non-official visitors. Three BoV meetings were held in the year 2018. **Under-trial Review Committee (UTRC) meetings are being conducted in prison.**

## 13. ISSUES OF CONCERN

- Instances of custodial violence and torture in police custody** – Of the 12 inmates interviewed by the study team, 9 (including 1 female) alleged that they had been victims of custodial torture, which was not revealed either to the remand court or the doctor performing medical examination under police duress. **Some of the inmates also informed the study team that they were being subjected to corporal punishment inside the prison as well.**

- b) **Body Warrants** – The study team found about 25 inmates who have been unable to gain release from prison despite being granted bail and satisfying bail conditions on account of having a body warrant in another case delivered to the prison.
- c) **POCSO cases** – The study team was informed that there were about 30-40 inmates charged under the POCSO Act. While they are all awaiting trial, one of the common situations where the provisions of this special legislation are used is in instances of young romance. Local chapters of the RSS and other right wing organisations are involved in filing the complaints, and coercing parties to negotiate financial settlement. In addition to a religious angle, there appears to even be a caste angle to the filing of POCSO cases, with some inmates booked under POCSO having additional charges under the SC/ST Act.
- d) **‘Anti-nationals’** - The study team met an inmate who had been arrested and imprisoned for having posted content online which had attracted the ire of the right wing Hindu community in Haveri. This is an unfortunately growing practice in the state, where police book cases under s.124A of the IPC and/or similar provisions, despite Supreme Court directions to not book such flimsy cases against individuals under public pressure.

### Jailor’s Diary

*Mr. T. Bajrangi, the jailor in this prison, is very concerned with the holistic development of the prison. This prison has most of the basic features required for a well-oiled district prison including good infrastructure, opportunities for study and work, and a healthy environment. His efforts are visible in the fact that there were few complaints related to the prison from the inmates.*

### UPDATES AS OF APRIL 2022

In the meeting held on 14 March 2022, the study team was informed about the following changes since its visit:

- ❖ In order to decongest the prison, an annex building with capacity of 132 has been sanctioned.
- ❖ Two PCO systems have been set up. During the restrictions enforced during the Covid-19 pandemic, physical meetings were suspended and replaced with *e-mulakaats* through videoconference.
- ❖ Young and old offenders are now segregated.
- ❖ Inmates who work in the kitchen or help in cleaning the prison are now being paid wages, in addition to the older prisoners.
- ❖ Staff is now able to avail one weekly off since vacancy has decreased. Further, unlock hours have increased owing to fewer staff vacancies.

## KEY RECOMMENDATIONS FOR HAVERI

### PRISON HEADQUARTERS

- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Sanction additional posts for one medical officer/one nursing staff, one pharmacist, one teacher, one technician, one driver, and one attendant.*
- *Renovate and expand staff quarters on a priority basis, in addition to the sanctioned 12 quarters.*
- *Kindly expand the prison to accommodate the growing population, and to ensure there is no overcrowding. Further, provision for an area to wash and dry clothes is required to be made in this prison.*
- *Introduce sports facilities for both inmates and prison staff.*

### PRISON STAFF

- *Kindly facilitate female inmates to make use of the facilities in the prison as available to the male inmates, including the opportunity to work in the vegetable garden, office, and to visit the library. Kindly also ensure that they are allowed to step outside their barrack during unlock time.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Kindly monitor cases of individuals with body warrants and ensure that trials in all their cases are proceeding.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*
- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*

### BOARD OF VISITORS

- *Since there is a crisis arising out of shortage of escorts, kindly convene a meeting with all concerned departments in order to formulate a plan to manage the problem.*

# KARWAR DISTRICT PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The district prison of the district of Uttara Kannada is located in the head quarter city of Karwar. The prison was established in 1873-74. It is one of the oldest district prison buildings in the state, and underwent the most recent round of renovation in 2006. At the time of visit by the study team in May 2019, there were further renovations underway.

Historically, this prison is said to have housed Chinese prisoners, during colonial rule, and is the prison in which batons used by the prison forces in the state were made. The famous Ankola Salt Satyagraha in 1930, part of the Civil Disobedience Movement, resulted in many protestors being arrested and lodged in this prison.

This prison is built over an area of 12 acres. The administrative offices are at the very entrance to the prison. A gate opens into the main prison complex, which has an alleyway with the female barrack on the right side, building block for VCs and CCTV monitoring on the left, and the male prison section at the end of this alley. There is a large and beautiful garden area before the male barracks begin. There is a central building which houses the kitchen, storage area, dispensary, table for the legal aid lawyer and the resting area for the kitchen workers. Five male barracks are spread across the complex. One section has single cells, used during prison punishment. There is also a large common room which is used for cultural and legal awareness programmes, and is also the newspaper reading area, being adjacent to the prison library. The prison has sufficient rooms to accommodate various requirements of modern prisons.

## 2. PRISON POPULATION AND OVERCROWDING

This district prison houses only under trial prisoners, and those sentenced to less than 6 months' imprisonment. Overcrowding is not a concern in this prison with the occupancy rate being 31.6% as on 31st December 2018.

	<b>Capacity</b>	<b>324</b>		<b>Capacity</b>	<b>62</b>
	<b>Strength</b>	<b>119</b>		<b>Strength</b>	<b>3</b>
	Undertrials	117		Undertrials	3
	Convicts	2		Convicts	0
	Detenues	0		Detenues	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	36.73%		Occupancy Rate	4.84%

The study team physically checked all the barracks and visited all parts of the prison. The team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 20 inmates (including 4 female inmates) and prison staff to understand the real issues and functioning of the prison.



### 3. PROCEDURES UPON ADMISSION

**Medical examination at the time of admission in accordance with the NHRC is being conducted; this is one of the few district prisons in the state that has a medical officer.**

Upon admission an inmate gets a mat to sleep on, a blanket/bedsheet to cover themselves, a plate and a *chombu* (vessel), however not all inmates have got these basic necessities at the time of admission.

**During the Monday rounds, the prison staff makes a list of those who need to inform their family members about their imprisonment, a very good practice.**

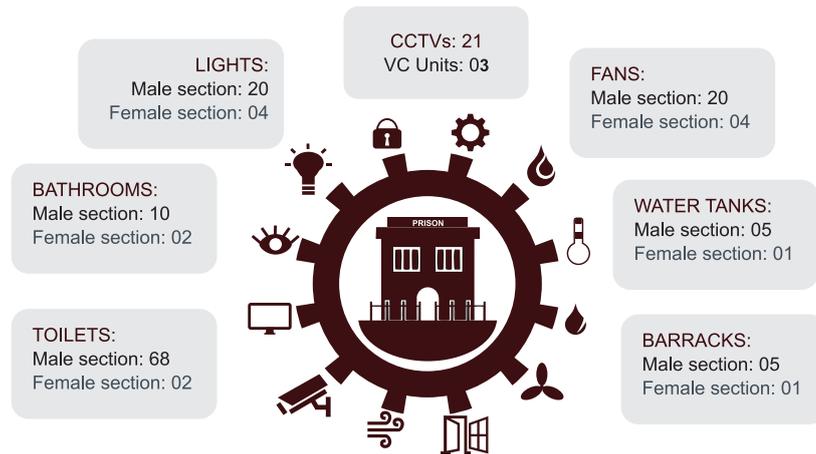
Mandate	Status
<i>Whether first medical examination done using the NHRC format?</i>	Yes
<i>Whether a separate admission room for quarantine in prison?</i>	Yes
<i>Whether basic articles given?</i>	Yes but not adequately

### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, there are a total of 5 male barracks, 3 single cells and 1 female barrack.

	Number of barracks	Inmates per barrack
Male Section	5	29
Female Section	1	3

Basic amenities such as electricity, water, clothes, seemed to be well taken care of, none of the inmates complained about this. **Wells are functional water sources here, in addition to government water supply.** Every barrack is equipped with sufficient fans and light bulbs. Toilets and bathrooms inside the cells were well maintained at the time of visit by the study team. Inmates bathe in the bathing space inside the cells, the outside ones are no longer used. They could be renovated for use. **Toilets in the single cells need cleaning and upkeep.** Clothes are washed and dried in the areas outside the cells. Further, **there are racks for inmates to keep belongings inside the rooms.**



The kitchen is well equipped, with fridge, chimney, mixer, fridge, steamer and gas supply. There is also a storage area for kitchen supplies, and supplies to be given to inmates including soap, linen, etc. Inmates are more or less satisfied with the food provided in the prison, which includes rice and chapattis as staples. **Drinking water is filtered with aquaguard units donated by the District Collector.**



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, *Chapattis*, Rice and Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	Yes	Yes



## 5. CONTACT WITH OUTSIDE WORLD

The visiting room has wire meshes, as is the general design in most district prisons in the state. The visiting room is well ventilated. As per the information provided by the prison, 'entry' or visits from family members is allowed once a week per prisoner, on any working day of the week. Each visit can last for about 15-20 minutes.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison.**

Lawyers are allowed to meet their clients once a fortnight, for about 15-30 minutes per visit. Prison visits were made by about 127 lawyers in the year 2018.

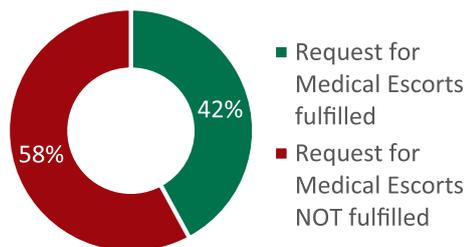


## 6. MEDICAL FACILITIES AND HEALTHCARE

**This prison has a separate medical room with basic medical equipment like stethoscope, BP and sugar monitoring machine, etc. It also has 2 beds. There is a full time medical officer**

**appointed to this prison, unlike most district prisons in the state.** The medical officer is on deputation from the primary health department and is available for consultation between 9 AM and 1 PM, and then again from 4 PM to 7 PM. An under trial prisoner assists the medical officer in the dispensary. Drugs are procured from the district drug house. **Prison has an ambulance.**

**A psychiatrist from the district hospital visits the prison once a week.** The district hospital is right next to the prison with a capacity of 4 beds for prison inmates, and this enables immediate medical attention to prison inmates. There were three inmates who were HIV+ at the time of visit by the study team, and about six inmates with mental health concerns. Five inmates had been transferred to higher medical centres for psychiatric treatment in the year 2018. Female inmates who require medical treatment are brought to the dispensary with escorts.



In 2018, out of the total of 715 requests for medical escorts were made, only 301 were satisfied. They were sent to hospitals outside the prison for treatment - 288 to the district hospital, 5 to KIMS, Hubli, 6 to Victoria, Bangalore, and 1 each to NIMHANS, Bangalore and DIMHANS, Dharwad.



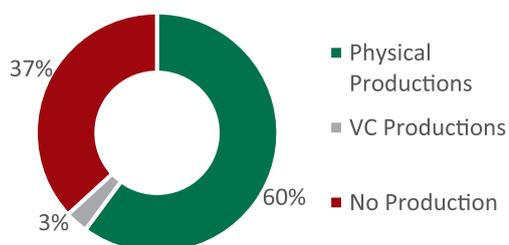
## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, while some prisoners who were interviewed revealed that they were informed in court about their right to a lawyer.

A jail visiting lawyer visits the prison four times a week. While there is a legal aid room with a computer system set up at the entrance of the prison, the visiting legal aid lawyer prefers to meet inmates inside the prison complex to make it easier for access. There is a general disgruntlement among inmates with the lawyers in the bar. Many of them get to meet their lawyers for a precious few minutes in court, with very few lawyers visiting prison to meet their clients.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	Four days a week

In the year 2018, 1,607 of the 2,593 requests for court escorts were fulfilled by the district armed reserved police forces. Further, 82 prisoners were produced through video conferencing. About 986 court orders for production could not be made either physically or through video conferencing.



At the time of visit by the study team, 3 VC systems had been set up for use, each with a separate room, making it one of the few prisons that has the physical infrastructure to enable efficient VC functioning. One of these 3 VCs is fully functional, the other 2 were almost ready for use at the time of visit by the study team. **When inmates miss their court dates, they can find out the next date from the office.**

**Newly sent kiosks, waiting to be installed, could also assist in this process.**



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

**A teacher from the primary education department has been deputed to this prison.** There is also a library in the prison from where inmates can issue books, from a collection of 2600 books. Books from the library are taken to the female barrack. The prison subscribes to newspapers and periodicals. All barracks are provided with television facilities, where inmates pool in money to pay for cable facilities. Barracks are also provided with carom, chess sets, and other board games. All barracks are also provided with wall clocks.

**This prison has very long lock up hours, with inmates being allowed outside in batches for an hour in the morning and half an hour in the evening.**

The Lions Club and the Rotary Club are involved in prison activities to a limited extent. Plays and music programmes are organised in the prison from time to time in association with the Kannada Culture and Information Department.



## 9. PRISON LABOUR AND WAGES

Kitchen staff, appointed from among the under trials, prepare meals for the inmates. As is the practice in other prisons, **no wages are paid to the kitchen staff.** There are no other employment opportunities available in the prison.



## 10. VULNERABLE GROUPS

### A. Women prisoners

This is one of the largest female barracks in the state, with a capacity to hold 62 inmates at a time. The study team visited the female barrack and spent some time speaking with them, and conducted in depth interviews with four of them. There were no children at the time of visit by the study team. Some of the female inmates assist in keeping the prison clean. As is the case in most district prisons in the state, **there are no work opportunities for women**, leading to long hours of brooding while in incarceration.

Some of the female inmates were being treated for mental health concerns, and some undergoing ART treatment. The number of female inmates has been around 2-3 on an average for a long time, and it was only since a few months that the practice of supplying sanitary napkins had started in this prison. Being a large area, there is a garden managed by the female inmates around the barrack.

### B. Prisoners with mental health concerns

There were about six inmates with mental health concerns in the prison at the time of visit by the study team. **The prison administration informs the concerned court about those inmates who have been undergoing treatment, which is a good practice.** Some inmates have been sent for treatment outside the prison including NIMHANS, Bangalore and DIMHANS, Dharwad.

### C. Young Offenders

At the time of visit by the study team, there were about four inmates between the age group of 18 and 21 years. **They are not segregated from the remaining inmates given the shortage of space in this prison.**

#### D. Old age offenders

At the time of visit by the study team, there were about two inmates who were above the age of 60, for whom **no special diet or space is available.**

#### E. Prisoners from other countries

At the time of visit by the study team, there were three inmates from Nepal, and one inmate from Russia. Contact with the Russian embassy had been established through proper channels. Previously this prison has had inmates from countries including Belarus, Ukraine and Israel, given the large number of foreign tourists that the nearby coastal town of Gokarna hosts. Communication is a cause for concern since travellers from these countries are not always conversant in English.

#### F. Prisoners from other states

During the visit by the study team, there were about 8 prisoners from other states, including Maharashtra, Madhya Pradesh and Goa. **No facility for a translator in courts for people belonging to other states.**

#### G. Siddi Community

The district of Uttara Kannada has a special community of people called the Siddis, an ethnic minority group in the state/country, with African roots. This is also a community of persons who have been socially and economically marginalised. The study team found about five persons from this community in the prison at the time of visit.



### 11. PRISON ADMINISTRATION

#### Staff vacancies

As with most prisons in the state, there was vacancy among staff at the time of visit by the study team, which has since eased with the mass recruitment of personnel in 2019.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	01	34	01	-	-	01	-	10	07	01	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
03	02	-	02	06	19	01	-	02	01	04	05

#### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in **very few of them being able to avail a weekly day off, or even take leave during the year to visit their families.**

## Staff Accommodation

There are 18 staff quarters for this prison, many of which were constructed during the renovation in 2006. While this is a higher number than in most district prisons, there are still not enough quarters for the sanctioned staff.

## 12. PRISON OVERSIGHT

**In the year 2018, there were one visit by non-official members and two by official members there was also one meeting with the Board of Visitors. Under-trial Review Committee (UTRC) meetings are being conducted in prison.**

## 13. ISSUES OF CONCERN

- a) **Instances of custodial violence and torture in police custody** – Of the 20 inmates interviewed by the study team, half of them (including 1 female) alleged that they had been victims of custodial torture in the police station, which was not revealed either to the remand court or the doctor performing medical examination under police duress. **Some also alleged that corporal punishment and single cell confinement were used as methods of discipline and punishment in the prison.** A few inmates were detained in the cells at the time of visit by the study team, some as punishment and others for security reasons.
- b) **Body Warrants** – The study team found a few instances of persons who have been unable to gain release from prison despite being granted bail and satisfying bail conditions in the ‘arrest case’, on account of having a body warrant in one or more cases delivered to the prison.
- c) **POCSO cases** – At the time of visit by the study team, there were at least 25-30 cases registered under the POCSO Act, predominantly in the age group of 18-21. While they are all awaiting trial, one of the common situations where the provisions of this special legislation are used is in instances of young romance. Media hype of such cases is an additional strain on building a strong defense.

### Chief Superintendent's Diary

*The Superintendent of this prison entered the Department in 2017 as an Assistant Superintendent. He is of the opinion that he must be accessible to inmates, and is taking a keen interest to ensure that there is a direct entrance to his office from inside the prison as the office is currently located outside the prison complex.*

### UPDATES AS OF APRIL 2022

In the meeting held on 19 March 2022, the study team was informed about the following changes since its visit:

- ❖ Rs.1,80,000 (rupees one lakh eighty thousand) has been sanctioned for repairing toilets and bathrooms.
- ❖ The women's barrack has been renovated.
- ❖ The prison now has two PCO systems for phone calls.
- ❖ Barracks have TV sets with channels provided by Door Darshan.
- ❖ Unlock time has been increased as per the prison manual.
- ❖ Wages are now being paid to inmates who work in the kitchen and cleaning.
- ❖ Young and old prison inmates are being segregated from the rest of the inmates.
- ❖ Staff vacancy has decreased enabling them to take weekly offs as per rules.

## KEY RECOMMENDATIONS FOR KARWAR

### PRISON HEADQUARTERS

- *Sanction additional posts for one nursing staff, one SDA/FDA, one driver, and one attendant.*
- *Kindly consider introducing work opportunities with just wages.*
- *Kindly introduce PCO facility for this prison.*
- *Kindly fill vacancy in the staff at the earliest.*
- *Sanction funds to ensure that the drainage system for the prison and the staff quarter are repaired at the earliest. Funds are also required for a fresh coat of painting for the prison and staff quarters.*
- *Renovate and expand staff quarters.*

### PRISON STAFF

- *Kindly increase the time available for inmates to spend outside their cells, in accordance with Chapter XIV of the Karnataka Prison Manual.*
- *Kindly also ensure that prison punishment is not inordinately long, and in consonance with the requirements under Chapter XIII of the Karnataka Prison Manual.*
- *Kindly ensure that the female barrack has its own newspaper subscription, and further facilitate female inmates to visit the library.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*
- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*

### BOARD OF VISITORS

- *Kindly ensure that regular meetings are conducted in the prison.*
- *Kindly take measures that can assist the prison in securing a functional drainage system for the prison as well as staff quarters.*

# KOLAR DISTRICT PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The district prison in Kolar was constructed in 1868. It is a district prison which houses inmates from the talukas of Kolar, Mulbagal, Malur and Srinivaspur.

This prison is a very old construction, built over 150 years ago. It is constructed in a total area of 1.25 acres. The cells are located at different angles of the prison complex, with no one single central courtyard, but several smaller common areas instead. The female barrack is located separately from the male barrack, and consists of two cells in the middle of a large rectangular area.

## 2. PRISON POPULATION AND OVERCROWDING

This district prison houses only under trial prisoners, and those sentenced to less than 6 months' imprisonment. The total capacity of this prison is 82, while the strength as on was 150. **There is a pressing problem of over-crowding in this prison with 183% occupancy as on 31st December 2018.**

	Capacity	70		Capacity	12
	Strength	141		Strength	9
	Undertrials	135		Undertrials	9
	Convicts	6		Convicts	0
	Detenues	0		Detenues	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	201.43%		Occupancy Rate	75.00%

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 24 inmates and prison staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that **the first medical examination in prison is not conducted immediately upon admission.**

Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel). Some of the inmates also received a tumbler.

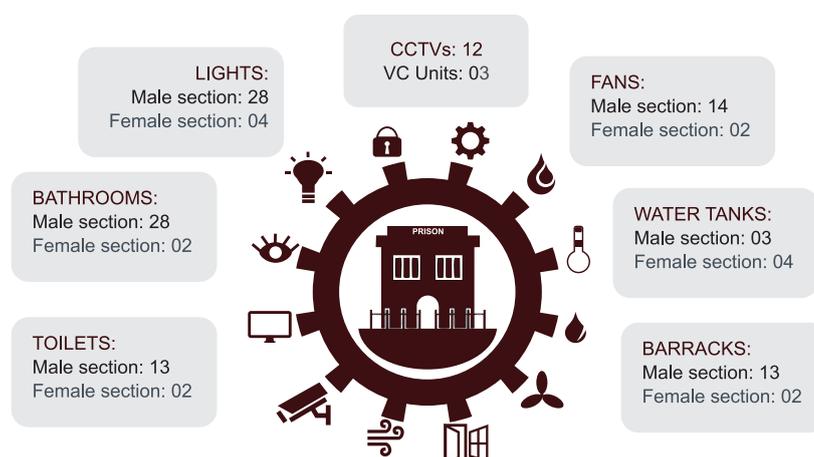
Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	Yes
Whether basic articles given?	Yes

#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, there are a total of 13 male barracks and 2 female barracks.

	Number of barracks	Inmates per barrack
Male Section	13	11
Female Section	2	5

Basic amenities such as electricity, water, clothes, seemed to be well taken care of, none of the inmates complained about this. However, being an old structure, which is also **over crowded, the rooms are stuffy. The floors are also very old and chipped in many places.**



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice, *Ragi mudde* and Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	No	Yes



#### 5. CONTACT WITH OUTSIDE WORLD

The visiting room is a very small and crowded space given that space is a problem in the prison in general. As per the information provided by the prison, 'entry' or visits from family members is allowed once a week per prisoner, on any working day of the week. Timings are between 11 AM and 1 PM, each meeting is allowed for about 40 minutes.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

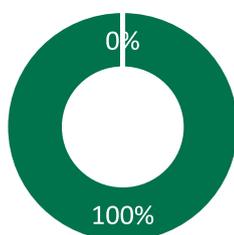
**No PCO facility available in this prison.**

Lawyers are allowed to meet their clients five days a week.



## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison,** and there is no hospital inside the prison either. **A physician and a psychiatrist from the government hospital visit the prison once a week each.** 960 inmates were provided medical treatment in the prison. **Prison does not have an ambulance.**



- Request for Medical Escorts fulfilled
- Request for Medical Escorts NOT fulfilled

In the period between 1st January 2018 and 31st December 2018, as per the data provided to the study team by the prison administration, 311 prisoners were referred for medical treatment to the SNR Government Hospital, Kolar. **As per the information provided, there is no problem of medical escorts in this prison.**

13 inmates were sent to the Bangalore Central Prison from where they were further referred to higher medical centres for treatment.

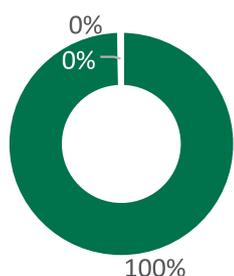


## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There are two jail visiting lawyers who come to this prison four times a week, between 3 and 5 PM. The computer system provided by the DLSA to be used by the jail visiting lawyer has been set up for use. The study team was able to meet the jail visiting lawyer.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	Four days a week



- Physical Productions
- VC Productions
- No Production

Again for production purposes as well, there was no issue of shortage of police escorts in the year 2018. There is one VC system that has already been set up for use, and two more have been sent by the High Court for use which are yet to be installed.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The prison subscribes to newspapers and periodicals. **There is an instructor on deputation from the primary education department who also maintains the library.** The library is decorated with paintings made by inmates. The barracks are provided with television facilities and carom boards.



## 9. PRISON LABOUR AND WAGES

Kitchen staff, appointed from among the under trials, prepare meals for the inmates. Like in most other prisons, **they are not paid as this is under-trial work.**

Vocational training courses such as making paper bags and files are provided to prison inmates.



## 10. VULNERABLE GROUPS

### A. Prisoners with mental health concerns

As per the data provided by the prison administration, there were 5 persons undergoing mental health treatment in the year 2018. Of them, 2 had been in the prison less than 3 months, and 2 for less than 3 years. However, **there was 1 unique case of an inmate who has been in this prison for 12 long years, and has been declared to be unfit for trial.** The study team was shown this inmate's case records. He has had a long and difficult history of mental illness (schizophrenia) and although attempts have been made by the court to release him to the custody of his family, his family is unwilling to take him. The latest court direction was for the Dharwad Institute of Mental Health and Neuroscience to take in the inmate for permanent care. However, there has been a written communication from this institute that they cannot take him in unless a full-time escort is provided. The prison authorities had communicated this to the concerned court and were awaiting further directions at the time of visit by the study team.

### B. Young Offenders

At the time of visit by the study team, there were about 10 inmates between the age group of 18 and 21 years, of whom about 7 had been charged under sections of the POCSO Act. **Given the growing number of cases, there are various awareness campaigns conducted by the DLSA for school and college students on this Act.**

### C. Prisoners from other countries

At the time of visit by the study team, there was one foreign national prisoner from Nigeria. As with most such prisoners, adjusting to a different diet was a major concern.

### D. Prisoners from other states

During the visit by the study team, there were seven prisoners from other states, some of whom could not understand Kannada well. Many of these were from the neighbouring state of Andhra Pradesh. **No facility for a translator in courts for people belonging to other states.**



## 11. PRISON ADMINISTRATION

### Staff vacancies

As with most prisons in the state, there was vacancy among staff at the time of visit by the study team, which has since eased with mass recruitment of personnel in 2019.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	01	37	02	-	-	01	-	06	05	-	02

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
01	01	-	02	05	24	01	-	02	01	03	05

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in **very few of them being able to avail a weekly day off, or even take leave during the year to visit their families.**

### Staff Accommodation

There is not enough staff accommodation, and there is a need for renovating the existing quarters.

## 12. PRISON OVERSIGHT

In the year 2018, there were five visits by the CJM, two by the Chief Superintendent of Central Prison Bangalore, and one each by the District Collector, Superintendent of Police, Member Secretary of the DLSA, Principal District Judge and the District Surgeon's Office. Two BoV meetings were held in the year 2018. **No visits were made by non-official visitors to the prison in the year 2018.**

Under-trial Review Committee (UTRC) meetings had been conducted for January 2019, with preparations for following Supreme Court directions to conduct a meeting per month till June. **The list of inmates to be considered by the UTRC is verified by the Member Secretary of the DLSA, including the maximum punishment, changes in charges mentioned in the FIR and chargesheet, etc, which is a good practice since prison authorities are otherwise burdened by this process.**

## 13. ISSUES OF CONCERN

- Instances of custodial violence and torture in police custody** – Of the 24 inmates interviewed, 13 alleged that they had been victims of custodial torture, which was not revealed either to the remand court or the doctor performing medical examination under police duress.
- Body Warrants** – The study team found a few instances of persons who have been unable to

gain release from prison despite being granted bail and satisfying bail conditions in the main case, on account of having a body warrant in one or more cases delivered to the prison. One of the inmates who discussed the concern of body warrants with the study team explained that by the time that a person is allowed to walk out of the web of cases that they are caught in with multiple body warrants, they would have spent a considerable period of time in prison, losing their best years, and being labelled 'habituals'.

- c) **POCSO cases** – The study team was informed by the prison authority that more than half the inmates in this prison were arrested under the POCSO Act. While they are all awaiting trial, one of the common situations where the provisions of this special legislation are used is in instances of young romance. Further, there are very low chances of being given bail when a trial under this legislation is underway.

### Superintendent's Diary

*The Superintendent of this prison, Mr. M.Z. Khan, has been serving for close to 4 years here. One of the things he considers important while being in the custody of the state is to ensure that health is well taken care of. One of the inmates had not revealed to anybody that she had a lump on her back. As soon as the study team brought this to the attention of the Superintendent, he ensured that arrangements were made for her escort to hospital.*

### UPDATES AS OF APRIL 2022

In the meeting held on 25 March 2022, the study team was informed about the following changes since its visit:

- ❖ In order to decongest the prison, inmates are sent to the Chintamani taluka prison. Further, 10 acres of land has been allocated for the construction of a new prison complex.
- ❖ The prison now has 2 PCO units installed, and an RO system for drinking water.
- ❖ The medical officer now visits the prison twice a week.
- ❖ Young and old inmates are being segregated from the other inmates.
- ❖ Wages have been paid for inmates working in kitchen and cleaning.
- ❖ Staff shortage has come down, and this allows them to avail weekly off as per rules.

## KEY RECOMMENDATIONS FOR KOLAR

### PRISON HEADQUARTERS

- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Sanction additional posts for one medical officer/one nursing staff, one SDA/FDA, one driver, and one attendant.*
- *Introduce avenues of labour inside the prison, with just wages in return.*
- *Renovate and expand staff quarters.*
- *Kindly provide an ambulance to this prison.*
- *Kindly provide an RO facility for this prison, especially since there is very hard water here.*

### PRISON STAFF

- *Kindly consider allowing the instructor to teach the female inmates in case they are interested, while in the presence of female warders.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Kindly consider inmates who have several body warrants placed on them to determine whether their continued detention in prison is necessary. Further, kindly also consider if persons with multiple body warrants in minor offences can have their sentences converted to a concurrent term and set-off against the time served as under trials.*
- *Given the vast number of POCSO cases, kindly consider if this is a special category of cases that might require to be considered for bail under suitable conditions to be determined by the UTRC.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*
- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*

# KOPPALA DISTRICT PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The district prison in Koppala was established in 2009 and serves as the jail for under trials in all the taluks of this district as there are no sub-jails in Koppala. This is one of the more recently constructed prisons in the state.

This jail is built over an area of 3 acres. As with most newly constructed district prisons, the layout is rectangular, with administrative rooms and inmate cells being lined next to one another along a rectangular open courtyard. The female barracks are separated from the male barracks, and is in a self-contained structure adjacent to the main building. There is one large room in which the female inmates live, with an open courtyard around the cell to walk around during the unlock period.

## 2. PRISON POPULATION AND OVERCROWDING

This district jail houses only under trial prisoners, and those sentenced to less than 6 months' imprisonment. The total capacity of this prison is 110 (100 male inmates and 10 female inmates), and the strength as on 31st December 2018 was 181 (166 male inmates and 15 female inmates). At the time of visit by the study team in March 2019, since the election was round the corner, the strength was touching about 200. **Overcrowding is therefore a serious concern in this prison, particularly for women enclosure.**

	Capacity	100		Capacity	10
	Strength	166		Strength	15
	Undertrials	166		Undertrials	15
	Convicts	0		Convicts	0
	Detenués	0		Detenués	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	166.00%		Occupancy Rate	150.00%

The study team physically checked all the barracks and visited all parts of the prison. The team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 20 inmates (including 4 female inmates) to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that medical examination upon entering the prison is not conducted immediately upon admission since the prison does not have a medical officer. Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a chombu (vessel).

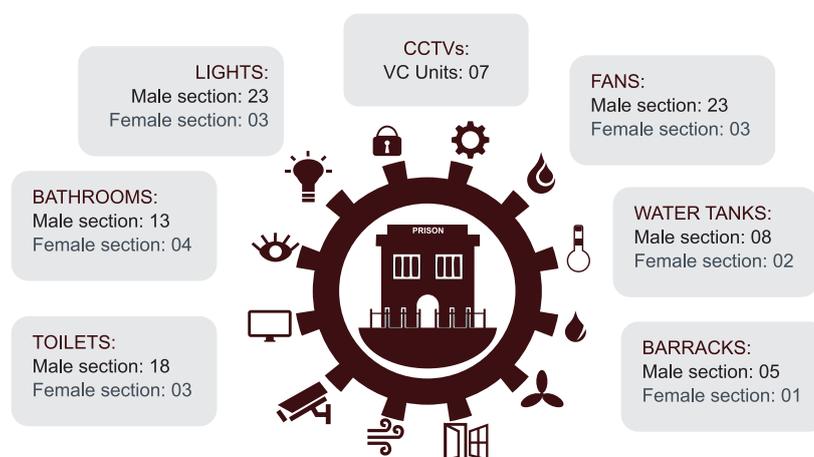
Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	Yes
Whether basic articles given?	Yes

#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, there are a total of 5 male barracks, 8 single cell and 1 female barrack.

	Number of barracks	Inmates per barrack
Male Section	5	33
Female Section	1	15

Basic amenities such as electricity, water, clothes, seemed to be well taken care of, none of the inmates complained about this. Every barrack is equipped with sufficient fans and light bulbs. Toilets inside the cells were well maintained at the time of visit by the study team. Inmates are not entirely satisfied with food, as the study team learnt that food given is not always sufficient. The kitchen is well equipped, with fridge and steamer and gas supply, although the steamer is not always used. There is a separate store room for storing vegetables and ration. There is a basic medical room, legal aid clinic and library in this prison.



- Breakfast – Veg Pulav/ Lemon Rice/ Upma
- Mudde – 450 gm for non-labour and 600 gm for labour
- Eggs every Tuesday and Non-veg every Sunday

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	Yes	Yes



## 5. CONTACT WITH OUTSIDE WORLD

As per the information provided by the prison, 'beti' or visits from family members is allowed once a week per prisoner, on any working day of the week. Each visit can last for about 5-10 minutes, and more if required. **There are separate visiting rooms for the male and female barracks, which is rare among district prisons in the state.** The visiting rooms are fairly spacious and clean, with triple wire meshes separating inmates from visitors.

Lawyers are allowed to meet their clients at any working hour of the prison administration, and each meeting can last for half an hour. As is the case with most other prisons in the state, there is a practice of some money being given at the time of visit by family members.

### Separate visiting rooms for male and female barracks.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

### No PCO facility available in this prison.

No. of phone numbers allowed	Duration of Calls	Periodicity	Cost per call
-	-	-	-

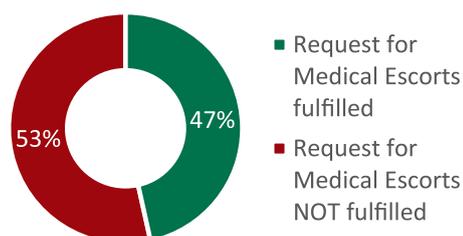


## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison.** However, unlike most other district jails, this jail has a small dispensary inside the prison premise. It is equipped with basic apparatus including a digital BP testing machine, glucometer, stethoscope, basic medicines, etc. A general physician from the government hospital visits the prison every Wednesday between 10 AM and 2 PM. In the year 2018, the physician treated patients 4320 times.

In the period between 1st January 2018 and 31st December 2018, as per the data provided to the study team by the prison administration, 192 prisoners were provided medical treatment at the District Government Hospital, Koppala and 8 inmates were sent to higher medical centres including VIMS, Ballary and KIMS, Hubli.

Dispensary with basic medication in the jail premises. Posts for a full-time medical officer and a nursing staff need to be sanctioned. **Jail does not have an ambulance.**



Of the 193 times that medical escorts were sought by the prison, the DAR obliged 168 times, with medical escorts at about 87% in the year 2018.



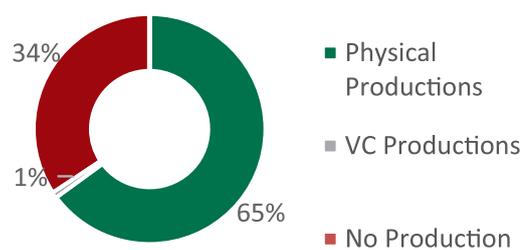
## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet. There are 2 jail visiting lawyers who each visit jail 2 days a week. There is a separate legal aid room for the inmates to meet the jail visiting lawyer.

**There is a general disgruntlement among inmates with the lawyers in the bar.** Many of them get to meet their lawyers for a precious few minutes in court, with very few lawyers visiting prison to meet their clients.

A unique order passed by the District and Sessions Judge in 2013 in a suo-motu criminal revision petition before him (an order repeated by him in several other cases), has resulted in no person in this district being detained in tehsil cases (ss.109/110, CrPC). Such persons are to be released on furnishing a self-bond if no surety is available.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	4 lawyers – 4 days a week each



In the year 2018, 2725 of the 3128 requests for court escorts were fulfilled by the Koppala district armed reserve force, which is a higher rate than in several other districts. There are 3 VC systems which had been set up, and were about to be put to use around the time of visit by the study team.

Shortage of escorts is therefore a very dire problem in this prison. There is currently one VC system in use, with 2 more ready to be set up.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

**The jail subscribes to newspapers and periodicals** and also has a library which has a collection of books supplied by the district public library. The barracks are provided with television facilities, where inmates pool in money to pay for cable facilities. With the joint efforts of the DLSA and the prison staff, various vocational programmes are conducted in the prison, including mechanical training, mobile phone repair, motor rewinding, tailoring, etc.



## 9. PRISON LABOUR AND WAGES

Kitchen staff, appointed from among the under trials, prepare meals for the inmates. There is a bakery room constructed in the prison, which has been abandoned as it did not work out after a period of time. Although vocational training is provided periodically in the prison, there are no avenues of labour and wage.



## 10. VULNERABLE GROUPS

### A. Women prisoners

The study team visited the female barrack and spent some time speaking with them, and conducted in depth interviews with 5 of them. There were 3 children at the time of visit by the study team. The children were being provided special meals including milk, eggs and fruit. Further, with the efforts of local charitable organisations, clothes and toys were also being provided to the children in this prison. The children are also provided basic education. **A lady doctor visits the female barrack regularly.**

### B. Young Offenders

At the time of visit by the study team, there were about 18 inmates between the age group of 18 and 21 years. **They are not segregated from the remaining inmates**, despite being such a sizeable number, given the shortage of space in this prison.

### C. Old age offenders

At the time of visit by the study team, there were about 5 inmates who were above the age of 60, one of whom was about 75 years old.

### D. Prisoners from other states

During the visit by the study team, there were about 4 prisoners from other states, including Rajasthan, Bihar and Telangana. **There is no facility for a translator in courts for people belonging to other states.**



## 11. PRISON ADMINISTRATION

### Staff vacancies

As with most prisons in the state, there is vacancy among staff. This is one of the few prisons in the state where all 3 posts of officers are filled, with 1 Assistant Superintendent (batch of 2017) and 2 Jailors. Among the warders, while there is a sanctioned strength of 2 Chief Warders, 4 Head Warders, and 31 Warders, there are no Chief Warders, only 1 Head Warder and 20 Warders.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	01	39	-	-	-	01	-	12	09	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
	Male	Female	Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
						M	F	M	F	M	F
03	03	-	02	04	31	-	-	01	-	11	09

For the prison to function optimally, sanctioned posts of one medical officer/one nursing staff, one pharmacist, one teacher, one SDA/FDA, one driver, and one attendant are required.

### **Experiences of prison administrators**

Staff shortage is a very grave concern, and this has resulted in very few of them being able to avail a weekly day off, or even take leave during the year to visit their families. Further, the office space available to the staff is very inadequate and not provided with sufficient fans/AC necessary for the summer months in this region.

### **Staff Accommodation**

There are only 4 staff quarters currently. There is a need to renovate the existing staff quarters, and also make provisions for new staff quarters so that all staff members have living arrangements close to the prison.

## **12. PRISON OVERSIGHT**

In the year 2018, there were 5 visits by official visitors, and 1 by non-official visitors. 2 BoV meetings were held in the year 2018. UTRC meetings being conducted regularly. No prison detention in tehsil cases in this district.

## **13. ISSUES OF CONCERN**

- a) **Instances of custodial violence and torture in police custody** – Of the 20 inmates we interviewed, half of them (including 1 female inmate) confided in the study team that they had been victims of custodial torture in the police station, which was not revealed either to the remand court or the doctor performing medical examination under police duress. The study team also learnt that corporal punishment and single cell confinement were used as methods of discipline and punishment in the prison.
- b) **Body Warrants** – The study team found at least 8-10 instances of persons who have been unable to gain release from prison despite being granted bail and satisfying bail conditions in the ‘arrest case’, on account of having a body warrant in another case delivered to the jail. While the High Court of Karnataka and the Supreme Court have reiterated time and again that a body warrant cannot be treated as an arrest warrant, or a custody certificate, the practice in the prisons in Karnataka is to continue to keep the inmate in detention when a body warrant is delivered. When several such body warrants are placed, the inmate is effectively detained in prison for a long time, sometimes without even being produced in court in those cases for months together. The body warrant seems to be used by the police as an effective way to subvert release on granting of bail.
- c) **POCSO cases** – At the time of visit by the study team, there were close to 25-30 cases registered under the POCSO Act, predominantly in the age group of 18-21. While they are all awaiting trial, one of the common situations where the provisions of this special legislation are used is in instances of young romance.
- d) **Very long time taken for charges to be framed/judgment to be passed** – The study team learnt that the time taken for charges to be framed in this district is about 18 months or more in several cases. There were also several inmates who had been awaiting judgments in their cases for over 12 months. This delay can perhaps be attributed to very few courts in this district, and a shortage of public prosecutors. There is only one District and Sessions Court for the whole of this district, and this court is also a special court for cases to be tried under POCSO Act, NDPS Act, SC/ST Act, etc.

## Superintendent's Diary

*The Superintendent of this prison, Mr.Kotresh, had recently been appointed to this prison on his first posting after being recruited as an Assistant Superintendent and after having undergone training in Vellore. He accompanied the study team in the visits to the barracks and assisted the team in understanding the working of the prison, along with the more senior Jailor.*

### UPDATES AS OF APRIL 2022

In the meeting held on 19 March 2022, the study team was informed about the following changes since its visit:

- ❖ A budget of Rs.5,70,00,000 (rupees five crore seventy lakhs) has been sanctioned to this prison for increasing its capacity by an additional 150.
- ❖ There are two PCO systems for the inmates to make phone calls. There is an additional VC unit set up, taking the total number to 4.
- ❖ Wages are being paid to inmates who work in kitchen and cleaning.
- ❖ Young and old inmates are segregated from the remaining inmates.
- ❖ Literacy programmes are being conducted by the Adult Education Department.
- ❖ An additional 10 quarters have been sanctioned for the prison staff.

## KEY RECOMMENDATIONS FOR KOPPALA

### PRISON HEADQUARTERS

- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Introduce sports facilities for both inmates and prison staff.*
- *Sanction additional posts for one medical officer/one nursing staff, one pharmacist, one teacher, one SDA/FDA, one driver, and one attendant.*
- *Renovate and expand staff quarters.*
- *Modernize the office space available for administrative staff, including sufficient space and fans/Ac, etc.*
- *Kindly consider introducing work opportunities with just wages – in this jail especially, since there is provision for a bakery, and inmates are being routinely given vocational training, kindly consider making these effective avenues of work for inmates.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Kindly consider conducting some of the UTRC meetings within the prison premises.*

### PRISON

- *Kindly facilitate female inmates to make use of the facilities in the prison as available to the male inmates, including the opportunity to visit the library.*

### HIGH COURT

- *Kindly create additional district and sessions courts for this district at the earliest.*
- *Kindly ensure that there is sufficient appointment of public prosecutors to the courts in this district.*

# MADIKERI DISTRICT PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The district prison in Madikeri was established in 2009. This prison houses inmates who have cases in all the talukas of Madikeri since there are no taluk prisons. Madikeri is a hilly town, and the prison is constructed atop a hill, and is about 5-6 kms away from the main city area.

This prison is fairly new in its construction. The prison is constructed over a total area of 10 acres. As is the case with prisons built in 2008-09, the male cells, office area, kitchen and library are all lined around a rectangular open courtyard. The female barrack is outside the main complex and is self-contained. There is space around the prison building which has been cleared for cultivation.

## 2. PRISON POPULATION AND OVERCROWDING

This district prison houses only under trial prisoners, and those sentenced to less than 6 months' imprisonment. **There is no pressing problem of overcrowding in this prison with occupancy of 49.5% as on 31 December 2018.**

	Capacity	225		Capacity	50
	Strength	129		Strength	7
	Undertrials	125		Undertrials	6
	Convicts	4		Convicts	1
	Detenues	0		Detenues	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	57.33%		Occupancy Rate	14.00%

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 20 inmates (including 4 female inmates) and prison staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that **medical examination upon entering the prison is not conducted immediately upon admission as there is no permanent medical officer for this prison.**

Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel).

Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	Yes
Whether basic articles given?	Yes

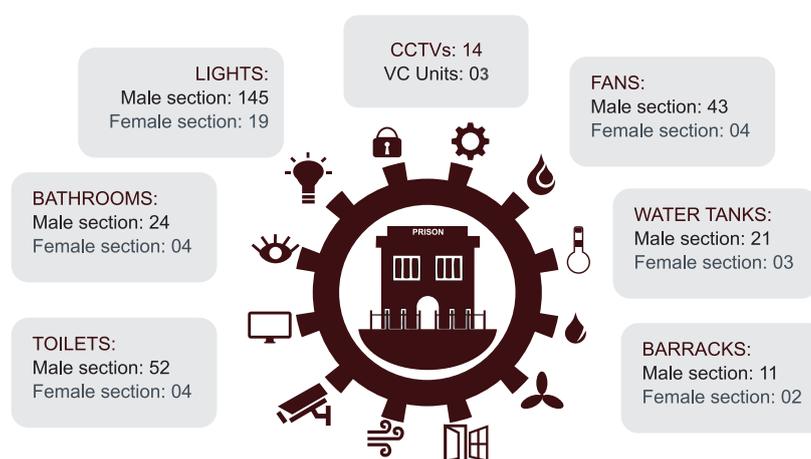
#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, there are 11 male barracks, 2 female barracks and 1 barrack for transgender persons. There are also 9 single cells in this prison.

	Number of barracks	Inmates per barrack
Male Section	11	12
Female Section	2	4

Basic amenities such as electricity, water, clothes, seemed to be well taken care of, none of the inmates complained about this. Every barrack is equipped with sufficient fans and light bulbs. **Since this region is prone to heavy rainfall, the walls and roofs of the barracks have dense seepage. Further, the flooring in the prison is easily broken, and is of poor quality.** The prison authorities have been in constant touch with the PWD department for urgent renovations, but the same is yet to be implemented. **A positive feature of the prison is the modern bathroom and washing area that has been constructed, with several cubicles for use. It is well designed and maintained. Bathrooms in the cells do not have a tap connection.**

**A waiting area has been contrasted outside the prison complex for visitors, with amenities for freshening up.** Given that this prison is on an uphill path, and that this area is prone to cold and rains, this waiting area is a novel and useful space.



Kitchen is spacious and has amenities like fridge, steamers, chimney and grinder. **There is a general level of dissatisfaction with food.** There has been requisition for an RO, which the study team was informed would soon be set up. Given that the prison is far from the city centre, the **city corporation is not collecting waste from the prison, and the local gram panchayat does not have the resources or vehicle to collect the waste generated by the prison.**



- Tea and Breakfast
- Lunch & Dinner: Curry, Vegetables, Rice and *Chapatti* and Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	Yes	Yes

The prison also has fire extinguishers.



## 5. CONTACT WITH OUTSIDE WORLD

There is a visiting room available within the prison premises. As per the information provided by the prison, 'entry' or visits from family members is allowed once a week per under trial prisoner, on any working day of the week, for about 10-15 minutes per visit. Timings are between 11 AM and 1 PM and then again between 4 PM and 5:30 PM. While the visiting room is used for male inmates, **female inmates are allowed to meet visitors at the entrance to their barrack.**

Since the prison is a fair while away from the city centre, is atop a hill, and is in a region prone to rainfall and cold weather, the prison administration have constructed a waiting room for family members outside the prison complex. **Many inmates complained of the unfortunate practice of money being asked at the time of visit by family members is a problem in this prison as well.**

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison.**

**There is a separate meeting room to conduct lawyer-client interviews. Lawyers are allowed to meet their clients however many times a week as required for up to 45 minutes per visit.**

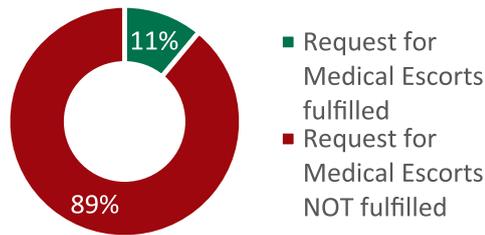


## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison.** The original hospital area has been converted to an office, and a portion of it is used by visiting doctors. Very basic medical equipment like a stethoscope, thermometer, nebulizer, BP and sugar measuring apparatus are available. A doctor from the government hospital visits the prison twice a week. **Government doctors are sent on a rotation basis, and so in the year 2018, 28 different general physicians visited this prison. One of the concerns for this prison, given its peculiar location, is that the prison has to send a vehicle for conveyance of the doctors. The prison has an ambulance, which is old and not adapted to the hilly terrain of Madikeri.**

In the period between 1st January 2018 and 31st December 2018, as per the data provided to the study team by the prison administration, 752 inmates were provided medical treatment in the prison. During the same period, 128 inmates were taken to the district hospital for treatment, and 15 were sent to higher medical centres including K.R.Hospital, Mysore, Jayadeva Hospital, Mysore and NIMHANS, Bangalore.

In the year 2018, there was one death due to cardiac failure. **Judicial enquiry under s.176 CrPC was completed within the year itself.**



Although about 1,801 referrals were made for inmates to be taken to a hospital for treatment in the year 2018, an abysmal 198 of these were fulfilled. These 198 were also mostly escorted by prison staff in emergency situations. **Medical escorts are therefore a grave concern in this prison.**

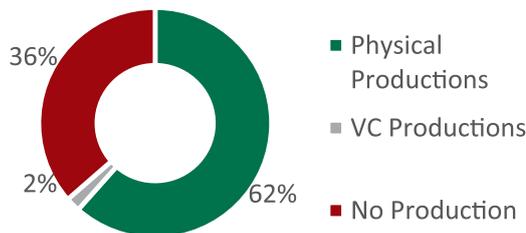


## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There is a jail visiting lawyer who comes to this prison twice a week.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	Twice a week



In the year 2018, 2988 of the 4,759 requests for court escorts were fulfilled by the district armed reserve forces. About 98 productions were made via video conferencing during the year 2018. About 1,771 court orders for production could not be made either physically or through video conferencing.

Shortage of escorts is therefore a very dire problem in this prison. There is currently one VC system in use, with 2 more ready to be set up.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The prison subscribes to newspapers and periodicals. The barracks are provided with television facilities, at the time of visit by the study team new TVs were being installed in the prison. **Although this prison has a library, there are very few books available.** Cultural activities are conducted once in a while in this prison. **A teacher on deputation from the education department is posted in this prison,** and is involved in teaching those interested in learning to read and write. **Exercise is part of the morning prayer routine. Inmates play volleyball every evening.**



## 9. PRISON LABOUR AND WAGES

Kitchen staff, appointed from among the under trials, prepare meals for the inmates. Kitchen staff is paid about Rs.75 per day as wages, which is a good practice adopted by this prison. There are no other employment opportunities available in this prison, which is the case with most district prisons in the state.



## 10. VULNERABLE GROUPS

### A. Women prisoners

The female barrack is on the right hand side, upon entering the main prison gate. There is a garden area around the barrack. There were no children at the time of visit by the study team. Tailoring machines are available in the female barrack although they are not always used. **Training in craft work, beautician work, tailoring yoga, etc., have been previously provided.**

### B. Prisoners with mental health concerns

The information provided to the study team revealed that between 1st January 2018 and 31st December 2018, there was one inmate who had been sent to NIMHANS for treatment as per orders of the concerned court to send him to a 'mental health establishment', as required under sections s.93 and 103 of the Mental Healthcare Act of 2017. Although there is a report from NMHANS stating that this inmate may never be fit to face trial, as per the same report, they were going to wait to observe the inmate further before finally making a decision on his fitness, and had returned the inmate to the prison with a follow-up date 2 months hence.

### C. Young Offenders

At the time of visit by the study team, there were about 7 inmates between the age group of 18 and 21 years, who had not been segregated from the other inmates. **They were not segregated from the older inmates.**

### D. Prisoners from other states

During the visit by the study team, there were 7 prisoners from other states, some of whom could not understand Kannada well. These inmates are from the states of Assam, West Bengal, Maharashtra, Kerala and Tamil Nadu, many of whom have come to Madikeri to work in the coffee plantations. **No facility for a translator in courts for people belonging to other states.**



## 11. PRISON ADMINISTRATION

### Staff vacancies

As with most prisons in the state, there was vacancy among staff at the time of visit by the study team, with the shortage among warders being a grave concern. This situation has since eased with the mass recruitment of personnel in 2019.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	02	46	01	-	-	01	-	16	06	-	01

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
04	02	-	02	05	30	01	-	02	01	11	05

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in **very few of them being able to avail a weekly day off, or even take leave during the year to visit their families.**

### Staff Accommodation

As is the case with most prisons in the state, there is not enough staff accommodation, with only about 6 available. Junior staff members share their quarters, and are unable to bring their families with them. **There is a need for more quarters since the prison is far from the main city, and establishing homes away from the prison is not a viable option.**

## 12. PRISON OVERSIGHT

**One BoV meeting was held in the year 2018. One visit was made by an official visitor (the District Collector) and one by a non-official visitor during the year 2018. Regular visits are made by the Member Secretary of the DLSA to this prison.**

Under-trial Review Committee (UTRC) meetings are being conducted regularly, once a month, starting from January 2018, in compliance with directions from the Supreme Court. **UTRC meetings are conducted in the prison premises.**

## 13. ISSUES OF CONCERN

- a) **Instances of custodial violence and torture in police custody** – Of the 20 inmates interviewed by the study team, 11 (including 2 women) alleged that they had been victims of custodial torture, which was not revealed either to the remand court or the doctor performing medical examination under police duress. **Further, some inmates also alleged that corporal punishment is employed in the prison to enforce discipline.**
- b) **Body Warrants** – The study team found several instances of persons who have been unable to gain release from prison despite being granted bail and satisfying bail conditions in the ‘arrest case’, on account of having a body warrant in one or more cases delivered to the prison.
- c) **POCSO cases** – The study team was informed that there were several cases of persons charged under POCSO. While they are all awaiting trial, one of the common situations where the provisions of this special legislation are used is in instances of young romance.
- d) **Cases under the Karnataka Forest Act** – Madikeri is situated in the midst of forest cover. At the time of visit by the study team, there were about 6 cases registered under the Karnataka Forest Act. Some of these are cases of forest dwellers, charged under this archaic legislation which is in direct conflict with the Forest Rights Act of 2006.

## Superintendent's Diary

*The Superintendent of this prison, Mr. V. Krishnamurty, is of the firm opinion that prison infrastructure is an important aspect of prison administration. Every prison has a specific requirement, and he believes that if you can be creative about identifying and resolving issues, there is wide scope for improvement in a prison complex.*

### UPDATES AS OF APRIL 2022

In the meeting held on 23 March 2022, the study team was informed about the following changes since its visit:

- ❖ With respect to infrastructure the roofs have been renovated to reduce leaking. Plumbing has been done in the bathrooms which now have taps. There is a separate room for lawyer-client meetings.
- ❖ The prison has 2 PCO systems for inmates to make phone calls. An RO system has been installed.
- ❖ Garbage is collected by the panchayat regularly.
- ❖ Wages are being paid to inmates who work in kitchen and cleaning.
- ❖ Young and old inmates are being segregated from the remaining inmates.
- ❖ There is no shortage of staff, and they can now avail weekly off as per rules. Construction of 20 staff quarters is underway.

## KEY RECOMMENDATIONS FOR MADIKERI

### PRISON HEADQUARTERS

- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Expand and modernise interview room to ensure effective communication.*
- *Sanction additional posts for one medical officer/one nursing staff, one technical assistant, one driver, and one attendant.*
- *Introduce avenues of labour inside the prison, with just wages in return.*
- *Sanction further staff quarters on priority basis.*

### PRISON STAFF

- *Kindly restart work opportunities for female inmates.*
- *Kindly ensure that the RO system that you are seeking to introduce is done so as soon as possible.*
- *Kindly increase the time available for inmates to spend outside their cells, in accordance with Chapter XIV of the Karnataka Prison Manual.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Given the number of out of state inmates who routinely come to this prison, kindly consider securing a pool of court translators for appointment.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*
- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*

### BOARD OF VISITORS

- *Since there is a crisis arising out of shortage of escorts, kindly convene a meeting with all concerned departments in order to formulate a plan to manage the problem.*
- *Kindly consider the delay in repair work by the PWD during the next meeting and take steps to expedite the same.*
- *Since the prison is far from the city premises, the city corporation is not collecting waste from this prison, and the nearest gram panchayat does not have the resources for the same. Kindly ensure that the same is arranged for after deliberating on the same in the next meeting.*

# MANDYA DISTRICT PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The district of Mandya is divided into seven talukas including Mandya, Malavalli, Maddur, Nagamangala, Krishnarajpete, Pandavpura and Srirangpatna. The district prison in Mandya was originally a taluk prison built in 1944, notified as a district prison only in 2014.

The prison is housed in 7.2 acres worth of land and a built up area of 4 acres. There are many old trees and plants in the prison premises. The prison is a mixture of old buildings and new. The newer buildings are built of stone and have high walls.

## 2. PRISON POPULATION AND OVERCROWDING

Being a district prison, it houses under trials and convicts sentenced to less than 6 months' imprisonment. As of 31st December 2018, there were 210 male inmates and 11 female inmates. There is no problem of overcrowding in this prison.

	<b>Capacity</b>	<b>264</b>		<b>Capacity</b>	<b>8</b>
	<b>Strength</b>	<b>210</b>		<b>Strength</b>	<b>11</b>
	Undertrials	206		Undertrials	11
	Convicts	4		Convicts	0
	Detenues	0		Detenues	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	79.55%		Occupancy Rate	137.50%

The study team physically checked all the barracks and visited all parts of the prison and interacted with inmates in all barracks. The team also conducted detailed interviews of 15 inmates and prison staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that the **first medical examination is not conducted immediately upon admission, but after a few days, whenever the visiting doctor from the District Hospital, Mandya** is due to visit the prison.

Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel).

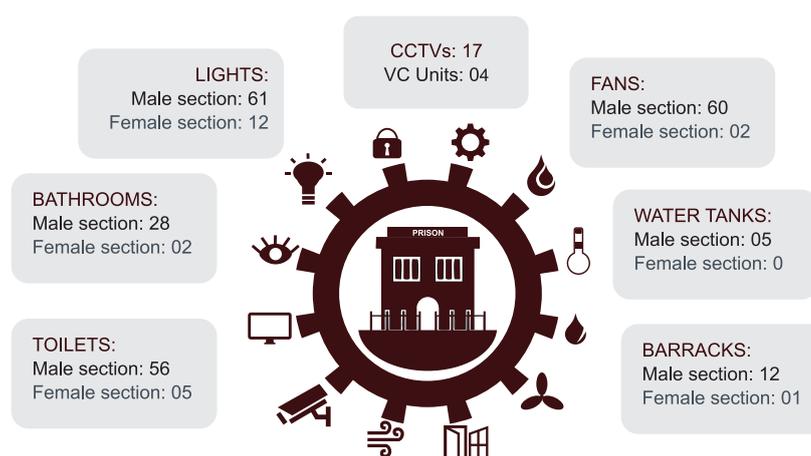
Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes

#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, there are a total of 12 male barracks and 6 cells and one female barrack.

	Number of barracks	Inmates per barrack
Male Section	12	18
Female Section	1	11

Basic amenities such as electricity, water, clothes, food seem to be well taken care of, none of the inmates complained about this. Every barrack is equipped with sufficient fans and light bulbs. Four video conferencing devices have been installed in the prison, and there are 17 CCTV cameras.



Kitchen is spacious and has amenities like fridge, steamers, chimney and grinder. There is a general level of dissatisfaction with food. There has been requisition for an RO, which the study team was informed would soon be set up. Given that the prison is far from the city centre, the city corporation is not collecting waste from the prison, and the local gram panchayat does not have the resources or vehicle to collect the waste generated by the prison.



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice, *Ragi mudde* and Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	No	No	Yes

**Kitchen is still running out of the old construction and is in need of new walls. There is no garbage collection from the municipality, and is burnt instead.**



## 5. CONTACT WITH OUTSIDE WORLD

'Entry' or visits from family members is allowed once a week per prisoner, for a maximum period of 30 minutes. Lawyers are allowed to meet their clients once a week, and only for 15 minutes. **There is no separate meeting room to conduct lawyer-client interviews.** Given that close to 170 lawyers visited the prison in the year 2018, increasing the time for interviews and providing facilities for the same could enable more lawyer visits.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

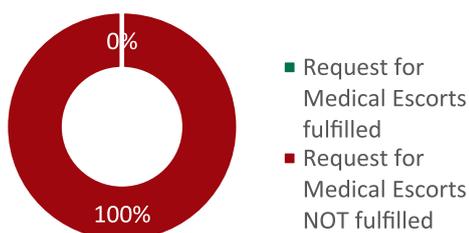
**No PCO facility available in this prison, as is the case with most district prisons.**



## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison,** and there is no hospital inside the prison either. **The prison has an ambulance for medical emergencies.** Doctors from the District Government Hospital, Mandya, which is about two kms away, visit the prison once a week. Inmates informed the study team that medical students visit the prison through the week.

A total of 658 prisoners were provided medical assistance in the prison between the period of 1st January 2018 and 31st December 2018. During the same period, 13 prisoners were referred for medical treatment outside the prison to hospitals including the District Government Hospital, Mandya and NIMHANS, Bangalore. Prisoners in need of medical assistance outside Mandya are first transferred to the Central Prison in Mysore from where they are referred to other hospitals.



Medical escorts are a serious problem in this prison, as they are only provided on Sundays and public holidays, as informed to the study team by the prison staff themselves. **As per the information provided, out of the 424 requests for medical escorts, none were fulfilled by the DAR.**

The information provided by prison authorities to the study team revealed that one inmate died in the year 2018 due to natural causes, with appropriate **judicial enquiry under s.176, CrPC and information to the NHRC was completed.** Unlike the year 2017, there were no instances of prison suicide in 2018.



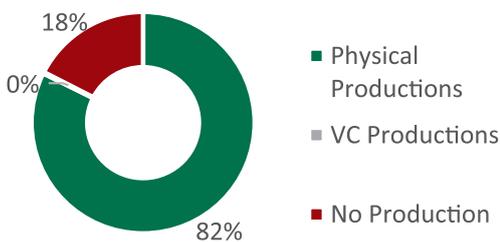
## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed either by prison authorities themselves about their right to a lawyer, or were asked by the committal court if they had legal representation. However, the right to a lawyer was not

communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of chargesheet.

There is a legal services clinic inside the prison premises which is open from 11 AM – 1 PM and 4 PM – 6 PM on the days that the prison visiting lawyers come in. Two lawyers from DLSA visit the prison twice a week each, one on Monday-Tuesday and the other on Friday-Saturday. The legal aid clinic is has a computer system which is soon going to be provided internet connection. A register is maintained by the visiting lawyers with the names of the prisoners who visit their office, with their query and the advice given.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
		Yes



Court production is mostly physical in this prison, with only 11 video conferencing productions in the year 2018. About 944 court orders for production could not be made either physically or through video conferencing, out of 5398 productions ordered by the courts. The court escort rate for physical production was about 82.51% in the year 2018.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

**There is a full time teacher who comes into the prison every day.** The current teacher has been in this prison for the past five and a half years, and is on deputation from the Primary Education Department. In the mornings he takes classes for those who sign up to learn. Books from the government Adult Education Department are sent to the prison to enable educating first time learners.

Fourteen newspapers and several periodicals are subscribed in this prison, and there is a well maintained library, which is taken care of by the teacher. It is open between 3:30 and 5:30 PM. The library is also filled with many posters on medical information, procured by the teacher out of his own interest. A television set and carom board are provided in each barrack.



## 9. PRISON LABOUR AND WAGES

Kitchen staff, appointed from among the under trials, prepare meals for the inmates. Apart from this, the only other work available is packing of incense sticks (provided by Cycle Agarbatti). Wages for those who pack incense sticks is as per the rates fixed by Cycle Agarbatti.



## 10. VULNERABLE GROUPS

### A. Women prisoners

There are eleven female inmates in this prison, and no children. They live in a separate barrack. Since this is one of the few district prisons in the region that has both necessary infrastructure and female staff, women from outside the district are also incarcerated here. There is a TV, magazines and newspapers that are specifically made available in the female barrack. Tailoring classes are conducted once a week for those interested. The inmates have maintained a small

and pretty garden around the barrack. **Sanitary napkins are provided sufficiently.** Among the inmates is one from Bihar, who does not understand Kannada. **Female inmates are not allowed to step outside their barracks unless it is to meet visitors,** or when they are allowed to meet their relatives from lodged in the male barrack.

#### B. Prisoners with mental health concerns

As on 31st December 2018, there were 05 prisoners undergoing psychological counselling and psychiatric treatment in the prison. But there is **no provision for a visiting psychologist/ counsellor from the district hospital or a nearby district.** These prisoners are not segregated, and are in the same cells as the other inmates. When prisoners with mental health issues require specialised attention, they are sent for treatment to NIMHANS, Bangalore. None of the under trials with mental health concerns had been declared unfit to stand trial.

#### C. Young Offenders

There were about 8 young offenders that the study team could identify, in the age group of 18-21 years. One of these young offenders had been transferred from the remand home in Mysore upon turning 18, even though the Juvenile Justice (Care and Protection) Act 2015 specifically provides that a child in conflict with the law will be housed in a 'place of safety', which is not a prison, until the age of 21. Since the warrant does not mention where a prisoner is being brought from, the prison authorities themselves were unaware of this fact. **Young offenders were not segregated from the older inmates.**

#### D. Old age offenders

The study team found that one of the inmates in this prison is about 72 years old, and is taken care of by the other inmates.

#### E. Prisoners from other states

The study team found at least two inmates who were from the north Indian states of Madhya Pradesh and Bihar, for whom language was a communication barrier. **No facility for a translator in courts for people belonging to other states.**



## 11. PRISON ADMINISTRATION

### Staff vacancies

As of 31st December 2018, there was a shortage among staff which has since eased with the mass recruitment of personnel in 2019.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	01	48	02	-	-	01	-	14	08	01	01

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
	Male	Female	Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
						M	F	M	F	M	F
03	02	-	03	08	28	-	-	05	-	06	08

### **Experiences of prison administrators**

Staff shortage is a very grave concern, and this has resulted in **very few of them being able to avail a weekly day off, or even take leave during the year to visit their families.** There is no crèche facility for the female staff, although this prison has 8 female staffers.

While new technology was being introduced to the prison system, in the form of Video Conferencing, or e-Prisons, CCTVs, etc., corresponding infrastructure to facilitate the same and more importantly adequate and timely training and appointment of staff to handle the new technology was lacking. Further, in the absence of clerical staff appointments, existing official staff were doing all financial and administrative management including maintaining and updating the e-Prisons portal.

### **Staff Accommodation**

There are sufficient number of quarters for prison personnel however the same are in **need of repair and maintenance.**

## **12. PRISON OVERSIGHT**

Two visits by official visitors and two by non-official visitors were made during the period of 1st January 2018 and 31st December 2018. Under-trial Review Committee (UTRC) meetings are being conducted in prison.

## **13. ISSUES OF CONCERN**

- a) **Instances of custodial violence and torture in police custody** – Of the 15 inmates we interviewed, 3 (including one female inmate) alleged that they had been victims of custodial torture, which was not revealed either to the remand court or the doctor performing medical examination under police duress.
- b) **Inability to procure surety** – One of the grievances the study team was told during the visits to the barracks was about inmates being unable to avail bail owing to their inability to procure surety, either because they were asked to furnish local surety (some of them are from outside the city, or even state) or because the surety amount was too high.

### Superintendent's Diary

*Since medical escorts are only provided on Sundays and public holidays, the Superintendent realises that the treatment available to prisoners is only from the minimal staff available in hospitals on those days, the consequence of which is inadequate treatment. While informing the study team about this grave situation, the Superintendent expressed his hope to be able to ensure that the medical needs of the prisoners in his custody are given priority and systemic support.*

#### UPDATES AS OF APRIL 2022

In the meeting held on 23 March 2022, the study team was informed about the following changes since its visit:

- ❖ With respect to infrastructure, there are now 3 PCO units in the prison for phone calls. An RO plant has been installed, and there is a generator. There is a separate room for lawyer-client meetings. Rs.10,00,000 (rupees ten lakhs) has been sanctioned for renovation in the kitchen, including a new steamer. Toilets and bathrooms have been repaired.
- ❖ Young and old inmates are being segregated from the remaining inmates.
- ❖ A counselor has been appointed.
- ❖ Female inmates are allowed to visit the library.
- ❖ There is no shortage of staff, and they can now avail weekly off as per rules. Amount has been sanctioned for the repair of staff quarters.

## KEY RECOMMENDATIONS FOR MANDYA

### PRISON HEADQUARTERS

- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Sanction additional posts for one FDA/one SDA, one Medical Officer/one Nursing staff, two sweepers and one attendant.*
- *Introduce sports facilities for both inmates and prison staff.*
- *Introduce avenues of labour inside the prison, with just wages in return.*
- *Provide an RO facility for this prison.*

### PRISON STAFF

- *Ensure that prisoners who have been unable to inform their families about their incarceration are assisted in doing so with help from concerned police stations.*
- *Ensure that a copy of the medical records of prisoners undergoing treatment for mental illnesses are made available to their lawyers, or concerned court, as the case may be.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Appropriate directions may be issued by the District and Sessions Judge during the next UTRC meeting to the Superintendent of Police to ensure first production at the court and not at Magistrate's house. It may also be directed that upon arrest, the right to inform a family member be facilitated by the concerned police station. Fixing remand hours in court for first production may also be considered. Further, the right to a lawyer during remand period must necessarily be communicated at the time of first production.*
- *Issue a communication from the UTRC to the courts in its jurisdiction regarding the alternative and mandatory means of securing sureties for indigent persons for granting bail – personal surety, surety of persons out of state, surety of family members. Persons who have been granted bail but have been unable to secure sureties must also be recommended by the UTRC for release.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*
- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken. Further determine if any of them have been transferred to this prison in violation of s.19(3) of the same Act.*
- *Collect a list of prisoners who are above the age of 60 and determine whether they can be considered by the UTRC for release on bail for old age and infirmity.*

# MANGALORE DISTRICT PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The district prison in Mangalore was established in 2012 and serves as the jail for undertrials in all the taluks of this district as there are taluka prisons in Mangalore. This is one of the more recently constructed prisons in the state. The coastal city of Mangalore has been a communally charged city for several years now, an animosity that is reflected in the prison as well.

This jail is built over an area of 8 acres. The main gate opens into an open space, to the left is another gate which opens to the office of the Superintendent, on the right is the visiting room and straight ahead is the entrance to the female barrack. On the left, behind Superintendent's room is the office area. On the side is the entrance to the male barracks. A peculiar feature of this prison is that the male barracks are divided into blocks A and B, one predominantly for Muslim inmates and the other predominantly for Hindu inmates. Within blocks A and B, the cells are lined along a rectangular open courtyard in two floors. The kitchen area is in one of these blocks.

The female barrack consists of 3 small barracks that are interspersed around a square area, with just about enough space for the female population this prison houses on an average. There is an older construction of the prison in the style of slant tiled roofs, and cells, which have now been abandoned for security reasons. Some of the cells here are used now as VC rooms.

## 2. PRISON POPULATION AND OVERCROWDING

This district jail houses only under trial prisoners, and those sentenced to less than 6 months' imprisonment. The total capacity of this prison is 210 (200 male inmates and 10 female inmates), and the strength as on 31st December 2018 was 382 (375 male inmates and 7 female inmates). With 181.90%, overcrowding is a serious concern in this prison.

	<b>Capacity</b>	<b>200</b>		<b>Capacity</b>	<b>10</b>
	<b>Strength</b>	<b>375</b>		<b>Strength</b>	<b>7</b>
	Undertrials	355		Undertrials	7
	Convicts	20		Convicts	0
	Detenués	0		Detenués	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	187.50%		Occupancy Rate	70.00%

The study team physically checked all the barracks and visited all parts of the prison. The team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 24 inmates (including 5 female inmates) and prison staff to understand the real issues and functioning of the prison.



### 3. PROCEDURES UPON ADMISSION

This prison has a medical officer on contract basis who visits the prison every day, and also conducts a medical examination of every new inmate admitted to the prison in accordance with the format prescribed by the NHRC. Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel), however not all inmates have got these basic necessities at the time of admission. The prison also has a separate admission room.

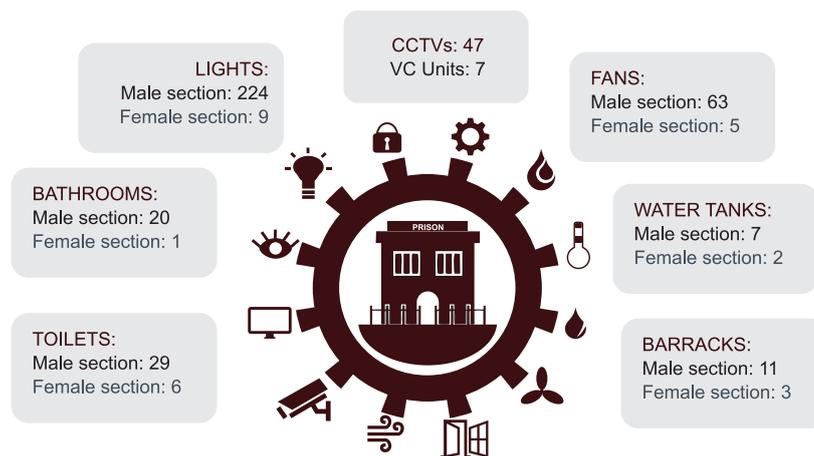
Mandate	Status
Whether first medical examination done using the NHRC format?	Yes
Whether a separate admission room for quarantine in prison?	Yes
Whether basic articles given?	Yes

### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, there are a total of 11 male barracks, 1 single cell and 3 female barracks.

	Number of barracks	Inmates per barrack
Male Section	11	34
Female Section	3	3

Basic amenities such as electricity, water, clothes, seemed to be well taken care of, none of the inmates complained about this. Every barrack is equipped with sufficient fans and light bulbs. Toilets inside the cells were well maintained at the time of visit by the study team. However, the barracks are not well ventilated, with windows only at the top end of the room.



No RO available in the prison as yet, although the prison administration has been making efforts to this end for some time now. Inmates are also not entirely satisfied with food. The kitchen is well equipped, with fridge and steamer and gas supply, although the steamer is not always used. There is no separate medical room or legal aid clinic. The common entrance area near the male barracks is currently being used for this. A new makeshift construction for the same was being planned to be constructed at the time of visit by the study team. Although the area underneath a flight of stairs was being used as a library earlier, a scuffle here has led to disuse.



- Breakfast and tea.
- Lunch & Dinner: Vegetables, Curry, Boiled rice, Chapathi and Buttermilk.
- Eggs once a week; non-veg once a week (chicken and mutton alternatively)

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	No	No (to be installed)	Yes

**Kitchen is still running out of the old construction and is in need of new walls. There is no garbage collection from the municipality, and is burnt instead.** Since the prison population is small, a separate dining hall could be built to serve food to inmates.



## 5. CONTACT WITH OUTSIDE WORLD

As per the information provided by the prison, 'entry' or visits from family members is allowed once a week per prisoner, on any working day of the week between 11AM and 1 PM, and then again between 4 PM and 5:30 PM. There are separate visiting rooms for the inmates from blocks A and B, as the visiting rooms have been the site of previous jail fights between inmates. Female inmates also use the same visiting rooms as the male inmates.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

Further, this is the only district prison in the state which has a PCO facility, which is installed near the office area. Inmates are allowed to use this facility once in 3 days, and make phone calls up to 7 minutes per call, to 3 designated numbers.

No. of phone numbers allowed	Duration of Calls	Periodicity	Cost per month
3	7 minutes per call	Once in 3 days	Rs.100

Lawyers are allowed to meet their clients on any working hour of the prison administration once a week and each meeting can last up to 45 minutes. 104 lawyers visited their clients in the year 2018.

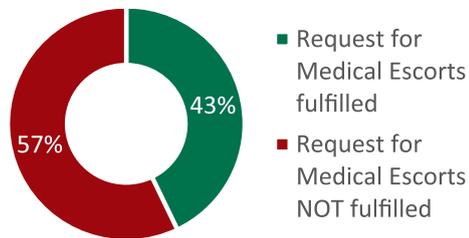


## 6. MEDICAL FACILITIES AND HEALTHCARE

A retired army medical officer and physician of the government district hospital serves as medical officer in this prison on contractual basis in this prison. He has no separate medical dispensary in the prison for want of space, and conducts his OPD near the entrance to the male blocks. He has a small storage space for his medicines. In the year 2018, a total of 3,075 inmates were provided medical assistance in the prison. At the time of visit by the study team, there were 8 HIV+ve inmates, 2 suffering from TB and 5 inmates with mental health concerns.

In the period between 1st January 2018 and 31st December 2018, as per the data provided to the study team by the prison administration, 1,840 prisoners were provided medical treatment at the

Wenlock District Government Hospital, Mangalore and 9 inmates were sent to higher medical centres including Victoria Hospital, Jayadeva Hospital and NIMHANS, all in Bangalore. Prison has a functional ambulance. A psychiatrist from the district hospital visits the prison regularly, after a direction to this effect from the District Health Officer. Further, the district mental health team had started visiting the prison at the time of visit by the study team in April 2019, and will be making regular visits to the prison henceforth.



Medical escorts are a serious problem in this prison, as they are only provided on Sundays and public holidays, as informed to the study team by the prison staff themselves. Of the 1,840 times that medical escorts were sought by the prison, the city armed reserve police obliged with medical escorts 789 times.

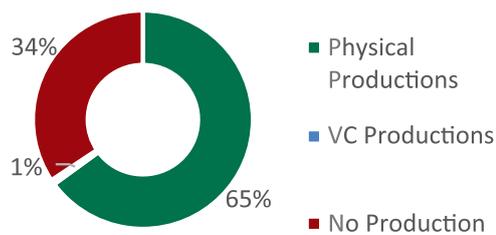
Despite communal tension within prison, no death was reported in the prison during 2018.



## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, while some prisoners who were interviewed revealed that they were informed in court about their right to a lawyer, there were several who were already aware of their right to a lawyer. There are 2 jail visiting lawyers who each visit jail 4 days a week, one visiting the male barracks and the other the female barracks. There is a general disgruntlement among inmates with the lawyers in the bar. Many of them get to meet their lawyers for a precious few minutes in court, with very few lawyers visiting prison to meet their clients.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	4 lawyers – 4 days a week each



In the year 2018, 9,354 of the 13,781 requests for court escorts were fulfilled by the city and district reserved police forces. In all, this prison has seven VCs currently, with three functional VC systems about 90 court productions were made through VC in the year 2018. Still 2,389 court orders for production could not be made either physically or through video conferencing.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The jail subscribes to newspapers and periodicals. Although there was a small library in a space converted under the stairs, a major scuffle here has resulted in the prison no longer being used. The barracks are provided with television facilities, where inmates pool in money to pay for cable facilities. The study team was informed that the civil society and NGO participation in the prison is very healthy. The Prison Ministry of India and Red Cross India visit the prison regularly.



## 9. PRISON LABOUR AND WAGES

Kitchen staff, appointed from among the under trials, prepare meals for the inmates. As is the practice in other prisons, no wages are paid to the kitchen staff. There are no other employment opportunities available in the prison.



## 10. VULNERABLE GROUPS

### A. Women prisoners

The study team visited the female barrack and spent some time speaking with them, and conducted in depth interviews with 5 of them. There were 3 children at the time of visit by the study team. The children were being provided special meals including milk, eggs and fruit. Further, with the efforts of local charitable organisations, clothes and toys were also being provided to the children in this prison. The children are also provided basic education. A lady doctor visits the female barrack regularly.

### B. Prisoners with mental health concerns

As of 31st December, there were 5 inmates with mental health concerns in this prison, requiring medication. The medical officer of the prison ensures that these inmates take their medication on time. Regular visits are made by a government psychiatrist. Further, students studying their masters in social work regularly visit the prison to provide counseling sessions in the prison. With the district mental health team slated to begin their work in the prison, there will be further support for inmates with mental health concerns. The study team was able to meet this team briefly, and was informed that they would soon be visiting the prison regularly. Depression, insomnia and loss of appetite are common among inmates.

### C. Young Offenders

At the time of visit by the study team, there were about 21 inmates between the age group of 18 and 21 years. They were not segregated from the remaining inmates, despite being such a sizeable number, given the shortage of space in this prison.

### D. Old age offenders

At the time of visit by the study team, there were about 5 inmates who were above the age of 60, for whom no special diet or space is available.

### E. Prisoners from other states

During the visit by the study team, there were about 22 prisoners from other states, including Madhya Pradesh, Bihar, Jharkhand, Odisha, West Bengal, Kerala, Tamil Nadu and Maharashtra. This is one of the highest number of out of state prisoners in a district prison in the state. No facility for a translator in courts for people belonging to other states.



## 11. PRISON ADMINISTRATION

### Staff vacancies

Like all prisons, there was staff shortage here also as on 31 December 2018, which has since eased with the mass recruitment of personnel in 2019.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	02	76	05	-	-	01	-	24	04	01	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
	Male	Female	Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
						M	F	M	F	M	F
02	01	-	03	10	55	01	-	07	02	12	02

For the prison to function optimally, sanctioned posts of one nursing staff, one teacher, one SDA/FDA, one driver, and one attendant are required.

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in very few of them being able to avail a weekly day off, or even take leave during the year to visit their families. The Superintendent of this prison however tries his best to ensure that leave requests are considered since he believes that is necessary to ensure the morale of his staff.

### Staff Accommodation

The study team visited the prison staff quarters. These quarters are in dire need of repair. Several of the quarters have only one light and one fan for use. Further, the roofs are in urgent need of repair, as they have deep seepage problems. Several of the bathrooms are without a proper door. There is also a water crisis in the quarters. The study team was informed that there are some funds on the way for repair work, even as a new prison complex is due to be built over the next few years. Repairs of the current quarters have to be undertaken on a priority basis since the prison staff live in worse conditions than the prisoners. Given the high stress work environment, coupled with the fact that most staff have been unable to move into these dilapidated quarters with their families, the effect on the prison staff cannot but be negative.

## 12. PRISON OVERSIGHT

In the year 2018, there was one visit by official and non-official visitors each. Only one out of four Board of Visitors meeting was held in the year 2018. **The jail superintendent is not being invited to participate in the UTRC meetings.**

## 13. ISSUES OF CONCERN

- a) **Instances of custodial violence and torture in police custody** – Of the 24 inmates interviewed by the study team, about 13 of them (including 3 female inmates) alleged that they had been victims of custodial torture in the police station, which was not revealed either to the remand court or the doctor performing medical examination under police duress. An alarming practice is also of arrested persons being shot at short range on their legs with a gun. The study team also learnt that corporal punishment and single cell confinement were used as methods of discipline and punishment in the prison.
- b) **Body Warrants** – The study team found several instances of persons who have been unable

to gain release from prison despite being granted bail and satisfying bail conditions in the 'arrest case', on account of having a body warrant in one or more cases delivered to the jail.

- c) **POCSO cases** – At the time of visit by the study team, there were several cases registered under the POCSO Act, predominantly in the age group of 18-21. One of the alarming situations in this prison is that there is a practice of inmates accused in other cases to thrash some of the newly admitted inmates charged under the POCSO Act, an eventuality that the prison staff has to be prepared for.
- d) **Communal animosity and gang rivalry** – The communally charged prison atmosphere is slowly cooling down, from what the study team learnt from both the prison staff and inmates. Slowly, there is some shuffling, and some Hindus are being housed in the Muslim barracks, and vice versa. Further, Mangalore is known for its gangsters and connections with the “underworld” in Mumbai, and elsewhere. These gang rivalries are also borne out in the prison. Prison deaths owing to such rivalries, is still fresh on the minds of long time inmates and prison staff. The task for the prison administration in this prison then is more challenging than in most other prisons in the state.

### Superintendent's Diary

*The Superintendent of this prison, Mr. Chandan Patel has stepped into a demanding prison in his very first posting as an Assistant Superintendent. He is slowly reintegrating the Hindus and Muslims in the prison by placing a few people of different communities in the clearly demarcated blocks. He hopes that in the time to come, this slow reintegration will become the norm.*

### UPDATES AS OF APRIL 2022

In the meeting held on 22 March 2022, the study team was informed about the following changes since its visit:

- ❖ A new central prison is under construction for Mangalore. In the meanwhile, there is now a new administrative block which is used as an office area, and the old office area is being used for the medical officer. Further, the older blocks have also been opened to increase current prison capacity.
- ❖ RO has been installed, and a generator is now available.
- ❖ There are 2 new VC units, taking the total to 7. There are also 3 PCOs in total now.
- ❖ Garbage is being collected by the municipality.
- ❖ Wages are being paid to the inmates who work in kitchen and cleaning.
- ❖ Young and old inmates are segregated from the remaining inmates.
- ❖ Staff shortage has come down which has enabled staff to avail weekly off as per rules.
- ❖ The prison superintendent is now being invited to attend UTRC meetings.

## KEY RECOMMENDATIONS FOR MANGALORE

### PRISON HEADQUARTERS

- *Sanction additional posts for one nursing staff, one pharmacist, one teacher, one SDA/FDA, one driver, and one attendant.*
- *Renovate and expand staff quarters on a priority basis.*
- *Modernize the office space available for administrative staff, including sufficient space and fans/AC, etc.*
- *Kindly consider introducing work opportunities with just wages.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Kindly ensure that the Superintendent of the prison is invited to the UTRC meetings.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*
- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*

# RAICHUR DISTRICT PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The district prison in Raichur is a very old construction, not originally designed to be a prison, but converted into one. It was originally one of the buildings constructed and used by the Nizams of Hyderabad, and was converted into a jail in the year 1910. It is an old and beautiful building of archaeological significance.

It is constructed in a total area of 5.10 guntas. The office area is near the entrance gate to the prison. Inside the inner gate is the main prison complex, with the medical room and visiting room on one side, kitchen on the other side, and the male barracks lined on the third side, all around a rectangular open area. The male barracks have dome shaped roofs. There is a modern VC room on the fourth side of this rectangular layout, on the way to the female barrack. Around the male barracks are open areas for bathing and washing. Like most jails, the female barrack is a self-enclosed space. The female barrack consists of several cells, lined next to one another, with about 2/3 persons per cell. Each cell has an additional bathing space inside.

The district prison is located in the middle of the city which makes it easily accessible for family visits, courts and hospitals. However, there is no compound wall or space outside the jail gate for the public to wait, and the jail gates directly overlook a busy road.

## 2. PRISON POPULATION AND OVERCROWDING

This district jail houses only under-trial prisoners, and those sentenced to less than 6 months' imprisonment. The total capacity is 160 (140 male and 20 female), and the strength as on 31st December 2018 was 172 (163 male and 9 female) with 107.5% overcrowding.

There is a section of the prison that has two large barracks and one small one, which were subsequently added to the prison complex, which are unused owing to shortage of prison staff. The portion of the prison that is in use therefore can be overcrowded at times.

	<b>Capacity</b>	<b>140</b>		<b>Capacity</b>	<b>20</b>
	<b>Strength</b>	<b>163</b>		<b>Strength</b>	<b>9</b>
	Undertrials	146		Undertrials	9
	Convicts	16		Convicts	0
	Detenues	0		Detenues	0
	Civil Prisoners	1		Civil Prisoners	0
	Occupancy Rate	116.43%		Occupancy Rate	45.00%

The study team physically checked all the barracks and visited all parts of the prison. The team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 26 (22 male and 4 female) inmates and prison staff to understand the real issues and functioning of the prison.



### 3. PROCEDURES UPON ADMISSION

Unlike most other district prisons in the state, this district prison has a clinic inside the complex, and a doctor who visits regularly. The mandatory medical examination upon admission is conducted by the visiting doctor, who maintains a record of the same. Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate, a tumbler and a chombu (vessel).

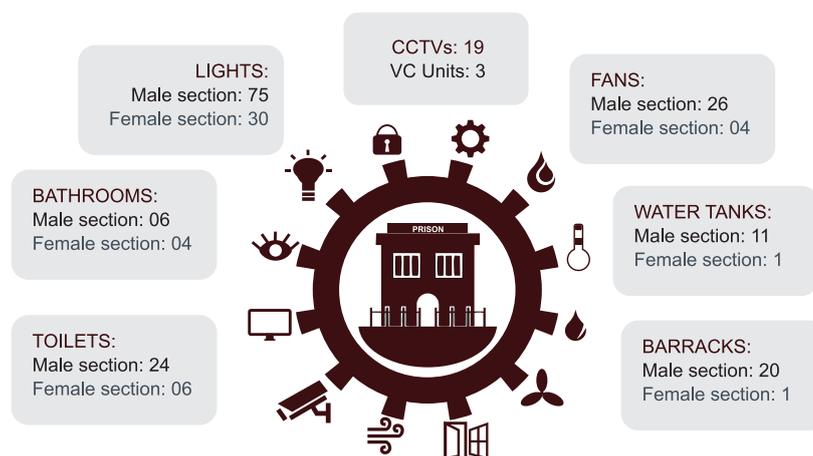
Mandate	Status
Whether first medical examination done using the NHRC format?	Yes
Whether a separate admission room for quarantine in prison?	Yes
Whether basic articles given?	Yes

### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, there are a total of 5 male barracks and 8 female barracks and 1 barrack for transgender.

	Number of barracks	Inmates per barrack
Male Section	5	33
Female Section	8	1

Basic amenities such as electricity, water, clothes, seemed to be well taken care of, none of the inmates complained about this. Every barrack is equipped with sufficient fans and light bulbs; in the male barracks however, since the roofs are dome shaped, fans are provided on the sides of the room, and not in the centre, which is a problem for those who sleep away from the walls. There is a separate room for VC, a medical room, legal aid clinic and a library.



There was some dissatisfaction with respect to the food given to the inmates for being inadequate. This prison still does not have an RO system for drinking water, although an estimate for the same had been procured at the time of visit by the study team. Since water is a huge problem in this region, the prison procures water through tankers when required.



- Breakfast and Tea
- Lunch & Dinner: Curry, Vegetables, Jolad Rotti, Rice, Buttermilk.
- Eggs once a week; Non-veg once a week (chicken and mutton alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	No	No	Yes



## 5. CONTACT WITH OUTSIDE WORLD

There is a visiting room next to the medical room, which is spacious and provided with light, fan and CCTV. There is a wire mesh separating the two sides of the room, as is the case with all visiting rooms in the district prisons. As per the information provided by the prison, 'entry' or visits from family members is allowed once a week per prisoner, on any working day of the week. Timings are between 11 AM and 1 PM and then again between 4 PM and 5:30 PM. A visit can last for up to 45 minutes. As with most other prisons, money has to be given at the time of visits. **Phone numbers of important government officials displayed near the visiting room.**

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	-
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison.**

**There is a separate meeting room to conduct lawyer-client interviews.** Lawyers are allowed to meet their clients as many times as required during a week, for up to 45 minutes per visit. A total of 146 lawyers visited their clients during the year 2018, with the practice being that inmates meet their lawyers mostly in the court at the time of their hearings.



## 6. MEDICAL FACILITIES AND HEALTHCARE

**Unlike most other district prisons, this prison has a small medical room.** An administrative medical officer visits this prison three days a week and the OPD timings are between 10 AM and 1 PM. There is a permanent ward boy who assists the medical officer in his work. In addition to the medical officer, specialists including psychiatrists and gynaecologists visit the prison once in a while. The medical room has basic equipment like a thermometer, stethoscope, weighing machine, digital BP checking machine, etc. The medical room also has one bed. A total of 22,598 outpatient consultations were provided by the medical officer to the prison in the year 2018.

In the period between 1st January 2018 and 31st December 2018, as per the data provided to the study team by the prison administration, 125 prisoners were referred for medical treatment to the Raichur Institute of Medical Science and Teaching Hospital (RIMS), while seven inmates were sent to higher medical institutions including NIMHANS and Victoria Hospital in Bangalore. Medical escorts were provided for all 132 inmates who required to be sent to out hospitals.

Jail has an ambulance for medical emergencies. Inmates are tested for HIV/AIDS.

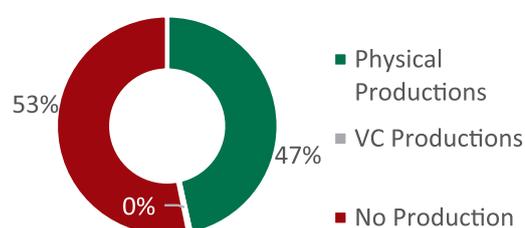


## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There are two jail visiting lawyers who come to this jail four times a week. The legal aid clinic is functional with the computer system also in use. It was learnt from the study team that some of the legal aid lawyers were asking money from inmates.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	4 times a week



In the year 2018, only 1,377 of the 2,948 requests for court escorts were fulfilled by the Raichur district armed reserve force, which is about 47% of the requests fulfilled. Shortage of court escorts is therefore a very dire problem. About 1,571 court orders for production could not be made either physically or through video conferencing.

There are 3 VC systems in use in this jail. About 9 court productions were done through video conference during the year 2018. **At the time of visit by the study team, a kiosk to follow case status had just arrived at the prison and was about to be installed for use.**



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The jail subscribes to newspapers and periodicals. The prison also has a collection of about 3000-4000 books. At the time of visit by the study team, a new library room was under construction. **A teacher on deputation from the education department is posted to this prison,** although inmates expressed the desire to learn more from him. The barracks are provided with television facilities. A concern that was raised by several inmates was that the televisions were not equipped to have cable connection. Barracks also have board games. Further, since there are several Urdu speakers in this prison, there was a request to include Urdu newspapers and books in the library.



## 9. PRISON LABOUR AND WAGES

Kitchen staff, appointed from among the under trials, prepare meals for the inmates. Some inmates take care of cleaning the toilets and rooms for which they are paid by other inmates. Several inmates requested the study team to recommend the introduction of avenues of labour inside the prison such as woodwork, plastering, etc., which could also prove to be useful for the prison.



## 10. VULNERABLE GROUPS

### A. Women prisoners

As of 31st December 2018, there were 9 female inmates in this prison. There were five children at the time of the visit by the study team, who were given milk, biscuits and fruits. Since the instructor appointed at the prison is male, he is not allowed inside the female barrack and the women learn what they can from the warders posted in their barrack. In case women are in need of medical attention, they are brought to the medical room in the common area with female warders. They are escorted by female warders even when they come to use the visiting room. **The female barrack is lined with cells, which are spacious and have a separate washing and toilet area inside.** There is a store room where beddings to be given at the time of admission and extra sarees are stored. The barrack has a television in the common area. The area around the barrack is used to walk and wash clothes.

### B. Prisoners with mental health concerns

Between 1st January and 31st December 2018, there was one inmate in need of psychological counseling and three who required psychiatric treatment in this prison. In the same time period, two inmates were referred to NIMHANS, Bangalore for treatment. One of them had been in the prison for less than 6 months, and two for a period between 3 and 5 years. The study team inspected the records of the inmate who has been in this prison since 2014 and has been under mental health treatment for most of this period. He is sent to NIMHANS periodically for treatment, and the concerned court is aware of his medical condition. Unfortunately, he cannot be released on bail since there is nobody from his family to take responsibility of him, and he has not been directed to be sent to a mental health establishment as he returns from NIMHANS with his condition having improved slightly every time he is sent there. Sleeplessness is a common concern for several inmates.

### C. Young Offenders

At the time of visit by the study team, there were about ten inmates between the age group of 18 and 21 years. **They were not segregated from other prisoners.** Further, the study team found 2 young inmates who had been transferred to the prison from a remand home. Under s.19(3) of the Juvenile Justice (Care and Protection) Act 2015, a child in conflict with the law is required to be housed in a 'place of safety' until the age of 21, and can only be transferred to jail after turning 21. A 'place of safety' has been specifically defined in the said Act to exclude a jail. Further the inmates who were transferred from a remand home expressed how they had access to education before being transferred here, and that they also found themselves better adjusted among young people their own age.

### D. Old age offenders

At the time of visit by the study team, there were about six inmates over the age of 60, who were not kept separate.

### E. Prisoners from other countries

There were two foreign national prisoners at the time of the visit by the study team, both of them from Nigeria. It was difficult for them to keep in touch with their family as this prison does not have phone facilities. It was also difficult for them to access lawyers, and to find out about basic legal rights such as the conditions to apply for bail. Their friends were however allowed to visit them in prison to maintain ties with the world outside.

## E. Prisoners from other states

During the visit by the study team, there were about eight prisoners from Maharashtra, Gujarat and Telangana. It was difficult for them to understand court proceedings in Kannada. No facility for a translator in courts for people belonging to other states.



## 11. PRISON ADMINISTRATION

### Staff vacancies

Like all prisons, there was staff shortage here also as on 31 December 2018, which has since eased with the mass recruitment of personnel in 2019. Unlike most other district prisons, this prison has an FDA, a ward boy, a driver on contract and a sweeper to support the prison staff in their functioning.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
01	01	44	07	-	-	-	-	18	09	03	01

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
03	02	-	02	06	29	01	-	02	01	12	09

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in very few of them being able to avail a weekly day off, or even take leave during the year to visit their families.

### Staff Accommodation

There is not enough staff accommodation, and there is a need for renovating the existing quarters.

## 12. PRISON OVERSIGHT

NoVs have been appointed for this prison. BoV meetings include representation from the taluka prisons of Lingasuguru and Manvi. Only one visit by official members of the BoV during the year 2018.

Under-trial Review Committee (UTRC) meetings had been conducted monthly since January 2019, complying with Supreme Court directions to conduct a meeting per month till June 2019.

## 13. ISSUES OF CONCERN

- Instances of custodial violence and torture in police custody** – Of the 26 inmates interviewed by the study team, eight alleged that they had been victims of custodial torture in the police station, which was not revealed either to the remand court or the doctor performing medical

examination under police duress. Corporal punishment is also used as a means of discipline and punishment in the prison, with solitary cells being used from time to time.

- b) **Body Warrants** – The study team found 17 inmates who have been unable to gain release from prison despite being granted bail and satisfying bail conditions in the ‘arrest case’, on account of having a body warrant in one or more cases delivered to the jail.
- c) **Maintenance cases** – A unique problem in this prison is the high number of inmates who are in prison for default in paying maintenance. About 27 such inmates were in this prison at the time of visit by the study team in March 2019. Their period of detention is extended by a month, at the end of every 29th day. Several of them had not been to court in over a year or more.

### Superintendent's Diary

*The Jailer of this prison, who is the in-charge Superintendent, Mr. Shahabuddin, has taken the initiative to involve the taluka prisons in the district during the meetings of the Board of Visitors. Since there is no clear mandate for BoVs for taluka prisons, this initiative ensures that there is oversight of taluka prisons Manvi and Lingasuguru, in addition to being an avenue for concerns from those jails to be raised.*

### UPDATES AS OF APRIL 2022

In the meeting held on 19 March 2022, the study team was informed about the following changes since its visit:

- ❖ Land to the tune of 19 acres and 18 guntas has been sanctioned for the construction of a new prison. In the meanwhile, the present capacity has been increased by 70 by opening one barrack.
- ❖ An RO plant has been installed. Kitchen has been renovated. There are now two PCO systems for inmates to make phone calls. Two borewells have been dug in the prison to off-set the water supply shortage. There is now a generator.
- ❖ One additional VC unit has been set up and *emulakaat* facility was available during Covid.
- ❖ A doctor on deputation has been appointed for the prison.
- ❖ Construction of the prison library is now complete. Telugu and Urdu papers are being subscribed to for inmates who speak these languages.
- ❖ Wages are now being paid for inmates who work in kitchen and cleaning.
- ❖ Young and old inmates are being segregated from the other inmates.
- ❖ Staff vacancy has come down, and this has enabled them to take their weekly off as per rules. Staff quarters have been renovated.

## KEY RECOMMENDATIONS FOR RAICHUR

### PRISON HEADQUARTERS

- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Introduce sports facilities for both inmates and prison staff.*
- *Introduce avenues of labour inside the prison, with just wages in return.*
- *Renovate and expand staff quarters.*

### PRISON STAFF

- *Kindly ensure that an RO system is installed at the earliest.*
- *Kindly include Urdu newspapers and books in the prison library.*
- *Kindly make a representation to the prison head office regarding the popular demand for cable connection from the inmates.*
- *Kindly consider streamlining classes taken by the instructor, especially for those interested in learning among the female prison population, those in the age group of 18-21 and others who are interested in studying.*
- *Kindly consider using the unused portions of the prison once additional staff is provided to avoid congestion in the male barracks; one of the cells can also be converted to an admission room until space is found for newly arrived inmates.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Kindly keep a check on legal aid lawyers such that they do not ask money from inmates.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*
- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*

### HIGH COURT OF KARNATAKA

- *There is a peculiar problem in this prison with an extremely high number of inmates being incarcerated under s.125 of the CrPC. Many of them have not been taken to court since the time of entering the prison, with little chance of negotiating a settlement with their spouse. Kindly consider issuing directions to the family court in this district granting an opportunity to the husband to be present in court at the time of extension of the period of incarceration.*

# RAMNAGARA DISTRICT PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The district of Ramnagara is divided into four taluks including Ramnagara, Chhannapatna, Magadi and Kanakpura. The district prison in Ramnagara was originally a taluk prison built in 2007, notified as a district prison in 2012.

The prison is housed in 2.27 acres of land, with a built up area of 2.15 acres, making this one of the smaller district prisons in the state. The office area, barracks, kitchen and all other rooms are built around a rectangular open courtyard.

## 2. PRISON POPULATION AND OVERCROWDING

Being a district prison, it houses under trials and convicts sentenced to less than 6 months' imprisonment. The capacity of this prison is 175 for male inmates and 25 female inmates. As of 31st December 2018, there were 179 male inmates and no female inmates. There is no problem of overcrowding in this prison.

	<b>Capacity</b>	<b>175</b>		<b>Capacity</b>	<b>25</b>
	<b>Strength</b>	<b>179</b>		<b>Strength</b>	<b>0</b>
	Undertrials	177		Undertrials	0
	Convicts	2		Convicts	0
	Detenues	0		Detenues	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	102.29%		Occupancy Rate	0.00%

The study team physically checked all the barracks and visited all parts of the prison. The team also conducted detailed interviews of 15 inmates and many prison staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that medical examination upon entering the prison is not conducted immediately upon admission, but after a few days, whenever the visiting doctor from the District Hospital, Ramnagara visits the prison. Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel).

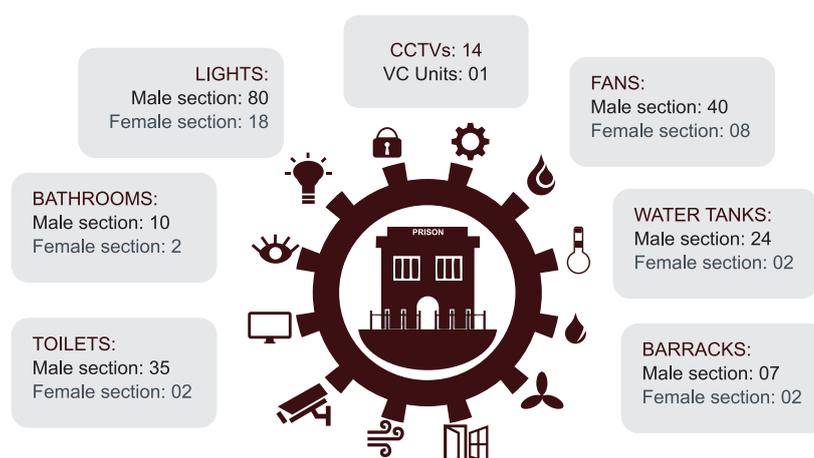
Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes

#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, there are a total of 7 male barracks and 2 female barracks.

	Number of barracks	Inmates per barrack
Male Section	7	25
Female Section	2	12

Basic amenities such as electricity, water, clothes, food seem to be well taken care of, none of the inmates complained about this. Every barrack is equipped with sufficient fans and light bulbs. One video conferencing unit has been installed in the prison, and is being used for productions in courts, especially for the courts in Bangalore. There is no garbage collection from the municipality. Since the prison population is small, a separate dining hall could be built to serve food to inmates.



- Breakfast and Tea
- Lunch and Dinner: Curry, Vegetables, Rice *Ragi mudde* and Buttermilk.
- Eggs once a week and Non-veg once a week (chicken and mutton alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	No	Yes



#### 5. CONTACT WITH OUTSIDE WORLD

'Entry' or visits from family members is allowed once a week per prisoner, for a maximum period of 30 minutes.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison, as is the case with most district prisons.**

No. of phone numbers allowed	Duration of Calls	Periodicity	Cost per call
-	-	-	-

**Lawyers are allowed to meet their clients as per their requirement with no time restriction.**

A table and chair is provided in the open courtyard for lawyer-client interactions. But there is no separate meeting room to conduct lawyer-client interviews.



## 6. MEDICAL FACILITIES AND HEALTHCARE

There is no permanent medical officer or nursing staff appointed at this prison, and there is no hospital inside the prison either. The VC apparatus has been installed in the room used by the visiting doctors to examine patients. Doctors from the District Government Hospital, Ramnagara which is about 3 kms away, visit the prison twice a week. As per the data provided by the prison, 512 requests were made for medical escorts and all were fulfilled. **Therefore, there is no problem of medical escorts for this prison.**

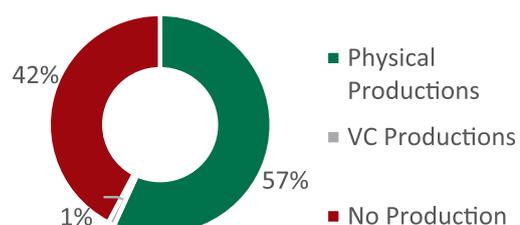


## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed either by prison authorities themselves about their right to a lawyer, or were asked by the committal court if they had legal representation. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of chargesheet.

One lawyer from DLSA visit the prison 3-4 times a week. The study team was able to meet the lawyer during his visit. While he informed the team that getting lawyers for the inmates in the Ramanagara district courts is still manageable, it is difficult to find them legal aid lawyers in the Bangalore High Court to fight their bail applications and appeals.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	3-4 times a week



Almost all of the 15 persons interviewed by the study team revealed that their lawyers, whether legal aid or private, were not informing them about the status of their case.

Court production is mostly physical in this prison, with only 29 video conferencing productions in the year 2018. There seems to be a crisis in the availability of escorts for physical productions, with only 57.31% average availability of escorts during the year 2018.

About 1,325 court orders for production could not be made either physically or through video conferencing.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

**There is a full time teacher who comes into the prison every day, and also helps in maintaining the library.** One of the inmates interviewed by the study team spoke highly of the teacher, as someone who helped him study in prison and stay positive. Volunteers from the Prison Ministry of India visit the prison regularly. Inmates are motivated to study.

A television set and carom board provided in each barrack. There is a canteen for inmates to buy basic needs. **Several newspapers and periodicals are subscribed in this prison, and there is a well maintained library, which is taken care of by the teacher.**



## 9. PRISON LABOUR AND WAGES

Kitchen staff, appointed from among the under trials, prepare meals for the inmates. Like in other prisons in the state, there is no wage labour available for under trials here.



## 10. VULNERABLE GROUPS

### A. Women prisoners

Although there are two female barracks in this prison, they have not been opened and hence there are no women prisoners in the Ramanagar District Prison.

### B. Prisoners with mental health concerns

In the year 2018, two prisoners underwent psychiatric treatment in the prison as per information furnished by the prison authorities. These prisoners are not segregated. When prisoners with mental health issues require specialised attention, they are sent for treatment to NIMHANS, Bangalore. No provision for a visiting psychologist/counsellor from the district hospital or a nearby district.

### C. Young Offenders

There were about 7 young offenders that the study team could identify, in the age group of 18-21 years. **They were not segregated from the older inmates.**

### D. Old age offenders

The study team found about 3 inmates above the age of 60. There is no special arrangement made for them owing to their age or medical requirements.

### E. Prisoners from other states

The study team found a few prisoners who were outside Karnataka including one from Odisha, one from Rajasthan, one from Kerala and one from Tamil Nadu. These inmates find it difficult to communicate with their lawyers and to understand court proceedings. No facility for a translator in courts for people belonging to other states.

## E. Forest dwellers

This prison had at least two inmates who were being persecuted for being forest dwellers. The study team was informed that there are several such persons who are arrested under the Karnataka Forest Act, Indian Forest Act and even the Wildlife Protection Act. Since these legislations are often in conflict with the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, ensuring that the rights of forest dwellers are protected, and that they are not harassed through arrests and detentions, is paramount.



## 11. PRISON ADMINISTRATION

### Staff vacancies

As on 31st December 2018, of the sanctioned posts of 3 officers, 2 posts are filled. Among the warders, while there is a sanctioned strength of 2 chief warders, 6 head warders and 27 warders, there is an actual strength of 6 head warders and 14 warders (9 male and 5 female).

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	01	37	02	-	-	01	-	16	05	-	02

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
	Male	Female	Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
						M	F	M	F	M	F
03	02	-	02	06	27	-	-	06	-	09	05

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in very few of them being able to avail a weekly day off, or even take leave during the year to visit their families. There is no crèche facility for the female staff, although this prison has 5 female staffers. While new technology was being introduced to the prison system, in the form of Video Conferencing, or e-Prisons, CCTVs, etc., corresponding infrastructure to facilitate the same and more importantly adequate and timely training and appointment of staff to handle the new technology was lacking. Further, in the absence of clerical staff appointments, existing official staff were doing all financial and administrative management including maintaining and updating the e-Prisons portal.

### Staff Accommodation

There are sufficient number of quarters for prison personnel however the same are in need of repair and maintenance.

## 12. PRISON OVERSIGHT

In preparing list for Under-trial Review Committee (UTRC) meetings, persons with multiple cases are not marked in a separate list.

### 13. ISSUES OF CONCERN

- a) **Instances of custodial violence and torture** – Of the 15 inmates interviewed by the study team, 7 alleged that they had been victims of custodial torture during police custody, which was not revealed either to the remand court or the doctor performing medical examination under police duress.
- b) **Inability to procure surety** – One of the grievances the study team was told during the visits to the barracks was about inmates being unable to avail bail owing to their inability to procure surety, either because they were asked to furnish local surety (some of them are from outside the city, or even state) or because the surety amount was too high.

#### Superintendent's Diary

*While showing the study team the cells in which inmates were kept separately from the other inmates for purposes of maintaining discipline, the Superintendent informed the team that this prison is strictly against solitary confinement as it militates against the basic human rights of prisoners. Segregation however was necessary to maintain security of prisoners, and also general order in the prison.*

#### UPDATES AS OF APRIL 2022

In the meeting held on 25 March 2022, the study team was informed about the following changes since its visit:

- ❖ There is now an RO system for drinking water, and 2 PCOs for inmates to make phone calls. There are 2 more VC units taking the total to 3. An additional barrack with a capacity of 40 has been sanctioned.
- ❖ Garbage is being collected by the municipality.
- ❖ Young and old inmates are being segregated from the other inmates. There is also a separate room for admission.
- ❖ Wages have been paid for inmates working in kitchen and cleaning.
- ❖ Staff shortage has come down, and this allows them to avail weekly off as per rules.

## KEY RECOMMENDATIONS FOR RAMNAGARA

### PRISON HEADQUARTERS

- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Sanction additional posts for one FDA/one SDA, one Medical Officer/one Nursing staff, two sweepers and one attendant.*
- *Provide an RO facility for this prison.*

### PRISON STAFF

- *Ensure that prisoners who have been unable to inform their families about their incarceration are assisted in doing so with help from concerned police stations.*
- *Ensure that a copy of the medical records of prisoners undergoing treatment for mental illnesses are made available to their lawyers, or concerned court, as the case may be.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Appropriate directions may be issued by the District and Sessions Judge during the next UTRC meeting to the Superintendent of Police that upon arrest, the right to inform a family member be facilitated by the concerned police station. Further, the right to a lawyer during remand period must necessarily be communicated at the time of first production.*
- *Issue a communication from the UTRC to the courts in its jurisdiction regarding the alternative and mandatory means of securing sureties for indigent persons for granting bail – personal surety, surety of persons out of state, surety of family members. Persons who have been granted bail but have been unable to secure sureties must also be recommended by the UTRC for release.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*
- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken. Further determine if any of them have been transferred to this prison in violation of s.19(3) of the same Act.*
- *Collect a list of prisoners who are above the age of 60 and determine whether they can be considered by the UTRC for release on bail for old age and infirmity.*

# TUMAKURU DISTRICT PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The district prison in Tumakuru was constructed in 2008. This prison houses inmates who have cases in the taluk courts of Tumakuru, Gubbi, Tiptur, Turuvekere, Kunigal and Chikkanayakanahalli. Prisoners with cases in the taluks of Sira, Pavagada, Koratagere and Madhugiri are sent to the revenue prison in Madhugiri. It is headed by an officer of the rank of Assistant Superintendent.

This prison is fairly new in its construction. The prison is constructed in a total area of 9.2 acres. There is a courtyard in the middle of prison which is available for male inmates to walk around during their unlock timings. The common areas such as the library, room for the visiting doctor, visiting room, legal aid room cum library are all lined in one row adjacent to the offices. While this common area is available to the male inmates, this is not accessible to female inmates.

## 2. PRISON POPULATION AND OVERCROWDING

This district prison houses only under trial prisoners, and those sentenced to less than six months' imprisonment. The total capacity of this prison is 340 (300 males and 40 females), and the strength as on 31st December 2018 was 279 (263 males and 16 females). There is no pressing problem of overcrowding in this prison.

	<b>Capacity</b>	<b>300</b>		<b>Capacity</b>	<b>40</b>
	<b>Strength</b>	<b>263</b>		<b>Strength</b>	<b>16</b>
	Undertrials	253		Undertrials	16
	Convicts	9		Convicts	0
	Detenues	0		Detenues	0
	Civil Prisoners	1		Civil Prisoners	0
	Occupancy Rate	87.67%		Occupancy Rate	40.00%

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 19 inmates (including 3 female inmates) and prison staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that medical examination upon entering the prison is not conducted immediately upon admission. Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a chombu (vessel).

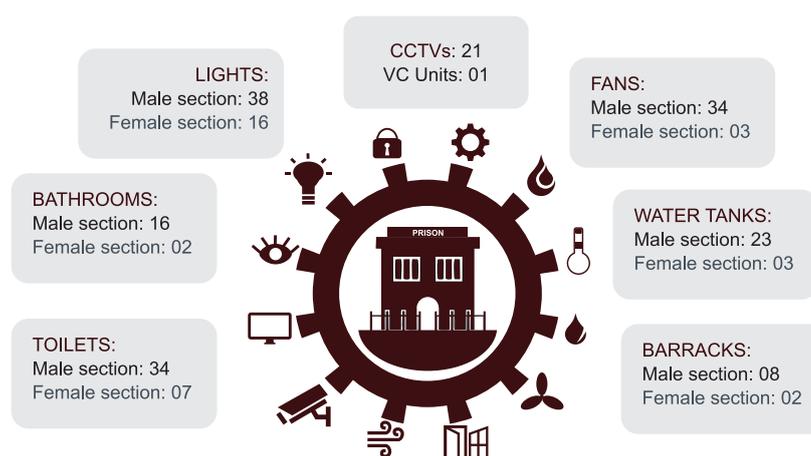
Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	Yes
Whether basic articles given?	Yes

#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS<sup>16</sup>

As per information provided, there are a total of 8 male barracks and 2 female barracks.

	Number of barracks	Inmates per barrack
Male Section	8	33
Female Section	2	8

Basic amenities such as electricity, water, clothes, seemed to be well taken care of, none of the inmates complained about this. Every barrack is equipped with sufficient fans and light bulbs. Toilet were not very clean and broken faucets were found in some barracks at the time of visit by the study team. While there is an RO system already, a new system with higher capacity has been requisitioned by the Superintendent.



While some inmates complained about the food given, some others expressed that they have now got accustomed to the food.



- Breakfast and tea
- Lunch and dinner: Curry, Vegetables, Rice, *Ragi mudde* and Buttermilk.
- Eggs once a week and Non-veg once a week (chicken and mutton alternatively).

**Degradable garbage is put into a compost pit in the garden area, while the non-degradable waste is collected by the municipality.**

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	No	Yes	Yes

<sup>16</sup> As on 31st December 2018



## 5. CONTACT WITH OUTSIDE WORLD

There is a small visiting room available within the prison premises. As per the information provided by the prison, 'entry' or visits from family members is allowed once a week per prisoner, on any working day of the week, for about 45 minutes per visit, timings are between 11 AM and 12:30 PM and then again between 4 PM and 5 PM. Some of the inmates who were interviewed by the study team alleged that they had to give a certain portion of the money received from their families at the time of entry to the staff.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

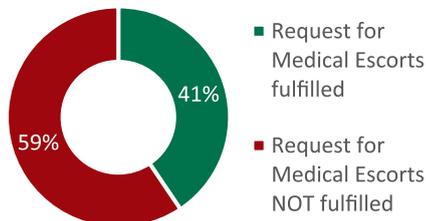
No PCO facility available in this prison, like other district prisons.

Lawyers are allowed to meet their clients twice a week, for up to 45 minutes per visit. There is a proposal by the prison administration to have rest rooms constructed for family members who come for visits, awaiting approval.



## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison,** and there is no hospital inside the prison either. A doctor from the government hospital visits the prison twice a week. Since the district government hospital is about 10 kms away, there is a need for a permanent medical officer to be appointed to this prison.



In the period between 1st January 2018 and 31st December 2018, as per the data provided to the study team by the prison administration, 750 prisoners were referred for medical treatment to the district government hospital, and 48 prisoners had been referred to the Bangalore Central Prison from where they were further referred to higher medical centres for treatment. Medical escorts are only

provided on Sundays and government holidays. Prison has a functional ambulance.

Although about 1,500 prisoners were required to be sent to hospital for treatment, escorts for medical purposes were provided only for 609 prisoners. For the rest, in emergency situations the prison staff has to inevitably rush the prisoner to the district government hospital themselves.

As per information provided to the study team by the prison administration, there were three deaths in the prison in the year 2018, all of which are pending in judicial enquiry, awaiting FSL reports.

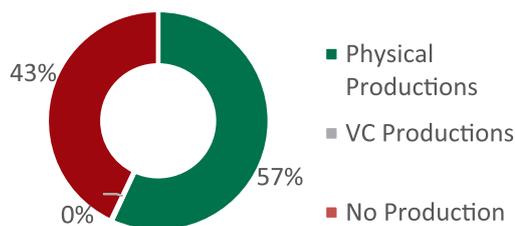


## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There is a jail visiting lawyer who comes to this prison two to three times a week, and sits in the library to conduct meetings. **Although there used to be a female lawyer specifically to visit the female barrack, that practice has now discontinued.** The computer system provided by the DLSA to be used by the jail visiting lawyer is not used by him. The study team was able to meet the jail visiting lawyer, and he informed the team that mostly he was asked queries about the status of cases. And that it was not very often that an appeal was filed on interim orders (including bail) through legal aid.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	Two/three times a week



Shortage of escorts is therefore a very dire problem in this prison. Being close to the state capital, Tumakuru sees a lot of VIP foot fall, and part of the shortage of court escorts is due to the high demand of the armed reserved police forces for bandobast duty.

In the year 2018, 3,690 of the 6,478 requests for court escorts were fulfilled by the Tumakuru district armed reserve force. About 2,788 court orders for production could not be made either physically or through video conferencing.

About 10 prisoners were produced in court through video conference during the year 2018. There are currently two new VC systems sent from the Karnataka High Court waiting to be installed for use.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The prison subscribes to newspapers and periodicals. The barracks are provided with television facilities. There is an instructor on deputation from the primary education department who also maintains the library. The research team was able to speak with the instructor who informed the team that there are about 30 prisoners who come to him every day to learn basic reading and writing. Books from the Adult Education Department are used for the same. However, the library is small. Limited participation by NGOs in the prison life.



## 9. PRISON LABOUR AND WAGES

Kitchen staff, appointed from among the undertrials, prepare meals for the inmates. **Kitchen staff is paid about Rs.80 per day as wages.** Incense stick packing facilitated by Cycle Agarbatti is available for female inmates. Although there is a small vegetable garden in one corner of the prison, it is currently not being used for employment as there is insufficient staff to supervise work in the garden.



## 10. VULNERABLE GROUPS

### A. Women prisoners

Like in most other district prisons, the female inmates are cut off from the male inmates, except for one weekly meeting if they have a relative in the male barrack. They can use the library if

required, when female warders escort them to the main building. When the visiting doctor or lawyer comes to prison, female inmates are informed and can avail of their services. A common concern expressed by the female inmates was that some of them had to leave behind their minor children in the care of neighbours or family members, who did not always bring the children to prison for visits.

### B. Prisoners with mental health concerns

The information provided to the study team revealed that between 1st January 2018 and 31st December 2018, there were 3 inmates undergoing treatment for mental health concerns. While one of them has been in prison for less than a year, another has been in this prison for about a year and a half and the third for about 3 years and 3 months. All three of them have been sent to NIMHANS for treatment periodically, and remain under medication in this prison. None of them however has been declared to be incompetent to stand trial. At the time that the study team was visiting the prison, one inmate was kept in a separate cell and was under suicide watch.

### C. Young Offenders

At the time of visit by the study team, there were about 48 inmates between the age group of 18 and 21 years, of whom about 11 had multiple cases, and 4 had been charged under sections of the POCSO Act. They had not been segregated from the other inmates for lack of space.

### D. Prisoners from other states

During the visit by the study team, there were 4 prisoners from other states, some of whom could not understand Kannada well. No facility for a translator in courts for people belonging to other states.



## 11. PRISON ADMINISTRATION

### Staff vacancies

As with most prisons in the state, there was vacancy among staff as of 31st December 2018, which has since eased with the mass recruitment of personnel in 2019. There is one FDA, but works on contract basis.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	01	48	01	-	-	01	-	24	10	01	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
03	02	-	02	07	33	01	-	07	-	16	10

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in very few of them being able to avail a weekly day off, or even take leave during the year to visit their families.

### Staff Accommodation

There is not enough staff accommodation, with only about four available. There is a need for more quarters since the prison is far from the main city the staff is in need of quarters close to the prison complex.

## 12. PRISON OVERSIGHT

Although NoVs have been appointed, in the year 2018, there were no visits made to the prison either by NoVs or by members of the BoV. Three BoV meetings were held in the year 2018. Under-trial Review Committee (UTRC) meetings had been conducted for January 2019, with preparations for following Supreme Court directions to conduct a meeting per month till June.

## 13. ISSUES OF CONCERN

**Instances of custodial violence and torture** – Of the 19 inmates we interviewed, eight alleged that they had been victims of custodial torture, which was not revealed either to the remand court or the doctor performing medical examination under police duress.

### Superintendent's Diary

*Mr. C.E. Thimmaiah, Superintendent, is of the opinion that a prison must include punishment in addition to the loss of liberty by incarceration. He feels that otherwise, there is no fear of prison, as inmates have all their basic needs taken care of. Despite this personal belief, the entrance to the prison states in bold letters that it is not a place of punishment, but a chance to reform.*

### UPDATES AS OF APRIL 2022

In the meeting held on 25 March 2022, the study team was informed about the following changes since its visit:

- ❖ With respect to infrastructure, the toilets have been repaired and cleaned and 10 additional bathrooms have been sanctioned. An RO of higher capacity has been installed. There are now 6 functional VC units, and *emulakaat* was available during the Covid-19 induced lockdown. 3 PCO units have been installed.
- ❖ Young and old inmates are being segregated from the other inmates. There is also a separate room for admission.
- ❖ Wages have been paid for inmates working in kitchen and cleaning.
- ❖ The computer in the legal aid clinic is being used by the jail visiting lawyer.
- ❖ Staff shortage has come down, and this allows them to avail weekly off as per rules.

## KEY RECOMMENDATIONS FOR TUMAKURU

### PRISON HEADQUARTERS

- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Expand and modernise interview room to ensure effective communication.*
- *Sanction additional posts for one medical officer/one nursing staff, one driver, and one attendant.*
- *A separate room for instruction could be made available for teaching purposes.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *There is a delay in intimation of court dates when a prisoner has not been produced in person. Currently, intimation is mostly through post, which reaches after the date has passed on some occasions. Kindly coordinate with all courts in the district to enable quicker despatch of intimation of court dates, and intimation by phone where necessary.*
- *In the preparation of lists of prisoners to be considered for UTRC meetings, kindly assist the prison staff in determining the maximum punishment and also in identifying prisoners who have been granted bail but have been unable to furnish surety as this information is only available with the courts.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*
- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*

### BOARD OF VISITORS

- *Since this district is particularly demanding of escorts for bandobast, coordinate with the district DAR and other concerned departments to ensure that there is a minimum number of escorts specifically for the purpose of court and medical escorts.*

# UDUPI DISTRICT PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The district prison in Udupi was established in 2009 and serves as the prison for undertrials in all the taluks of this district as there are no taluk prisons in Udupi. This is one of the more recently constructed prisons in the state. The city of Udupi, being close to and similar to Mangalore, has been a communally charged city for several years now, an animosity that is reflected in the prison as well. This prison is located far away from the city centre, including the courts and hospital. This prison was shut for renovation from January to October in the year 2018.

The prison is built over an area of 15 acres. The entrance leads into a rectangular area in which the administrative rooms, clinic and male barracks are lined next to one another. A unique feature of this prison is that it has a floor of cells for male inmates underground. There is a separate kitchen, medical room and VC room. The female section is a separate building and consists of one large barrack and a room for the staff.

## 2. PRISON POPULATION AND OVERCROWDING

This district prison houses only under trial prisoners, and those sentenced to less than six months' imprisonment. The total capacity of this prison is 110 (100 male inmates and 10 female inmates), and the strength as on 31st December 2018 was 110 (108 male inmates and 2 female inmates). Overcrowding is not a concern in this prison.

	<b>Capacity</b>	<b>100</b>		<b>Capacity</b>	<b>10</b>
	<b>Strength</b>	<b>108</b>		<b>Strength</b>	<b>2</b>
	Undertrials	106		Undertrials	2
	Convicts	2		Convicts	0
	Detenués	0		Detenués	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	108.00%		Occupancy Rate	20.00%

The study team physically checked all the barracks and visited all parts of the prison. The team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 22 inmates (including 5 female inmates) and prison staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

Medical examination at the time of admission in accordance with the NHRC format cannot be conducted since this prison does not have a medical officer, as is the case with most district prisons. Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves,

a plate and a chombu (vessel), however not all inmates have got these basic necessities at the time of admission.

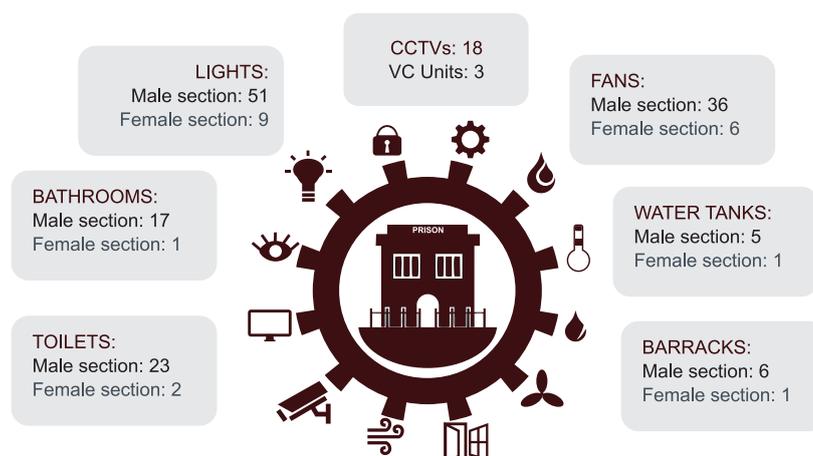
Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	Yes
Whether basic articles given?	Yes

#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, there are 6 male barracks, 3 single cells and 1 female barrack.

	Number of barracks	Inmates per barrack
Male Section	6	18
Female Section	1	2

Basic amenities such as electricity, water, clothes, seemed to be well taken care of, none of the inmates complained about this. **Filtered water is available.** Every barrack is equipped with sufficient fans and light bulbs. However, the underground cells have insufficient ventilation. Toilets inside the cells were well maintained at the time of visit by the study team.



The kitchen is well equipped, with fridge, chimney and steamer and gas supply, although the steamer is not always used. Inmates are more or less satisfied with the food provided in the prison. Fish and chicken are provided on alternate weeks, given the preference of meat in this region.



- Breakfast and Tea. Lunch and Dinner: Curry, Vegetables, Rice, Chapathi and buttermilk.
- Eggs once a week and Non-veg once a week (chicken and fish alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
No	No	Yes	Yes



## 5. CONTACT WITH OUTSIDE WORLD

As per the information provided by the prison, 'entry' or visits from family members is allowed once a week per prisoner, on any working day of the week. Each visit can last up to 45 minutes long. The visiting room has wire meshes, as is the general design in most district prisons in the state. **There are benches for the visitors and inmates to sit on while they speak, and the visiting room has sufficient fans and lights.**

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison.**

Lawyers are allowed to meet their clients twice a week, and for as long as they require. There is a separate table and chair provided to lawyers when they visit the prison.



## 6. MEDICAL FACILITIES AND HEALTHCARE

**This prison has a separate medical room with basic medical equipment** like stethoscope, BP and sugar monitoring machines, an almirah with medication, etc. It also has 2 beds. There is no medical officer appointed to this prison. However, a government doctor visits the prison twice a week (on Tuesdays and Fridays). A nurse orderly accompanies the doctor, and also visits the female barrack to determine if any female inmate is in need of medical attention. Between October 2018 (when the prison reopened after renovation) and April 2019 (when the study team visited the prison) 1117 inmates were treated in the prison. Ambulance is not in working condition.

Specialists including psychiatrists, dermatologists and dentists from the prestigious Manipal hospital visit this prison when required. However, the study team witnessed a visit by a psychiatrist who walked through the corridors of the barracks and his visit was completed in merely 15-20 minutes. It was quite evident of the quality of visit being made by the specialists.

In the period that the prison was open in the year 2018, between October and December, as per the data provided to the study team by the prison administration, 47 prisoners were provided medical treatment at the District Government Hospital, Udupi and 5 inmates were sent to higher medical centres. **All requests of medical escorts were fulfilled.**



## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, while some prisoners who were interviewed revealed that they were informed in court about their right to a lawyer. There are two jail visiting lawyers who each visit prison once a week.

There is a general disgruntlement among inmates with the lawyers in the bar. Many of them get to meet their lawyers for a precious few minutes in court, with very few lawyers visiting prison to meet their clients.

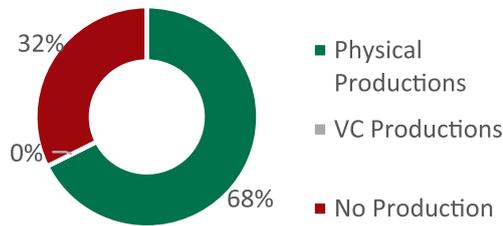


Whether Jail Legal Aid Clinic set up?

Yes

Frequency of visit by jail visiting lawyers?

Two lawyers visit once a week each



For the months that the prison was closed for renovation, inmates were divided between the district prisons in Mangalore and Karwar, and had very few court productions in that time.

In the year 2018, 374 of the 553 requests for court escorts were fulfilled by the district armed reserved police forces, during the months that the prison was open (October-December 2018). About 179 court orders for production could not be made either physically or through video conferencing.

At the time of visit by the study team, three VC systems had been set up for use, however since this prison is very far from the city centre, internet connection is a major hindrance in using these systems. The Udupi district court however has a VC room as is the case with most courts, and also a court VC in the court of the Principle District and Sessions Judge, which enables far more efficient production in his court.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The prison subscribes to newspapers and periodicals. There is also a library in the prison from where inmates can issue books. The barracks are provided with television facilities, where inmates pool in money to pay for cable facilities. **This prison has very long lock up hours, with inmates being allowed outside in batches for an hour each**, in order to ensure that there are no scuffles among inmates. The Prison Ministry of India sends volunteers to the prison every week.



## 9. PRISON LABOUR AND WAGES

Kitchen staff, appointed from among the undertrials, prepare meals for the inmates. As is the practice in other prisons, no wages are paid to the kitchen staff. There are no other employment opportunities available in the prison.



## 10. VULNERABLE GROUPS

### A. Women prisoners

The study team visited the female barrack and spent some time speaking with them, and conducted in depth interviews with five of them. There was one child at the time of visit by the study team, who is provided milk in addition to prison food. Some of the female inmates assist in keeping the prison clean. As is the case in most district prisons in the state, there are no employment opportunities for women, leading to long hours of brooding while in incarceration.

### B. Prisoners with mental health concerns

At the time of visit by the study team, there were about six inmates between the age group of 18 and 21 years. **They are not segregated from the remaining inmates given the shortage of space in this prison.**

### C. Old age offenders

At the time of visit by the study team, there were about two inmates who were above the age of 60, for whom no special diet or space is available.

### D. Prisoners from other states

During the visit by the study team, there were about 13 prisoners from other states, including Rajasthan, Bihar, Maharashtra, Uttar Pradesh, West Bengal, Tamil Nadu and Chhattisgarh. This is one of the highest number of out of state prisoners in a district prison in the state. No facility for a translator in courts for people belonging to other states.



## 11. PRISON ADMINISTRATION

### Staff vacancies

As with most prisons in the state, there was vacancy among staff at the time of visit by the study team. The situation has eased since the time of mass recruitment of personnel in 2019.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	01	48	01	-	-	01	-	24	10	01	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
03	01	-	02	02	25	-	-	01	-	13	07

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in very few of them being able to avail a weekly day off, or even take leave during the year to visit their families.

### Staff Accommodation

There are only six staff quarters for this prison. Therefore, there are not enough staff quarters for the sanctioned staff, as is the case with most district prisons in the state. Staff is therefore forced to live together in the same quarters, and therefore unable to bring their families with them. Further, since this prison is very far from the main city, the option of finding private accommodation is foreclosed.

## 12. PRISON OVERSIGHT

In the year 2018, there were three visits by official members and two by non-official members. Under-trial Review Committee (UTRC) meetings are being held regularly.

### 13. ISSUES OF CONCERN

- a) **Instances of custodial violence and torture** – Of the 22 inmates interviewed by the study team, about eight of them alleged that they had been victims of custodial torture in the police station, which was not revealed either to the remand court or the doctor performing medical examination under police duress. The study team also learnt that corporal punishment and single cell confinement were used as methods of discipline and punishment in the prison.
- b) **Body Warrants** – The study team found several instances of persons who have been unable to gain release from prison despite being granted bail and satisfying bail conditions in the ‘arrest case’, on account of having a body warrant in another case delivered to the prison.
- c) **POCSO cases** – At the time of visit by the study team, there were at least 35 cases registered under the POCSO Act, predominantly in the age group of 18-21. While they are all awaiting trial, one of the common situations where the provisions of this special legislation are used is in instances of young romance. Media hype of such cases is an additional strain on building a strong defense.
- d) **Communal animosity and gang rivalry** - Although this prison is not divided on communal lines like Mangalore, communal animosity and gang rivalry is a part of prison life here, and the staff has the additional task of ensuring that these differences do not result in prison violence. In the recent years as well, this prison has had to cope with physical fights and murders within the prison at huge personal risk. The result of this level of violence has resulted in the prison administration allowing inmates outside their cells only for an hour each, in batches.

#### Jailor’s Diary

*As in every prison in the district, the Jailor of District Prison, Udupi informed the study team that there is a need for clear directions with regard to how a prison is required to respond to a situation when an inmate has furnished bail in the remand case, but has a body warrant placed on him. This situation requires the prison authorities to themselves seek out the courts in which the body warrants are from and request a remand order in at least one of them to ensure that their detention of an inmate is legal.*

### UPDATES AS OF APRIL 2022

In the meeting held on 22 March 2022, the study team was informed about the following changes since its visit:

- ❖ With respect to infrastructure, the prison now has a working generator. Two PCOs have been installed for inmates to make phone calls. The steamer is being used in the kitchen for cooking. There is now internet connection for using the VC systems in the prison.
- ❖ There is now a separate admission room. Young and old offenders are segregated from the remaining inmates.
- ❖ Wages are being paid to the inmates who work in kitchen and cleaning.
- ❖ Staff shortage has come down which has enabled staff to avail weekly off as per rules. Forty four quarters have been sanctioned for the staff.

## KEY RECOMMENDATIONS FOR UDUPI

### PRISON HEADQUARTERS

- *Sanction additional posts for one nursing staff, one pharmacist, one teacher, one SDA/FDA, one driver, and one attendant.*
- *Renovate and expand staff quarters on a priority basis.*
- *Kindly provide an ambulance to this prison.*
- *Kindly introduce PCO facility for this prison.*

### PRISON STAFF

- *Kindly increase the time available for inmates to spend outside their cells, in accordance with Chapter XIV of the Karnataka Prison Manual.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Kindly conduct UTRC meetings in the prison premises.*
- *Kindly create a pool of court translators given that this prison has a high number of prisoners from outside the state and cannot follow court proceedings in Kannada.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*
- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*

### BOARD OF VISITORS

- *Kindly ensure that regular meetings are conducted in the prison.*
- *Since there is a crisis arising out of shortage of escorts, kindly convene a meeting with all concerned departments in order to formulate a plan to manage the problem.*

# YADGIR DISTRICT PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The district prison in Yadgir was established in 1976. This was earlier a taluka prison, which notified as a district prison on 19.06.2017. Yadgir was carved out of the district of Kalaburagi as a separate district in 2010.

This prison is constructed in a total area of 6850 square feet, and is housed within the district court complex. The barracks are lined one after another, adjacent to the office room. There is a compound surrounding the building, which has a bathing area for use by the inmates. This prison is too small for a kitchen, a separate VC room, or a library.

## 2. PRISON POPULATION AND OVERCROWDING

This district prison houses only under trial prisoners, and those sentenced to less than six months' imprisonment. The total capacity of this prison is 60, and the strength as on 31st December 2018 was 110. At the time of visit by the study team, an additional barrack for male inmates was under construction. Being an old prison, built to be a taluka prison, there is a very serious problem of over-crowding.

	<b>Capacity</b>	<b>60</b>		<b>Capacity</b>	-
	<b>Strength</b>	<b>110</b>		<b>Strength</b>	-
	Undertrials	110		Undertrials	-
	Convicts	0		Convicts	-
	Detenues	0		Detenues	-
	Civil Prisoners	0		Civil Prisoners	-
	Occupancy Rate	183.33%		Occupancy Rate	-

The team was also informed that a new prison was in the pipeline for the district of Yadgir, with 15 acres of land having been sanctioned for the same. It will however take some time for work on the new prison to commence and for the prison to become functional.

The study team physically checked all the barracks and visited all parts of the prison. The team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 15 inmates and prison staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that medical examination upon entering the prison is not conducted immediately upon admission. Upon admission an

inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a chombu (vessel), generally from among the items used and left by previous inmates.

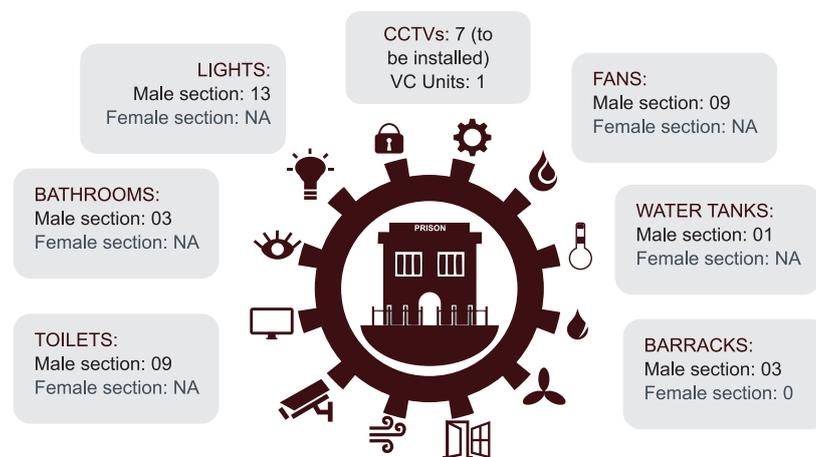
Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes

#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, there are a total of three male barracks and no female barrack.

	Number of barracks	Inmates per barrack
Male Section	3	37
Female Section	0	0

Basic amenities such as electricity, water, clothes, seemed to be well taken care of. **However, the prison is often filled up to twice its capacity, and as a result some inmates do not even have the space to sleep at night.** Every barrack is equipped with sufficient fans and light bulbs, however the study team found that some of the toilets in the rooms did not have light bulbs.



Since this prison is very small, there is no kitchen, and food is supplied externally through a tender process. The study team learnt that the food in the prison is not satisfactory. No RO is available in this prison for potable drinking water.

CCTVs have been requisitioned, and were yet to be installed at the time of visit by the study team. Prison has an inverter for when there is no supply of electricity.



- Breakfast and Tea
- Lunch & Dinner – Vegetables, Curry, Rice, *Jolad rotti*.
- Eggs once a week and Non-veg once a week (chicken and mutton alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
	No	No	No (7 to be installed)

**Garbage is collected daily by the city corporation.**



## 5. CONTACT WITH OUTSIDE WORLD

Since the prison complex is very small, the visiting area is near the inner gate of the prison, with no designated visiting room. As per the information provided by the prison, 'beti' or visits from family members are allowed for 15 minutes, once a week, per prisoner, on any working day of the week. Timings are between 11 AM and 1 PM and then again between 4 PM and 5:30 PM.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison.**

Lawyers are allowed to meet their clients twice a week, for up to 15 minutes per visit. But there is no separate room for family visits or lawyer visits.



## 6. MEDICAL FACILITIES AND HEALTHCARE

There is no permanent medical officer or nursing staff appointed at this prison, and there is no hospital inside the prison either. A doctor from the government hospital visits the prison once a fortnight. The government hospital is located just half a km away from this prison. There is no functional ambulance in the prison.

In the period between 1st January 2018 and 31st December 2018, as per the data provided to the study team by the prison administration, about 600 inmates were provided medical treatment in the prison. In the same time period, 172 prisoners were referred for medical treatment to the District Government Hospital, Yadgir and 16 inmates were referred to the Central Prison in Kalaburgi for treatment there or further reference to higher medical institutes. Except for emergency situations, the prison requested medical escorts about 182 times in the year 2018, and all requests were satisfied.

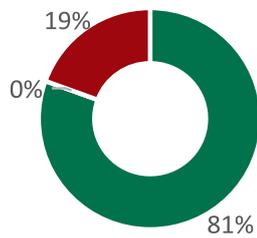


## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There is one jail visiting lawyer who visits the prison twice a week. Since the prison complex is very small, there is no separate room for a legal aid clinic.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	Twice a week



- Physical Productions
- VC Productions
- No Production

In the year 2018, 753 of the 935 requests for court escorts were fulfilled by the concerned police stations. About 182 court orders for production could not be made either physically or through video conferencing.

There is one VC system that is being set up for use in this prison.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The prison subscribes to newspapers and periodicals. Since the prison is very small, there is no library room. Further, at the time of visit by the study team there was no teacher appointed to this prison, although the prison authorities were in conversation with the Don Bosco school to send some teachers to the prison. The barracks are provided with television facilities.



## 9. PRISON LABOUR AND WAGES

As is the case with most district prisons in the state, there is no opportunity for labour in this prison. Since there is no kitchen either, kitchen work is also not available in this prison. However, educated inmates are allowed to assist in office work, one of whom also ably assisted the study team during the visit. However, no wages are available for work performed in prison.



## 10. VULNERABLE GROUPS

### A. Prisoners with mental health concerns

The study team found three inmates who had undergone treatment for mental conditions outside prison, or were in need of the same. There is no visit by a psychiatrist or psychologist to this prison, which might be necessary in order to ensure that cases of mental health concerns are detected and treated.

### B. Young Offenders

At the time of visit by the study team, there were at least 5 inmates in the age group of 18-21 years. They were not segregated from the older inmates as there is no space in the prison.

### C. Old age offenders

At the time of visit by the study team, there were about four inmates above the age of 60, and they had neither been segregated from the other prisoners nor were there any special facilities such as separate washrooms or special food.



## 11. PRISON ADMINISTRATION

### Staff vacancies

As with most prisons in the state, there was vacancy among staff as on 31st December 2018, which has since eased with the mass recruitment of personnel in 2019.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	01	-	21	-	-	-	-	07	02	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
	Male	Female	Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
						M	F	M	F	M	F
03	01	-	02	02	25	-	-	01	-	13	07

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in very few of them being able to avail a weekly day off, or even take leave during the year to visit their families. The prison being ill-equipped to manage the number of inmates also makes it difficult for the staff to manage the prison. There is no rest room available for staff, nor is there sufficient office space. **This prison does not have a functional vehicle for official use.**

### Staff Accommodation

There is not enough staff accommodation, with only six staff quarters currently. Further, there is a need for renovating the existing quarters. The quarters do not have a compound. There is also an acute water shortage with no bore well for use in the quarters. Further, there is only one source of light, with no electricity points being available. An estimate for renewal of the staff quarters was pending approval at the time of visit by the study team.

## 12. PRISON OVERSIGHT

In the year 2018, there were nine visits by official visitors. One BoV meeting was held in the year 2018. Three NoVs had been appointed to this prison in the year 2018. Under-trial Review Committee (UTRC) meetings had been conducted for January 2019, with preparations for following Supreme Court directions to conduct a meeting per month till June. **The DLSA prepares the list of prisoners to be considered, along with the information required for the same.**

## 13. ISSUES OF CONCERN

- a) **Instances of custodial violence and torture** – Of the 15 inmates interviewed by the study team, six alleged that they had been victims of custodial torture, which was not revealed either to the remand court or the doctor performing medical examination under police duress. **And is true in other prisons, corporeal punishment is resorted to by prison staff to manage prison fights and any affront to status quo in prison.**

- b) **Overcrowding** – This prison has a particularly distressing situation of overcrowding, filled to about twice the capacity of the prison. Further, since the infrastructure has not been expanded to the extent of a district prison, the living situation of the inmates and the ability of the staff to manage the prison are both compromised. Inmates take turn to sleep at night, as there is not enough space to everyone to lie down. At the time of the visit by the study team, the election dates had recently been declared, and the floating population in the prison was going to increase by more than twice the capacity in the days to come. While some inmates wished to be transferred to the Central Prison in Kalaburagi for better living conditions, some others wished to remain close to their families and the courts in which their trials were ongoing.

### Jailor's Diary

*The Jailor of this prison is very aware of the crisis of over-crowding. And although a new and bigger prison will be constructed in due course, he has been overseeing the construction of a new barrack within the existing prison complex so that there is some relief for inmates while the new prison is getting ready.*

### UPDATES AS OF APRIL 2022

In the meeting held on 17 March 2022, the study team was informed about the following changes since its visit:

- ❖ Capacity of the prison has been increased by 20. Fifteen acres have been sanctioned for constructing a bigger prison.
- ❖ An RO plant has been installed, as well as one PCO for inmates to make phone calls. The prison now has an inverter. Bathrooms have been renovated.
- ❖ One teacher deputed from the education department visits the prison to teach inmates.
- ❖ Young and old offenders are now segregated.
- ❖ A small library has been established in the prison.

## KEY RECOMMENDATIONS FOR YADGIR

### PRISON HEADQUARTERS

- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Sanction additional posts for one medical officer/one nursing staff, one FDA/SDA, one sweeper, one attendant and one teacher.*
- *Renovate and expand staff quarters on a priority basis.*
- *Kindly assist the prison in whatever manner possible to finish the construction of the new cell at the earliest in order to reduce the strain of overcrowding, before the completion of construction of the new prison.*
- *Kindly provide a vehicle for use in this prison.*

### PRISON STAFF

- *Kindly arrange for regular visits by a mental health professional if possible to assist inmates with mental health concerns.*
- *Kindly ensure that an RO facility is installed at the earliest.*
- *Kindly allow inmates to meet their family members in the area between the main gate and the second gate, in the absence of a visiting room.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*
- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *It was learnt by the study team that the evidence of inmates brought from custody is only recorded at around 3 PM in the afternoon in some of the courts, instead of giving priority to those in custody over accused who are released on bail. Kindly determine if this is the most efficient manner of case disposal for under trials brought from judicial custody.*

# TALUK SUB JAILS

# AURAD TALUK PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

Aurad is a taluk forming part of the district of Bidar. It is in the northern tip of the state, with Telangana and Maharashtra on either side. The taluk prison in Aurad was established in 1990.

The prison is built over a total area of 2 acres and 16 guntas. There is a large open courtyard inside the prison complex, with trees and plants. Inmates are allowed to spend their time in this central area, and their cells are organised around this courtyard. There is a large room which is used to conduct programmes, and has now been converted into a VC room. There is also a library room, but no books are being sent by the district library. There is an open bathing space between the male barracks, adjacent to which is a large closed water tank.

## 2. PRISON POPULATION AND OVERCROWDING

This taluk prison houses only under trial prisoners. The total capacity of this prison is 80 male and 15 female inmates, and the strength as on 31st December 2018 was 11 (all male). Although there are two female barracks in this prison, female prisoners in the district are all housed in the district prison in Bidar. **There is no problem of overcrowding with occupancy of 14%.**

	Capacity	80		Capacity	15
	Strength	11		Strength	0
	Undertrials	11		Undertrials	0
	Convicts	0		Convicts	0
	Detenues	0		Detenues	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	13.75%		Occupancy Rate	0.00%

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 6 inmates and prison staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel). **Unlike other prisons, inmates also get a hygiene kit at the time of admission including a tooth brush, bucket and mug.**

**The prison does not have a separate admission room. Full strip search is conducted at the time of admission.**

Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes

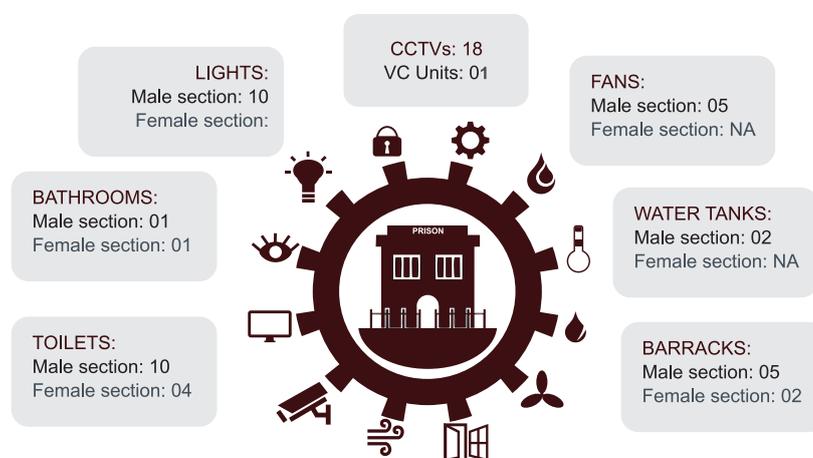
#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS<sup>17</sup>

As per information provided, there are a total of 5 male barracks and 2 female barracks. As the female barracks have never been used, they are now locked up and abandoned.

	Number of barracks	Inmates per barrack
Male Section	5	3
Female Section	2	0

Basic amenities such as electricity, water clothes, food seemed to be well taken care of. Although there is no shortage of water for bathing and cleaning purposes, **there is an acute drinking water problem. The prison staff purchase drinking water, and inmates are sometimes required to pitch in, as there is no RO in the prison, and the direct water supplied is not potable. Toilets also need deep cleaning.**

Every barrack is equipped with sufficient fans and light bulbs. However, the **floors are cracked and require maintenance and upkeep.**



There is no kitchen in this prison, being a small prison with a small population. Food is supplied through a tender process, and some inmates complained that sometimes only 2 *chapattis* are given instead of 3.



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice, *Chapatti*.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

17 As on 31st December 2018

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
No	Yes (in need of repair)	No	Yes

**Garbage is burnt or buried in the prison complex as there is no regular collection from the municipality.**



## 5. CONTACT WITH OUTSIDE WORLD

There is a visiting room available within the prison premises which is sufficient for the use of this prison. 'Beti' or visits from family members is allowed once a week per prisoner, for up to an hour per visit.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison.**

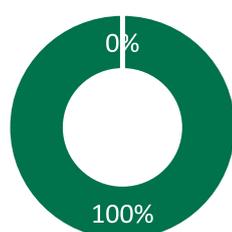
Lawyers are allowed to meet their clients twice a week, for up to 30 minutes per visit.



## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison**, and there is no hospital inside the prison either. **A doctor from the government hospital is required to visit the prison once a month, but this is not a regular feature.**

A total of 85 prisoners were provided medical assistance in the government primary health centre, during the period between 1st January 2018 and 31st December 2018, as per the data provided to the study team by the prison administration. During the same period, only 1 inmate was required to be sent to a higher medical facility for a heart ailment, and was sent to Jayadeva Cardiac Hospital in Kalburgi.



- Request for Medical Escorts fulfilled
- Request for Medical Escorts NOT fulfilled

Of the 85 inmates who were required to be provided medical escorts in the year 2018, all of them were provided with the same. **This prison does not have an ambulance** and therefore, during emergency situations, the staffs find it hard to make official transport arrangements in time.



## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed about their right to a lawyer either in court by the judge, or they found out from other inmates in the prison, or sometimes from the jail visiting lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There is a jail visiting lawyer who comes to this prison four times a week, and the TLSC has the authority to co-ordinate legal service activities in the prison.



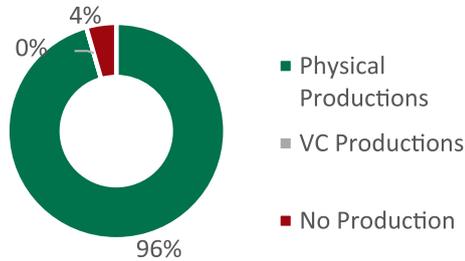
Whether Jail Legal Aid Clinic set up?

Yes

Frequency of visit by jail visiting lawyers?

Four days a week

**There are six police stations in this taluka, and they provide the necessary escorts for court production,** unlike the general practice of escorts being provided by the District Armed Reserve.



One VC system has been provided by the High Court, which requires some technical support to become fully functional. There is a separate VC room.

In the year 2018, 860 of the 900 requests for court escorts were fulfilled by the concerned police stations. About 40 court orders for production could not be made either physically or through video conferencing.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

There is also a library room, but no books are being sent by the district library or the adult education department. Two newspapers are subscribed by the prison daily, both in Kannada. The barracks are provided with television facilities and carom boards. The inmates have also been provided equipment to play cricket in the courtyard. There is however no instructor appointed to this prison, either for education or vocational training. Apart from Christian missionary efforts, there are no NGOs or civil society participation in this prison.



## 9. PRISON LABOUR AND WAGES

Apart from maintaining cleanliness in the prison, there are no opportunities for work in this prison. Further, since there is no kitchen, no work is available as kitchen staff either. Further, **educated and long term inmates are not employed for office work.** There are also no private work opportunities such as agarbatti packing, which is available in several taluk prisons in the state.



## 10. VULNERABLE GROUPS

### A. Young Offenders

During the visit to the barracks, the study team found one young offenders in the age group of 18-21 years, and since there are so few inmates in general, he was not kept in a separate cell.

### B. Prisoners from other states

During the visit by the study team, there were two prisoners from other states, one from the bordering state of Maharashtra and another from the bordering state of Telangana. **No facility for a translator in courts for people belonging to other states.**



## 11. PRISON ADMINISTRATION

### Staff vacancies

There is an **alarmingly high vacancy rate in this prison,** with only 3 permanent staff members

and 4 home guards. While there is sanctioned strength for 1 officer, this post was vacant at the time of visit by the study team, and was headed by the head warder. The sanctioned post of a chief warder was also vacant. Both sanctioned posts for warders were however filled.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	-	14	-	-	-	-	-	03	-	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
	Male	Female	Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
						M	F	M	F	M	F
01	-	-	01	02	10	-	-	01	-	02	-

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in the **current staff not being able to avail a weekly day off, or even take leave during the year to visit their families.**

### Staff Accommodation

Staff accommodation is provided, and was renovated as recently as 2015. While there are six staff quarters which are sufficient for the current permanent staff of three, there is a need to increase the number of quarters to accommodate staff for at least the sanctioned posts, when they get filled.

## 12. PRISON OVERSIGHT

**No visits were made by the NoVs or BoVs in 2018. No list of prisoners is sought from this prison by the DLSA to be considered by Under-trial Review Committee (UTRC) meetings.**

## 13. ISSUES OF CONCERN

- a) **Instances of custodial violence and torture in police custody** – Of the 6 inmates who were interviewed, 2 alleged that they had been victims of custodial torture by the police, which was not revealed either to the remand court or the doctor performing medical examination under police duress.

**Jailor's Diary**

*The Head Warder of this prison, who is the in-charge Jailor, Mr. Mehboob Saradagi, is of the opinion that while the role of prison staff as custodians is taught and practiced, the staff is seldom equipped to introduce and exercise rehabilitative programs.*

### UPDATES AS OF APRIL 2022

In the meeting held on 17 March 2022, the study team was informed about the following changes since its visit:

- ❖ The prison now has an RO system for water. One new VC has been installed.
- ❖ Staff vacancy has come down drastically.
- ❖ There is a separate room for admission of inmates.
- ❖ Prison waste is now being collected by the municipality.
- ❖ Bathrooms have been renovated.

## KEY RECOMMENDATIONS FOR AURAD

### **PRISON HEADQUARTERS**

- *Fill in the vacancies in this prison at the earliest since there are only three permanent staff members currently.*
- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Sanction additional posts for one FDA/one SDA, one medical officer/one nursing staff, one teacher/instructor, one driver, one/two sweepers and one attendant.*
- *Issue a circular notifying the district's BoVs and NoVs to make regular visits to this prison.*
- *Introduce avenues of labour inside the prison, with just wages in return.*
- *Provide a four-wheeler for prison use, there is currently only a two-wheeler.*
- *Provide walkie-talkies to enable smoother prison administration.*
- *Provide an ambulance to this prison.*
- *Provide an RO facility at the earliest.*
- *Consider providing solar facility to the prison for electricity and heating water.*
- *Kindly propose the need to ensure regular visits by government doctors to the prison, and take suitable actions for the same.*

### **DISTRICT LEGAL SERVICES AUTHORITY**

- *Kindly request lists of prisoners from this prison to be considered in UTRC meetings.*

### **TALUKA LEGAL SERVICES COMMITTEE**

- *Kindly coordinate UTRC meetings with the District Legal Services Authority and ensure that the lists prepared by the prison are sent to the DLSA office in Bidar for appropriate action.*
- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*

# CHINTAMANI TALUK PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The taluk prison in Chintamani was constructed in 2009-10. Chintamani is a taluka in the district of Chikkaballapura. Unlike other districts, the female inmates in the district of Chikkaballapura are sent to the taluka taluk prison in Chintamani and not to the district jail in Chikkaballapura.

This prison complex is fairly new, and is constructed in a total area of 2.1 acres. It is constructed in a rectangular shape, with a central courtyard. The space around the prison has been converted into a vegetable garden.

## 2. PRISON POPULATION AND OVERCROWDING

This taluk prison houses only under trial prisoners, and those sentenced to less than 3 months' imprisonment. The total capacity of this prison is 125 (100 male and 25 female), and the strength as on 31st December 2018 was 51 (47 male and 5 females). **There is no pressing problem of overcrowding in this prison.**

	Capacity	100		Capacity	25
	Strength	47		Strength	5
	Undertrials	47		Undertrials	5
	Convicts	0		Convicts	0
	Detenués	0		Detenués	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	47.00%		Occupancy Rate	20.00%

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 8 inmates and prison staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that **medical examination upon entering the prison is not conducted immediately upon admission.** Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a chombu (vessel)/tumbler.

Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	Yes
Whether basic articles given?	Yes

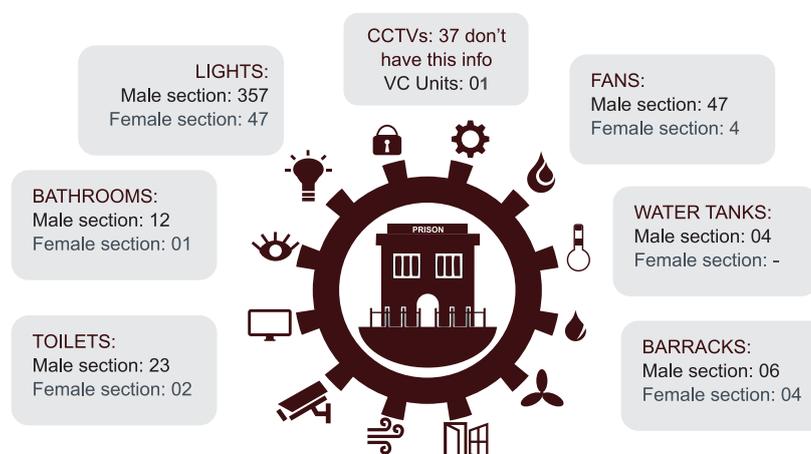
#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS<sup>18</sup>

As per information provided, there are a total of 6 male barracks and 1 female barrack.

	Number of barracks	Inmates per barrack
Male Section	6	8
Female Section	1	5

Basic amenities such as electricity, water clothes, food seemed to be well taken care of. Although there is no shortage of water for bathing and cleaning purposes, there is an acute drinking water problem. The prison staff purchase drinking water, and inmates are sometimes required to pitch in, as there is no RO in the prison, and the direct water supplied is not potable. Toilets also need deep cleaning.

Every barrack is equipped with sufficient fans and light bulbs. However, the floors are cracked and require maintenance and upkeep.



There is no kitchen in this prison, being a small prison with a small population. Food is supplied through a tender process, and some inmates complained that sometimes only 2 chapattis are given instead of 3.



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice and *Rotti*.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	Yes	Yes

Garbage is burnt or buried in the prison complex as there is no regular collection from the municipality.



## 5. CONTACT WITH OUTSIDE WORLD

There is a small visiting room with iron bars for visits, one in the male section and another in the female section. Visits are allowed weekly once, or more often case of emergencies. A meeting can last for about 30 minutes.

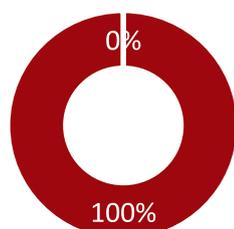
Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison.**



## 6. MEDICAL FACILITIES AND HEALTHCARE

There is no permanent medical officer or nursing staff appointed at this prison, and there is no hospital inside the prison either. A doctor from the government hospital visits the prison once a week. In the year 2018, there were 84 prisoners sent to the government hospital of Chintamani for treatment, while a total of 5 prisoners (2 female and three male) who were sent to the Central Jail in Bangalore for treatment in a higher institution. The prison has an ambulance.



- Request for Medical Escorts fulfilled
- Request for Medical Escorts NOT fulfilled

Medical escorts are not provided by the district armed reserve of police as is the case in other districts. Instead, the prison staff has to take inmates for medical treatment themselves. Given the immense dearth of staff, this is a major problem in the prison.

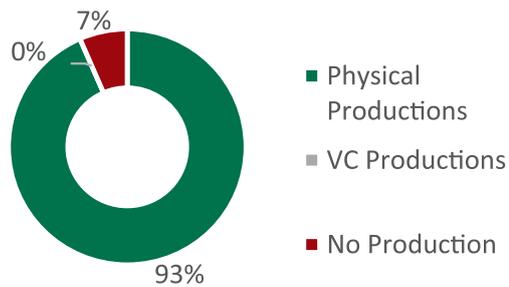


## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There are two jail visiting lawyers who come to this jail twice a week. Private lawyers are allowed to visit their clients twice a week, for about 1 hour.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	Two days in a week



In the year 2018, 256 physical productions of inmates in the court were made. About 60 productions could not happen either in person or through video conferencing in the same period.

The video conferencing system is available in the prison, but has not yet been fully set up. Unlike other districts, in the district of Chikkaballapura, the district armed reserve does not provide escort

facilities, and the concerned police stations have to do the same, making the shortage of escorts a serious crisis in this district.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The jail subscribes to newspapers and periodicals. Being a small jail, there is no library, or classroom. The cells are provided with television and carom boards for recreational purposes. **There is no room or open space for conducting any vocational or awareness programs, classes.**



## 9. PRISON LABOUR AND WAGES

Prison inmates are engaged in cooking in the kitchen, for which there is **no payment of wages** like in other taluka taluk prisons. Further, some inmates are also employed in the vegetable garden around the prison.



## 10. VULNERABLE GROUPS

### A. Prisoners with mental health concerns

During the visit to the female barrack by the study team, it was apparent that there was a prisoner with acute adjustment issues with the other inmates with whom she had been getting into constant fights. She was also getting into fights with the female warders posted on duty. This inmate had also given birth to a child while in prison, and discovered that she was HIV+ while in prison. Although she had been granted bail, she was unable to furnish the requisite surety. Under these circumstances, this inmate was in a serious state of mental unwell, and this was causing immense problems to the other inmates and prison staff. **Given the dearth of staff and space constraints, this inmate could also not be segregated.**

### B. Young Offenders

At the time of visit by the study team, there were about 5 inmates between the age group of 18 and 21 years, and they had been segregated from the older prisoners.

### C. Prisoners from other states

During the visit by the study team, there were 4 prisoners from the bordering state of Andhra Pradesh, some of whom were not able to follow Kannada.



## 11. PRISON ADMINISTRATION

### Staff vacancies

Staff vacancy was an acute problem in this jail with only 2 permanent staff members at the time of visit by the study team. The head warden and all the warders in this prison were on deputation from other jails. Given that there are female inmates in this prison, there is a need for sanctioning more posts for the posts of warden, head warden and chief warden, in addition to the urgent need of filling at least the currently sanctioned posts.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	-	14	-	-	-	-	-	03	02	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warden	Head Warden	Warder	Chief Warden		Head Warden		Warder	
	Male	Female				M	F	M	F	M	F
01	01	-	01	02	10	01	-	01	-	01	02

### Experiences of prison administrators

Since there is such a dearth in staff currently, **not only are they unable to take a weekly day off, they are also sometimes required to do more than one shift in a day.**

## 12. PRISON OVERSIGHT

### No visits made by official and non-official members of the BoV, or meetings held in 2018.

Under-trial Review Committee (UTRC) meetings had been conducted for January 2019, with preparations for following Supreme Court directions to conduct a meeting per month till June.

## 13. ISSUES OF CONCERN

**Instances of custodial violence and torture in police custody** – Of the 8 inmates interviewed by the study team, 2 alleged that they had been victims of custodial torture, which was not revealed either to the remand court or the doctor performing medical examination under police duress. One of the main accused in a sensational case informed the study team of the extent to which she had been physically and emotionally violated while in police custody.

### Chief Warden's Diary

*The Chief Warden in this prison is the person who also maintains records in the prison and operates the e-Prison portal. The study team was provided a comprehensive list of all prisoners, which included details of their cases, age, religion, time spent in prison, including their photographs – no other prison seems to be maintain the lists so comprehensively in the state.*

#### UPDATES AS OF APRIL 2022

In the meeting held on 25 March 2022, the study team was informed about the following changes since its visit:

- ❖ Kitchen is now operational in the prison. An RO system has been installed, and there are presently 2 VC units. There is presently an admission room.
- ❖ Young and old inmates are being segregated from the other inmates.
- ❖ Wages have been paid for inmates working in kitchen and cleaning.
- ❖ One room has been converted into a library.
- ❖ Staff shortage has come down, and this allows them to avail weekly off as per rules.

## KEY RECOMMENDATIONS FOR CHINTAMANI

### PRISON HEADQUARTERS

- *Kindly fill the vacant posts at the earliest, including the posts filled on deputation.*
- *Provide a four wheeler for the use of the prison.*
- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Introduce avenues of labour inside the prison, with just wages in return.*
- *Kindly ensure that there are BoV meetings conducted for this prison.*
- *Kindly provide walkie talkie facilities for this prison.*
- *Kindly provide generator facilities for this jail.*
- *Kindly consider opening a library for this prison.*
- *Kindly sanction the following new posts – at least 5 posts of warders (including 2 female warders), one medical officer/one nursing staff, one FDA/SDA, one driver, and one attendant.*

### PRISON

- *Kindly procure more utensils for use in the kitchen.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *There is a delay in intimation of court dates when a prisoner has not been produced in person. Currently, intimation is mostly through post, which reaches after the date has passed on some occasions. Kindly coordinate with all courts in the district to enable quicker despatch of intimation of court dates, and intimation by phone where necessary.*
- *In the preparation of lists of prisoners to be considered for UTRC meetings, kindly assist the prison staff in determining the maximum punishment and also in identifying prisoners who have been granted bail but have been unable to furnish surety as this information is only available with the courts. If required, kindly direct the concerned Taluka Legal Services Committee, and the jail visiting lawyers, to assist in this process.*

### TALUKA LEGAL SERVICES COMMITTEE

- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*

### BOARD OF VISITORS

- *Kindly ensure that you make regular visits to the prison.*
- *Kindly ensure that records of the visits made are maintained by the prison staff.*
- *Kindly reconsider the current escort arrangement by concerned police stations as opposed to the DRA as is the practice in other districts. Kindly make a proposal of reintroducing the DRA to perform escort duties to the prison head quarters and the concerned department for the DRA, if found to be a better alternative.*

# TALUK PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

Gokak is a taluk forming part of the district of Belgaum. The taluk prison in Gokak was established in 1957, and serves as a jail to the surrounding taluks of Athni, Raybag and Mudalgi in addition to Gokak taluk itself.

The prison is built over a total area of 5 acres 6 guntas. This is a very well maintained prison, with large open spaces which are cultivated with a vegetable garden and several trees. The office area is at the entrance to the prison, opening into a large courtyard. The male barracks are lined next to each other on one end of this courtyard. A little further ahead is the kitchen area. Further ahead is the washing area. Adjacent to this are the single cells lined next to one another. The single cells are currently used as storage space. The prison is built of stone and wood, and is cool in the heat. This is one of the few prisons in which the inmates informed the study team that the prison conditions were not an additional form of punishment, and that they were spending constructive time in the prison.

## 2. PRISON POPULATION AND OVERCROWDING

This taluk prison houses only under trial prisoners and those sentenced to imprisonment for less than 3 months. The total capacity of this prison is 32 male inmates and 8 female inmates, and the strength as on 31st December 2018 was 70 (all male). Although there are two female barracks in this prison, there are no female inmates as there is insufficient female staff. Although the authorised capacity is 32 males, there is sufficient space for inmates in the prison. There is no pressing problem of overcrowding, with a total sleeping area of 2\*25 square meters per male inmate. Further, the population is on the higher side in recent times owing to the fact that inmates from the revenue jail in Athani have been transferred here.

	<b>Capacity</b>	<b>32</b>		<b>Capacity</b>	<b>8</b>
	<b>Strength</b>	<b>70</b>		<b>Strength</b>	<b>0</b>
	Undertrials	70		Undertrials	0
	Convicts	0		Convicts	0
	Detenués	0		Detenués	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	218.75%		Occupancy Rate	0.00%

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 11 inmates and prison staff to understand the real issues and functioning of the prison.



### 3. PROCEDURES UPON ADMISSION

**Medical examination at the time of admission is not possible in the prison as there is no medical officer posted to this prison.**

Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel).

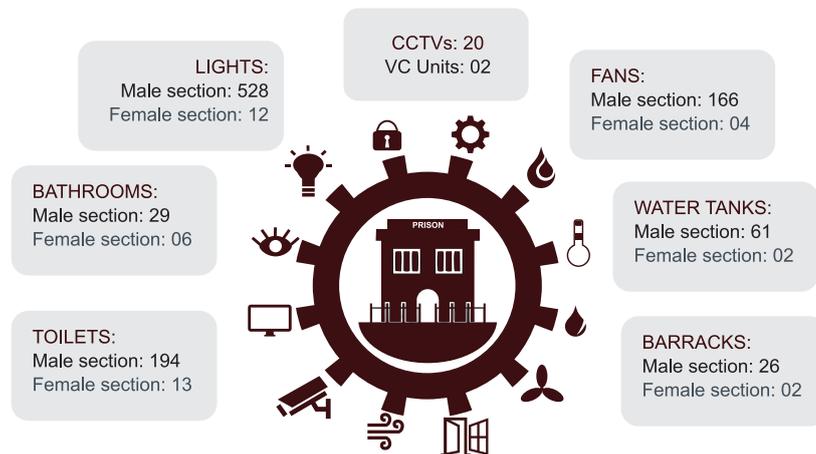
Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	Yes
Whether basic articles given?	Yes

### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS<sup>19</sup>

As per information provided, there are a total of 8 male barracks with 2 female barracks and 5 single cells.

	Number of barracks	Inmates per barrack
Male Section	8	9
Female Section	2	0

Basic amenities such as electricity, water, clothes, food seemed to be well taken care of, none of the inmates complained about this. Every barrack is equipped with sufficient fans and light bulbs. The barracks are large and well ventilated, with toilets inside, with a washing area outside the barracks. **Both well and bore well are available to meet water requirements.**



**The kitchen is very basic and does not have the modern gadgets provided to most prisons** including steamers, chimney, fridge, grinder, etc., although for the current prison strength the kitchen staff is able to manage with the resources available.

<sup>19</sup> Topmost box of the above illustration to be filled: CCTVs: VC Units: 2



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, *Jolad rotti*, Rice and Buttermilk
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	No	Yes



## 5. CONTACT WITH OUTSIDE WORLD

There is a clean and spacious visiting room available within the prison premises. 'Beti' or visits from family members is allowed once a week per prisoner, for about 30 minutes per visit, on any working day between 10:30 AM and 1 PM and then again between 4 PM and 6 PM.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison.**

No. of phone numbers allowed	Duration of Calls	Periodicity	Cost per call
-	-	-	-

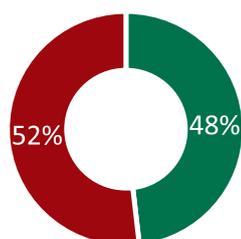
Lawyers are allowed to meet their clients whenever required for up to 30 minutes per visit.



## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison**, and there is no hospital inside the prison either. There is a dispensary for basic first aid. A doctor from the government hospital visits the prison when required, although the periodicity is not fixed. HIV tests conducted for all inmates thrice in the year 2018. This **prison does not have an ambulance**.

A total of 301 prisoners were provided medical assistance in the prison by the visiting doctor from the Government Hospital, Gokak, during the period between 1st January 2018 and 31st December 2018. During the same period, 145 prisoners were taken for general treatment to BIMS, Belgaum for higher medical treatment.



- Request for Medical Escorts fulfilled
- Request for Medical Escorts NOT fulfilled

Of the 301 inmates who were required to be provided medical escorts in the year 2018, 145 were actually provided with the same.

This jail does not have an ambulance and therefore, during emergency situations, the staffs find it hard to make official transport arrangements in time. Fortunately, the government hospital is on the same road as the prison.

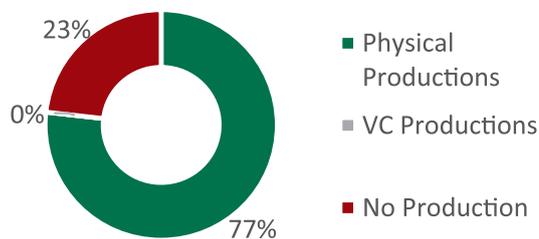


## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed about their right to a lawyer either in court by the judge, or they found out from other inmates in the prison. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There is a jail visiting lawyer who comes to this jail once a week, and the TLSC has the authority to co-ordinate legal service activities in the prison. However, since inmates come from neighbouring taluks as well, visiting lawyers from those taluks to inform inmates about the progress in their cases in the respective taluk courts are not available.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	Once a week



In the year 2018, 377 of the 491 requests for court escorts were fulfilled by the concerned police stations. About 40 court orders for production could not be made either physically or through video conferencing.

Since the revenue jail in Athni is currently closed down, inmates from that prison are in Gokak, and court escorts for them can be a problem. Two VC systems have been set up for use in this prison. There was no VC production in 2018.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

Two barracks are provided with television facilities and carom boards. Further, newspapers are subscribed to. There is also a small library maintained in the prison. SAATHI conducted regular camps for HIV/AIDS, with plans of expanding this to cover TB and Hepatitis B and C soon. Further, the open space available in the prison is used by inmates for walking and exercise.



## 9. PRISON LABOUR AND WAGES

Kitchen staff, appointed from among the under trials, prepare meals for the inmates. Inmates are also enlisted to take care of the garden in the prison, and maintain cleanliness in the prison. As is the case in other prisons in Karnataka, there is **no wage labour available for under trial prisoners.**



## 10. VULNERABLE GROUPS

### A. Young Offenders

During the visit to the barracks, the study team found about 3 young offenders in the age group of 18-21 years, and they are not kept in a separate cell. Some of these young offenders were unaware of their exact date of birth, with the possibility of being juveniles at the time of their arrest.

## B. Prisoners from other states

During the visit by the study team, there was one prisoner from the neighbouring states of Maharashtra.



## 11. PRISON ADMINISTRATION

### Staff vacancies

As of 31st December 2018, there was high vacancy among staff, which has since eased with the mass recruitment of personnel in 2019.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	-	18	-	-	-	-	-	09	03	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
01	01	-	02	02	10	-	-	02	-	06	02

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in **very few of them being able to avail a weekly day off, or even take leave during the year to visit their families**. Further, given that there are additional tasks such as emergency medical escort, maintaining judicial records, all staff members have to do multiple tasks.

### Staff Accommodation

There are currently only 8 staff quarters provided, although the sanctioned strength is higher than this. **There is an urgent need to expand the staff quarters. Further, the drainage system needs to be repaired.**

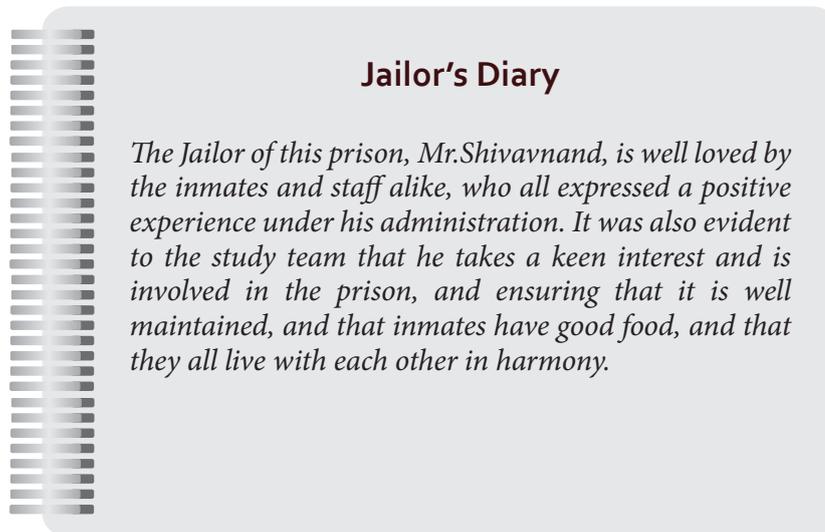
## 12. PRISON OVERSIGHT

**No visits were made by either official or non-official visitors in 2018, nor was there a BoV meeting that year.** List of prisoners is sent from this jail to the DLSA to be considered by UTRC meetings.

## 13. ISSUES OF CONCERN

- Instances of custodial violence and torture in police custody** – Of the 11 inmates we interviewed, 4 alleged that they had been victims of custodial torture by the police, which was not revealed either to the remand court or the doctor performing medical examination under police duress.

- b) **Body warrants** -The study team met about 3 inmates with body warrants, which has resulted in them spending extended periods of time in judicial custody. **However this jail adopts the good practice of detaining inmates only when there is a remand order categorically ordering judicial custody.**



#### UPDATES AS OF APRIL 2022

In the meeting held on 19 March 2022, the study team was informed about the following changes since its visit:

- ❖ Kitchen has been modernized and renovated.
- ❖ An RO plant has been installed.
- ❖ Drainage system has been repaired.
- ❖ Accounts have been opened for paying wages to the inmates who work in the kitchen and cleaning.
- ❖ Young and old prison inmates are being segregated from the rest of the inmates.
- ❖ Staff vacancy has decreased enabling them to take weekly offs as per rules.

## KEY RECOMMENDATIONS FOR GOKAK

### PRISON HEADQUARTERS

- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Introduce sports facilities for both inmates and prison staff.*
- *Sanction additional posts for one FDA/one SDA, one medical officer/one nursing staff, one teacher/instructor, one driver, one/two sweepers and one attendant.*
- *Ensure that BoV meetings are conducted for this prison, and regular visits made by official and non-official visitors.*
- *Introduce avenues of labour inside the prison, with just wages in return.*
- *Provide a four-wheeler for jail use and an ambulance to the prison.*
- *Kindly consider upgrading the kitchen with chimney, steamers, grinders, fridge, etc.*

### PRISON

- *Kindly consider expanding the jail library with the help of the government library department.*
- *Kindly fix lights in the toilets inside the barracks.*
- *Kindly ensure that all the TV sets have functional set top boxes.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Request of TLSAs Athni, Raybag and Mudalgi to send panel lawyers regularly to this prison so as to clarify queries of inmates who have their cases in those taluks.*

### TALUKA LEGAL SERVICES COMMITTEE

- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*

### BOARD OF VISITORS

- *Kindly ensure that there is regularity in the visit by the government doctor – once a week, fortnight or month, depending on the convenience of this arrangement.*

# HOOVINA HADAGALLI TALUK PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

Hoovina Hadagalli, or Hadagalli, is a taluk forming part of the district of Ballari. The taluk prison in Hadagalli was established in 1993, and came to be used only since 2005.

The prison is built over a total area of 2.91 acres. The administrative offices are at the entrance of the prison, along with the visiting room. There is a second gate that opens into the barracks, with the female barrack and kitchen on either side of a pathway that leads into the male barracks. The female barrack is a self-enclosed space with a large cell and two small ones and a courtyard with a garden around it. The kitchen is large and spacious, the area around which has been cultivated with vegetables and fruits. The male barracks are arranged around a rectangular courtyard, with open washing areas provided outside in addition to toilets inside the cells. The cells are large, spacious and well ventilated.

## 2. PRISON POPULATION AND OVERCROWDING

This taluk prison houses only under trial prisoners and those sentenced to imprisonment for less than 3 months. This is a very big prison, and **there is no concern of overcrowding**, in fact large portions of the prison are unused.

	<b>Capacity</b>	<b>250</b>		<b>Capacity</b>	<b>25</b>
	<b>Strength</b>	<b>17</b>		<b>Strength</b>	<b>0</b>
	Undertrials	17		Undertrials	0
	Convicts	0		Convicts	0
	Detenues	0		Detenues	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	6.80%		Occupancy Rate	0.00%

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 10 inmates and prison staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

**Medical examination at the time of admission cannot be conducted as there is no medical officer appointed to this prison.**

Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a tumbler, a plate and a *chombu* (vessel).

Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	Yes
Whether basic articles given?	Yes

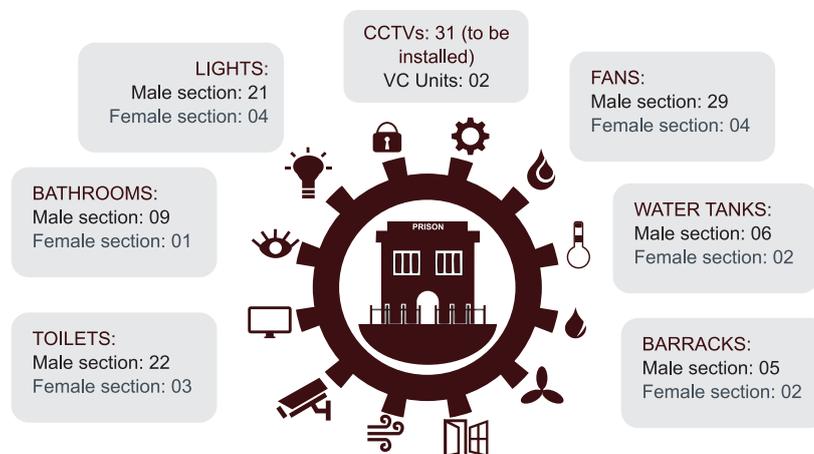
#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS<sup>20</sup>

As per information provided, there are a total of 4 male barracks and 1 female barrack and 5 single cells in this prison.

	Number of barracks	Inmates per barrack
Male Section	4	5
Female Section	1	0

Basic amenities such as electricity, water, clothes, food seemed to be well taken care of, none of the inmates complained about this. Every barrack is equipped with sufficient fans and light bulbs. **There are clean and spacious bathing and washing areas.**

There were no CCTV cameras at the time of visit by the study team, but were informed that 31 of them would be installed shortly.



The kitchen is big and spacious, and has not been used since the inception of the prison since there are very few inmates in this prison on an average. The study team was however informed that there had been directions to the prison staff to commence cooking in the kitchen. Currently, food provided includes jolad rotti, rice, sambar and vegetables, which was **sometimes insufficient and tasteless.**

<sup>20</sup> As on 31st December 2018



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice, *Jolad rotti* and Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
No	No	No	No



## 5. CONTACT WITH OUTSIDE WORLD

There is a visiting room available within the prison premises. ‘Entry’ or visits from family members is allowed once a week per prisoner, for about 15 minutes per visit. There is a large visiting room at the entrance of the prison, although since there are very few inmates and staff, visits happen inside the inner gate close to the barracks.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

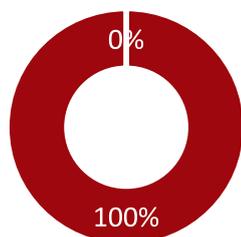
**No PCO facility available in this prison.**

Lawyers are allowed to meet their clients as often as they like for about 30 minutes per visit.



## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison,** and there is no hospital inside the prison either. Visits are made by doctors from the government hospital are irregular. This jail does not have an ambulance or a four-wheeler, and therefore, during emergency situations, the staffs find it hard to make official transport arrangements in time. Inmates are taken to the hospital when required.



- Request for Medical Escorts fulfilled
- Request for Medical Escorts NOT fulfilled

In the year 2018, 120 referrals were made to the government hospital in Hadagalli, and 2 inmates were referred to higher medical institutes – 1 was sent to VIMS and another to NIMHANS. All 120 visits to the government hospital were escorted by the prison staff.

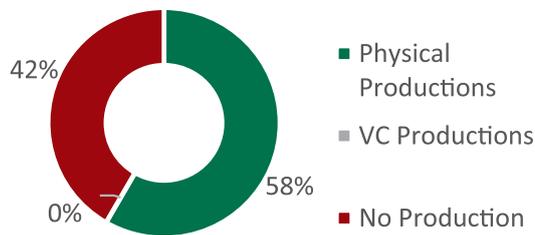


## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed about their right to a lawyer either in court by the judge, or they found out from other inmates in the prison. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There are 3 jail visiting lawyers to handle cases in different taluk courts, who come to this jail once a week each. The TLSC secretary from Hadagalli visits the prison once a month.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	Once a week



In the year 2018, about 140 of the 240 requests for court escorts were fulfilled by the concerned police stations, making court escort a problem in this prison.

The VC facility was not functional at the time of visit by the study team, and was about to be set up.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The barracks are provided with television facilities and carom boards. **There is no library in this prison**, although newspapers are subscribed. Religious organisations visit the prison, but apart from them, there is negligible participation of NGOs and civil society in this prison. A permanent post for a teacher or an instructor must be sanctioned for the prison.



## 9. PRISON LABOUR AND WAGES

At the time of visit by the study team, apart from maintaining cleanliness in the prison, there was no other work available to the inmates. With the opening of the kitchen shortly, this will be one avenue of labour for inmates. The garden around the kitchen could be an opportunity for labour for the inmates.



## 10. VULNERABLE GROUPS

### A. Prisoners with mental health concerns

The information provided to the study team revealed that between 1st January 2018 and 31st December 2018, there were 3 inmates undergoing treatment for mental health concerns. These inmates have each been sent to a different mental health establishment for treatment – VIMS, NIMHANS and DIMHANS. The decision to pick the establishment to send an inmate to is made by the consulting government physician.

### B. Young Offenders

During the visit to the barracks, the study team found about 2 young offenders in the age group of 18-21 years, and **they are not kept in a separate cell.**



## 11. PRISON ADMINISTRATION

### Staff vacancies

As with most prisons in the state, there was a high vacancy rate among staff at the time of visit by the study team, which has since eased with the mass recruitment of personnel in 2019. A person had been hired on contract to support the staff with administrative work such as filling in date for ePrisons, preparing lists for UTRC meetings, etc.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	-	14	-	-	-	-	-	05	-	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
01	-	-	01	02	10	-	-	02	-	03	-

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in **very few of them being able to avail a weekly day off, or even take leave during the year to visit their families.**

### Staff Accommodation

There are only 4 staff quarters for this prison. While these are sufficient for the current staff strength, in the event of all sanctioned posts being filled, there is a need to provide further accommodation.

## 12. PRISON OVERSIGHT

**No visits were made by members of the BoV, and no meeting held in 2018. TLSC secretary from Hadagalli visits the prison regularly.**

List of prisoners is sent from this jail to the DLSA to be considered by UTRC meetings, and one staff member from this prison attends the meetings.

## 13. ISSUES OF CONCERN

- Instances of custodial violence and torture in police custody** – Of the 10 inmates we interviewed, 6 alleged that they had been victims of custodial torture by the police, which was not revealed either to the remand court or the doctor performing medical examination under police duress. They were made to sign on blank sheets without the right to counsel at the time.
- Body warrants** - At the time of visit by the study team, there were about 4 inmates who had body warrants in other cases. One of them had been granted bail just the previous day, and as he was about to leave prison, a body warrant was delivered to the prison, thereby extending his custody.
- 'Anti-nationals'** - The study team met 3 inmates who had been imprisoned for having posted content online which had attracted the ire of right wing Bajrangdal members. They had been harassed and intimidated in their home towns, and had undergone media trial in the process. As is the trend in such cases, there has been a bar resolution to not represent these inmates, and they have found lawyers to represent them with immense trouble.

### Warders' Diary

*This prison is run by 2 Head Warders and 3 Warders. They coordinate all activities of the prison among themselves, including administrative work and guarding duty. In a conversation with the study team, they revealed how critical it becomes to ensure medical escort on time, and the difficulties in managing suicidal tendencies among inmates with such little human resource at their disposal.*

#### UPDATES AS OF APRIL 2022

In the meeting held on 19 March 2022, the study team was informed about the following changes since its visit:

- ❖ This prison is now headed by an officer of the rank of Jailor.
- ❖ An RO system has been installed. There are 2 UPS systems for use during power cuts. CCTVs have now been fully installed, and there are 27 functional CCTVs are present.
- ❖ The kitchen in this prison has now been started and food is prepared by inmates themselves. Inmates working in kitchen and cleaning are being paid wages.
- ❖ A doctor visits this prison once a month.
- ❖ Young and old inmates are being segregated from the remaining inmates.
- ❖ Staff shortage has come down, which now enables them to avail of weekly off as per rules.

## KEY RECOMMENDATIONS FOR HOOVINA HADAGALLI

### PRISON HEADQUARTERS

- *Introduce phone facilities, with at least one free phone call at the time of admission into*
  - *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Introduce sports facilities for both inmates and prison staff.*
- *Sanction additional posts for one FDA/one SDA, one medical officer/one nursing staff, one teacher/instructor, one driver, one/two sweepers and one attendant.*
- *Introduce avenues of labour inside the prison, with just wages in return.*
- *Provide a four-wheeler for jail use, and an ambulance.*
- *Increase the number of staff quarters.*

### PRISON

- *Kindly increase the time allowed to prisons outside the cells.*
- *Kindly coordinate with the public library system and introduce a prison library.*
- *Kindly consider allowing inmates to be involved in taking care of the vegetable garden in the prison premises.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *During the next UTRC meeting, kindly consider the grave concern of no medical escorts being provided to this prison, and determine if steps can be taken to this end.*
- *Kindly also consider steps to ensure regular visits by government medical officers to this prison.*
- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*

# HOSPET TALUK PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

Hospet is a taluk forming part of the district of Ballari. The taluka prison in Hospet was established in 1926. This was originally a revenue prison that was taken over by the prison department.

The prison is built over a total area of 542.34 guntas, and is a stone structure. In all, this prison complex has 20 male barracks, and 2 female barracks. The layout of this prison is unique. The administrative rooms and the common bathing areas are on the ground floor of the building.

## 2. PRISON POPULATION AND OVERCROWDING

This taluk prison houses only under trial prisoners and those sentenced to less than 3 months' imprisonment. There is no pressing problem of overcrowding, although the cells are very small, and there are several cells that cannot be put to use as the building is very old and dilapidated.

	<b>Capacity</b>	<b>40</b>		<b>Capacity</b>	<b>8</b>
	<b>Strength</b>	<b>36</b>		<b>Strength</b>	<b>1</b>
	Undertrials	36		Undertrials	1
	Convicts	0		Convicts	0
	Detenues	0		Detenues	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	90%		Occupancy Rate	12.5%

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 9 (including 2 female) inmates and staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

**Medical examination at the time of admission into the prison is not possible since the prison does not have a medical officer.**

Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel). The jail does not have a separate admission room.

Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes

#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS<sup>21</sup>

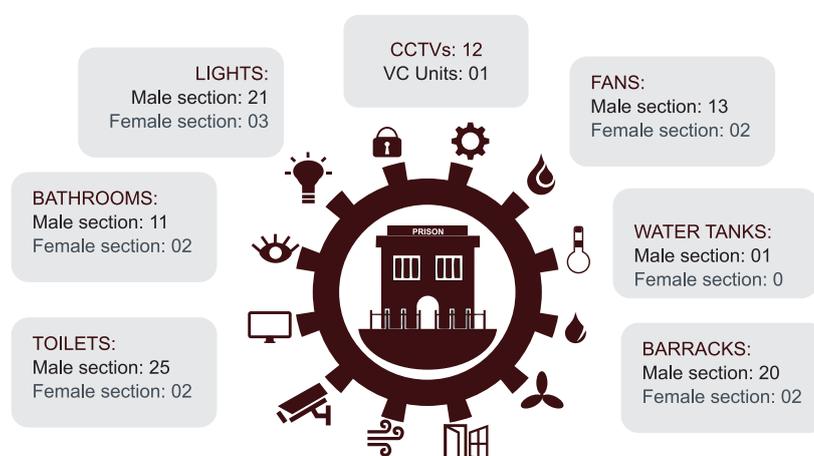
As per information provided, there are a total of 20 male barracks and 2 female barracks.

	Number of barracks	Inmates per barrack
Male Section	20	2
Female Section	2	1

Basic amenities such as electricity, water clothes, food seemed to be well taken care of. **The prison has a bore well to meet additional water requirements; there is sufficient water supply in general thanks to the Tunga Bhadra dam.**

There is no kitchen in this prison, since the kitchen is not in a fit condition for use. **Food is supplied through a tender process, and the study team learnt that food is insufficient. There is no RO in the prison,** although the study team was informed that estimates for the same were being prepared. Every barrack is equipped with sufficient fans and light bulbs. However, the walls, floors and roofs of the cells are in immediate need of repair and maintenance. There is a UPS for basic power back up.

The cells on the ground floor have all been abandoned as the roofs are in a very dilapidated condition. Even the kitchen is not in a usable condition and has been abandoned. Inmates live in some of the usable cells on the first floor of the building. The cells are very small, with about 6 inmates per cell. The roofs of the cell are high, well ventilated, and have toilets inside for use during lock-up hours. On the same line of cells for male inmates are two cells for female inmates, partitioned with a metal door. Since there are normally very few female inmates in this prison, there is sufficient space for them. The study team was informed by the prison staff that money had been sanctioned for the renovation of the prison building. There is no outer wall for this prison resulting in long lock-up hours for security reasons.



21 As on 31st December 2018

The kitchen is big and spacious, and has not been used since the inception of the prison since there are very few inmates in this prison on an average. The study team was however informed that there had been directions to the prison staff to commence cooking in the kitchen. Currently, food provided includes *jolad rotti*, rice, sambar and vegetables, which was sometimes insufficient and tasteless.



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice, *Jolad Rotti* and Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
No	No	No	Yes



## 5. CONTACT WITH OUTSIDE WORLD

**No visiting room in this prison.** ‘Beti’ or visits from family members is allowed once a week for under trials and once a fortnight for convicts, for up to 45 per visits.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison.**

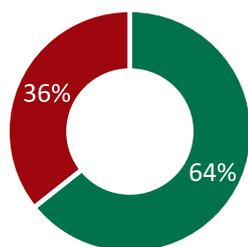
Lawyers are allowed to meet their clients twice a week, for up to 30-45 minutes per visit.



## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison,** and there is no hospital inside the prison either. A doctor from the government hospital visits the prison when requested by the prison authorities.

A total of 223 prisoners were provided medical assistance in the prison during the period between 1st January 2018 and 31st December 2018, as per the data provided to the study team by the prison administration. During the same period, 153 inmates were sent to the government general hospital, Hospet and 2 inmates were sent to higher medical facilities (Jayadeva Cardiac Hospital in Kalburgi and VIMS).



- Request for Medical Escorts fulfilled
- Request for Medical Escorts NOT fulfilled

Of the 238 requests for medical escorts made during the year, 153 requests were fulfilled. This jail does not have an ambulance and therefore, during emergency situations, the staffs find it hard to make official transport arrangements in time, and this is especially difficult since this **prison even to read a four-wheeler.**

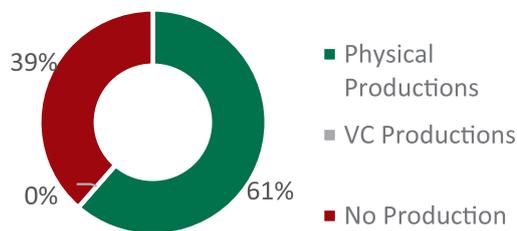


## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed about their right to a lawyer either in court by the judge, or they found out from other inmates in the prison, or sometimes from the jail visiting lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There is a jail visiting lawyer who comes to this jail once a week, and the TLSC has the authority to co-ordinate legal service activities in the prison. **There is no computer system for use by the jail visiting lawyer provided to this prison.**

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
		Yes



In the year 2018, 536 of the 873 requests for court escorts were fulfilled. About 337 court orders for production could not be made either physically or through video conferencing. Court escorts are a problem, especially when there are multiple cases.

The study team learnt that inmates are often not produced in the cases in which they have received body warrants. Several inmates expressed the trend in courts requiring double sureties, making it difficult to secure bail.

One VC system has been provided to this prison, which requires some technical support to become fully functional. There is no separate VC room, and it has been installed in one of the office rooms for want of space.



## 8. ACCESS TO INFORMATION, EDUCATION AND RECREATIONAL ACTIVITIES

The prison subscribes to two newspapers daily. There is a small library in one of the administrative rooms, but it is in need of support from the public library system. Not enough books in the prison library, none sent by the government library or the adult education department.

The barracks are provided with television facilities, but they do not have cable connection and the inmates made a special request to the visiting team for the same. One of the cells has been converted into a prayer room. There is very negligible participation by NGOs and civil society in this prison. **Since this prison is understaffed and does not have an outer wall, inmates are locked up for very long hours.**



## 9. PRISON LABOUR AND WAGES

Apart from maintaining cleanliness in the prison, there are no opportunities for work in this prison. Further, since there is no kitchen, no work is available as kitchen staff either. Educated and long terms inmates help the prison staff in administrative efforts. There is however **no wage available for prison work** as is the case with most taluk prisons in the state.



## 10. VULNERABLE GROUPS

### A. Women prisoners

There were only 2 female inmates at the time of visit by the study team. While they had no concerns in the prison, they were worried about their case and the fate of their children outside. They also had very gruesome stories of emotional torture in the police station subsequent to their arrest. At the time of visit by the study team, several rats were found in the female barrack.

### B. Prisoners with mental health concerns

At the time of visit by the study team, there were about 3 inmates with mental health concerns, one of whom had recently been admitted to the prison. The others had spent about 1-3 years in the prison system. One of them had been sent to a mental health establishment for treatment and had not been declared unfit to stand trial.

### C. Young Offenders

During the visit to the barracks, the study team found 3 young offenders in the age group of 18-21 years, and since there are so few inmates in general, he was not kept in a separate cell. The study team learnt that young offenders are susceptible to harassment by older inmates in this prison, and the prison staff stays vigilant about this. However, given that it is a small jail, it is not possible to keep older inmates from interacting with the young inmates.

### D. Prisoners from other states

During the visit by the study team, there were 2 prisoners from the neighbouring state of Andhra Pradesh for whom visits from family, and following court proceedings in Kannada prove to be difficult.



## 11. PRISON ADMINISTRATION

### Staff vacancies

As of 31st December 2018, there was high vacancy in this prison, which has since eased with the mass recruitment of personnel in 2019.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	-	13	01	-	-	-	-	05	04	01	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
01	01	-	01	04	07	-	-	02	01	02	04

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in the **current staff being able to avail a weekly day off, or even take leave during the year to visit their families.**

## Staff Accommodation

**Staff accommodation is a grave concern in this prison, with the existing accommodation being in a worse condition than the prison complex itself.** There is a need to construct new living quarters for the prison staff on a priority basis, or at least renovate existing quarters. There are currently 12 quarters. The list of concerns in the quarters include a faulty drainage system, no syntax tank for water, rust metal framework and seepage that has made the structure very weak.

## 12. PRISON OVERSIGHT

**No visits were made by the NoVs or BoVs in 2018. Regular visits made by the secretaries of the DLSA and TLSC in the year 2018.**

**List of prisoners to be considered by the UTRC sent to DLSA Ballari according to the format prescribed in the Standard Operating Procedure.**

## 13. ISSUES OF CONCERN

- a) **Instances of custodial violence and torture in police custody** – Of the 9 inmates interviewed, 6 (including 2 female inmates) alleged that they had been victims of custodial torture in the police station after arrest, which was not revealed either to the remand court or the doctor performing medical examination under police duress. Alarming, the first production of all these inmates was in the house of the magistrate after court hours, and not in court.
- b) **Body warrant** - The study team found about 6 inmates with body warrants issued against them. They are not being able to attend all their cases for want of escorts, resulting in their trials being delayed in several cases, which in turn results in long periods of incarceration for petty crimes.

### Jailor's Diary

*The Head Warder of this jail, who is the in-charge Jailor, Mr. G.H. Kulkarni has served in the department for a long time. He is someone who has been able to benefit from the Aroghya Baghya medical insurance scheme that is provided by the department, and has been able to return to service after successful medical treatment.*

#### UPDATES AS OF APRIL 2022

In the meeting held on 19 March 2022, the study team was informed about the following changes since its visit:

- ❖ Since the time of the visit of the study team, Hospet has been declared as the headquarters of a separate district in the name of Vijaynagar, carved out of Bellari district. As a consequence, this prison will soon be notified as a district prison.
- ❖ Prison has an RO, and a UPS system for electricity during power cuts. An additional VC unit has been set up taking the total to 2.
- ❖ The kitchen in this prison has now been started and food is prepared by inmates themselves. Inmates working in kitchen and cleaning are being paid wages.
- ❖ In addition to the visiting doctor, a psychiatrist also regularly visits the prison.
- ❖ Vocational training in the form of embroidery, agarbatti making, candle making and tailoring is conducted.
- ❖ TV sets in the barracks have now been provided with cable connection.
- ❖ The Jail Legal Aid Clinic now has a working computer.
- ❖ Young and old inmates are being segregated from the remaining inmates.
- ❖ Staff shortage has come down, which now enables them to avail of weekly off as per rules.
- ❖ Staff quarters have been declared unfit for use and will soon be demolished.

## KEY RECOMMENDATIONS FOR HOSPET

### PRISON HEADQUARTERS

- *Sanction funds for new construction or renovation of staff quarters on a priority basis.*
- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Sanction additional posts for one FDA/one SDA, one medical officer/one nursing staff, one teacher/instructor, one driver, one sweeper and one attendant.*
- *Issue a circular notifying the district's BoVs and NoVs to make regular visits to this prison.*
- *Introduce avenues of labour inside the prison, with just wages in return.*
- *Provide a four-wheeler for jail use.*
- *Provide an RO facility at the earliest.*
- *Kindly reconsider the circular to not allow cable television access*
- *During the renovation phase, kindly consider constructing a high rise wall such that the security of the prison is increased, and consequently inmates can be let out of their cells for a longer time.*

### PRISON

- *During the renovation phase, kindly consider constructing a high rise wall such that the security of the prison is increased, and consequently inmates can be let out of their cells for a longer time.*
- *Kindly make a representation to the prison head office regarding the popular demand for cable connection from the inmates.*
- *Kindly coordinate with the public library to expand the jail library.*

### DISTRICT LEGAL SERVICES AUTHORITY & TALUKA LEGAL SERVICES COMMITTEE

- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*

# HUBBALLI TALUK PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

Hubballi is a taluk forming part of the district of Dharwad. The taluk prison in Hubballi was established in 1967, and serves as a jail to 10 police stations. The Hubballi-Dharwad region is a fast growing urban area.

The prison is built over a total area of 5 acres. There are offices on either side upon entering the main gate. Another gate opens into the main prison complex with the female barracks on the right side, and the male barracks further ahead. The kitchen, male barracks, and cells converted to VC rooms and medical room are all lined next to each other around a rectangular open courtyard.

## 2. PRISON POPULATION AND OVERCROWDING

This taluk prison houses only under trial prisoners and those sentenced to imprisonment for less than 3 months. The total capacity of this prison is 97 male inmates and 8 female inmates, and the strength as on 31st December 2018 was 166 (all male). Although there are two female barracks in this prison, there are no female inmates as there is insufficient female staff. **There is a pressing problem of overcrowding, with many more male inmates than available space.** Further, this is the en route prison for prisoners referred to KIMS, Hubballi for higher medical treatment.

	Capacity	97		Capacity	8
	Strength	166		Strength	0
	Undertrials	162		Undertrials	0
	Convicts	3		Convicts	0
	Detenues	0		Detenues	0
	Civil Prisoners	1		Civil Prisoners	0
	Occupancy Rate	171.13%		Occupancy Rate	0.00%

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 17 inmates and prison staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

**Medical examination upon entering the prison is not conducted immediately upon admission since the prison does not have a medical officer.**

Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel).

Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes

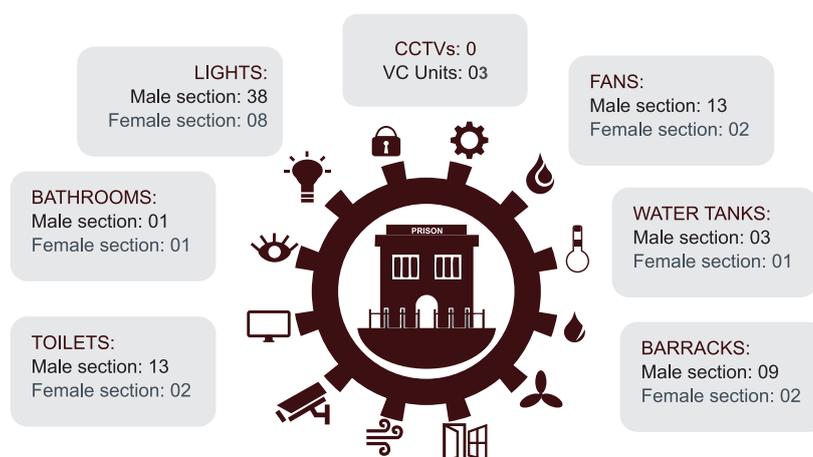
#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS<sup>22</sup>

As per information provided, in all, this prison complex has 9 male barracks, 2 female barracks and 3 single cells which are being used for other purposes.

	Number of barracks	Inmates per barrack
Male Section	9	19
Female Section	2	0

Basic amenities such as electricity, water, clothes, food seemed to be well taken care of, none of the inmates complained about this. Every barrack is equipped with sufficient fans and light bulbs. There are toilets inside the cells, while the main washing and bathing area is outside the cells. Toilets inside the cells do not have lights or taps, and water has to be collected and filled inside open tanks in the cells. Since there are not enough rooms available for general use in this prison, the single cells have been converted into VC rooms, and a multipurpose room for use by the visiting doctor and legal aid lawyer along with being a library. A small patch of land next to the male barracks has been converted to cultivable land with vegetables tended to by 2-3 inmates. CCTVs had not yet been installed in the prison at the time of visit by the study team, but there had been a survey to check for the right spots and the process of installation was underway.

**Toilets inside the barracks need an upgrade with taps and lights inside. Rooms are overcrowded and not well ventilated.**



The kitchen has basic amenities including steamers, chimney, fridge, mixer, etc. There is also a storage room for kitchen supplies, and is well maintained.

<sup>22</sup> As on 31st December 2018



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, *Chapattis*, Rice and Buttermilk
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	No	No, process under way

**Garbage is collected by the municipal corporation on a regular basis. There is power back up, and solar lighting in this prison.**



## 5. CONTACT WITH OUTSIDE WORLD

There is a visiting room available within the prison premises. 'Beti' or visits from family members is allowed once a week per prisoner, for about 15 minutes per visit between 11 AM and 1PM, and between 4PM and 5 PM on government working days.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison.**

Lawyers are allowed to meet their clients twice a week, for up to 15 minutes per visit.

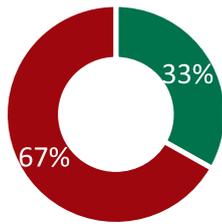


## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison.** One of the single cells has been converted into a multi- purpose room, and medicines are stored in this room. This is also the room in which the visiting doctor sees inmates. A doctor from KIMS visits the prison every Saturday.

About 500 prisoners were provided medical assistance in the prison by the visiting doctor during the period between 1st January 2018 and 31st December 2018. During the same period, 566 prisoners were taken for general treatment to the KIMS, Hubballi and 2 inmates were escorted to DIMHANS, Dharwad. Jail has a functional ambulance.

Both the District Armed Reserve (DAR) and City Armed Reserve (CAR) provide escorts in Hubballi and Dharwad (which has a central jail), and there is no clarity on which of these two has the responsibility to provide medical escorts, leading to such a low turn-out. Further, it was learnt by the study team that even when escorts are provided, they do not stay long enough for an inmate to be shown to a specialist, or admitted to the hospital, instead rushing through the process. In emergency situations, the prison staff themselves escort inmates to the hospital. Given that this is an en route prison for inmates in the region referred to KIMS, Hubballi, this is a huge strain on the limited prison staff.



- Request for Medical Escorts fulfilled
- Request for Medical Escorts NOT fulfilled

Of the 1,440 requests for medical escorts in the year 2018, only about 478 were fulfilled.

In the year 2018, 3 inmates of the prison died of natural causes, for all of whom **judicial enquiry under s.176 CrPC was pending** at the time of visit by the study team, and the NHRC had been informed of all three cases.

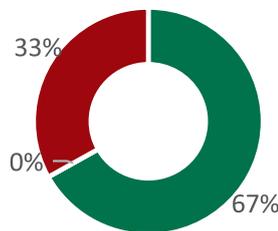


## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed about their right to a lawyer either in court by the judge, or they found out from other inmates in the prison. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

Two jail visiting lawyers visit the jail twice a week each, and the TLSC has the authority to coordinate legal service activities in the prison. The multi-purpose room also seats the jail visiting lawyer.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	Two days a week



- Physical Productions
- VC Productions
- No Production

In the year 2018, 6,740 of the 10,080 requests for court escorts were fulfilled by the CAR, and no VC productions happened in the same time period. About 3,340 court orders for production could not be made either physically or through video conferencing.

There is therefore an alarming rate of non-production in court for the inmates in this prison. Three VC systems have been provided to this jail, and have been set up, although they are yet to be put to use.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

Newspapers and periodicals are subscribed in this prison. There is a library maintained in the multi-purpose room, although **there are very few and very old books here**. The barracks are provided with television facilities and carom boards and chess sets.

This prison also has some beautiful art work on the walls, painted by talented inmates – images of Gandhiji, Nelson Mandela, Buddha, among other symbols of peace. There is also a vegetable garden managed by some of the inmates. **Due to severe staff shortage, the lock-up hours are very long in this prison, with about 2 hours in the morning and half an hour in the evening available for inmates to step outside their barracks.**



## 9. PRISON LABOUR AND WAGES

Kitchen staff, appointed from among the under trials, prepare meals for the inmates. Inmates are also enlisted to take care of the vegetable garden in the prison, maintain the library, clean the bathrooms and to paint the walls. The study team was informed that **the kitchen staff was being paid Rs.30 per day for their labour (unlike in any other taluk prison), but this money has not been paid the past one year as payments are now to be made through bank accounts only.**



## 10. VULNERABLE GROUPS

### A. Prisoners with mental health concerns

The information provided to the study team revealed that between 1st January 2018 and 31st December 2018, there were 2 inmates undergoing treatment for mental health concerns, both of whom were sent to DIMHANS for treatment. One of them was in the jail for less than 3 years and the second for less than 5 years – neither of their trials had been suspended on account of being unfit to stand trial.

### B. Young Offenders

During the visit to the barracks, the study team found about 12 young offenders in the age group of 18-21 years, and they are not kept in a separate cell. In addition to this, the team also met two inmates who were less than 18 years of age at the time of their arrest (as per their school records) – their arrest warrants however record their age to be over 18. Further, some of the young inmates are harassed by their older inmates, made to clean the toilets and fetch water, and subject to physical and verbal abuse, although they faced no trouble from the jail authorities.

### C. Prisoners from other states

During the visit by the study team, there were 2 prisoners from other states, including West Bengal and Maharashtra and language is a barrier in court. **No facility for a translator in courts for people belonging to other states.**



## 11. PRISON ADMINISTRATION

### Staff vacancies

As with most prisons in the state, there was a high vacancy rate among staff at the time of visit by the study team. Further, there is a dire need to sanction and fill a post of FDA to assist the prison in administrative.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	01	35	01	-	-	-	-	12	05	01	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
03	02	-	03	05	24	-	-	-	01	07	04

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in very few of them being able to avail a weekly day off, or even take leave during the year to visit their families. Further, with dearth of police escorts and without sufficient administrative posts in this prison, all existing prison personnel have to take on multiple duties and are stretched for time.

### Staff Accommodation

There were only about 6 staff quarters at the time of visit by the study team, with a sanction of Rs.30,00,000 for renovation and expansion of both the quarters and prison building. Work was yet to begin. The existing quarters are insufficient for the sanctioned number of staff, and in need of urgent repairs, especially the drainage system.

## 12. PRISON OVERSIGHT

BoV meetings in Dharwad have representatives from this prison. List of prisoners is sent from this jail to the DLSA to be considered in UTRC meetings. **No visits were made by official and/or non-official visitors to this prison in 2018.**

## 13. ISSUES OF CONCERN

- a) **Instances of custodial violence and torture in police custody** – Of the 17 inmates interviewed by the study team, 9 alleged that they had been victims of custodial torture by the police, which was not revealed either to the remand court or the doctor performing medical examination under police duress. Corporal punishment is resorted even in the prison. Since there are no single cells available to punish one through solitary imprisonment, **handcuffs are used to keep inmates locked out of their cells for periods of time.**
- b) **Escort problem, long court dates, prolonged trial** - While problems with escorts are true of every district, the prison in Hubballi has a particularly critical shortage of court escorts which has resulted in long jail terms. In addition to this, several inmates reported to the study team that there are very long court dates, and that they have to wait for a long time for charges to be framed, evidence to commence and final arguments to be heard.
- c) **Body warrants** - The study team found about 10-12 inmates who have been unable to gain release from prison despite being granted bail and satisfying bail conditions on account of having a body warrant in one or more cases delivered to the jail.

### Jailor's Diary

*The Jailor in this prison is of the opinion that Hubballi being a growing urban city, with the increasing crime rate, there is a need to upgrade the existing prison to a special taluk prison so as to enable more efficient administration. This might bring with it a dedicated force of escorts and other prison upgrades.*

#### UPDATES AS OF APRIL 2022

In the meeting held on 14 March 2022, the study team was informed about the following changes since its visit:

- ❖ PCO facility has now been provided for inmates. During the restrictions enforced during the Covid-19 pandemic, physical meetings were suspended and replaced with *e-mulakaats* through videoconference.
- ❖ 18 CCTVs have been installed.
- ❖ A teacher has been appointed on deputation for facilitating education activities.
- ❖ Inmates who work in the kitchen or help in cleaning the prison are paid wages through the Jan Dhan system.
- ❖ There is no staff shortage, which has resulted in longer unlock hours – 2 hours in the evening and 3 hours in the morning.
- ❖ Rs.30,00,000 (rupees thirty lakh) has been sanctioned for renovation of the staff quarters.

## KEY RECOMMENDATIONS FOR HUBBALLI

### PRISON HEADQUARTERS

- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Introduce sports facilities for both inmates and prison staff.*
- *Sanction additional posts for one FDA, one medical officer/one nursing staff, one pharmacist, one teacher, one technician, one driver, and one attendant.*
- *Direct NoVs appointed to this prison to make regular visits and participate in BoV meetings.*
- *Provide walkie-talkies to enable smoother prison administration.*
- *Expand the prison complex on a priority basis with additional barracks for the growing prison population, office rooms for the staff, and rooms to accommodate the visiting doctor, visiting lawyer and library.*
- *Kindly ensure that the sanctioned plan to expand the staff quarters is implemented at the earliest. Kindly also ensure that the drainage facility for the staff quarters is adequately provided.*

### PRISON

- *Kindly coordinate with the government library department to expand the library in the prison.*
- *Kindly consider allowing inmates to spend time outside their cells, for a longer period of time in the day as provided under Chapter XIV of the Karnataka Prison Manual 1978.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Kindly take steps for the long time taken for trials to progress of those in judicial custody and come up with means of prioritising their cases for early disposal.*

### TALUKA LEGAL SERVICES COMMITTEE

- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*

### BOARD OF VISITORS

- *Since there is a crisis arising out of shortage of escorts, kindly convene a meeting with all concerned departments in order to formulate a plan to manage the problem. One possible solution is to designate certain days of the week for production in courts of a particular taluk, with the concerned court then giving dates to accused in custody only on those designated days such that available escorts can be sent to one taluk court complex instead of multiple on a given day. This solution is being experimented by the district prison in Chitradurga, and might be emulated here with necessary adaptations. Kindly also seek clarity on the distribution of work by the DAR and CAR for this prison both for court and hospital escorts.*

# HUMNABAD TALUK PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

Humnabad is a taluk forming part of the district of Bidar. The taluk prison in Humnabad was established in 1963.

The prison is built over a total area of 1 acre and 9 guntas. In all, this prison complex has 4 male barracks. The barracks are lined one next to the other, and there is open space behind the barracks where the inmates can walk around when they are not under lock-up. There is a common washing area outside the barracks, and toilets for use are all within the barracks. There is a central space in the jail where there is a praying area.

## 2. PRISON POPULATION AND OVERCROWDING

This taluk prison houses only under trial prisoners. The total capacity of this prison is 60 (male only) and the strength as on 31st December 2018 was 54. **There is no pressing problem of overcrowding.**

	Capacity	60		Capacity	0
	Strength	54		Strength	0
	Undertrials	53		Undertrials	0
	Convicts	1		Convicts	0
	Detenues	0		Detenues	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	90.00%		Occupancy Rate	0.00%

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 10 inmates and staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel).

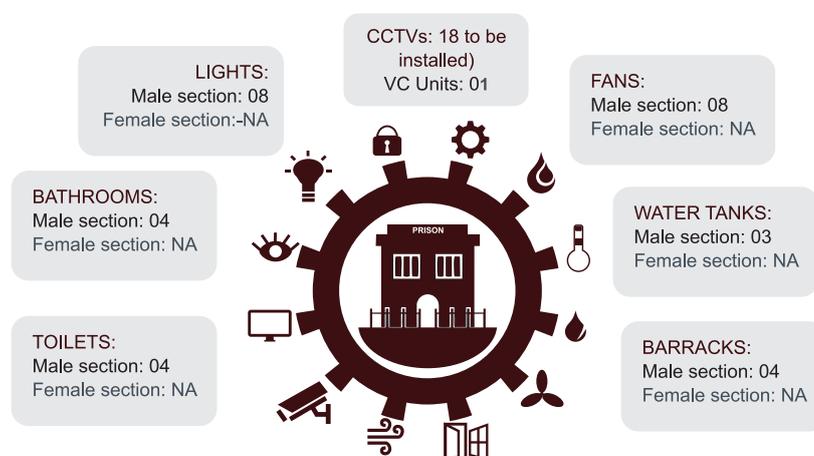
Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes

#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, there are a total of 4 male barracks.

	Number of barracks	Inmates per barrack
Male Section	4	14
Female Section	-	-

Basic amenities such as electricity, water clothes, food seemed to be well taken care of. Although **there is no shortage of water, there is no RO for drinking water.** Every barrack is equipped with sufficient fans and light bulbs. Since there are only 2 TVs, and 4 barracks, inmates are rotated in such a way that everyone gets a chance to be in a room with a TV regularly. At the time of visit by the study team, 2 new TVs had arrived at the jail and were about to be set up. About 18 CCTVs were about to be set up at the time of visit by the study team.



There is no kitchen in this prison, being a small jail with a small population. Food is supplied through a tender process, and by and large there were no complaints about food.



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice and *Jolad rotti*.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
No	Yes	No	No (to be installed)

**Waste is collected every morning by the municipality.**



#### 5. CONTACT WITH OUTSIDE WORLD

**There is no separate visiting room available within the prison premises, meetings happen near the entrance to the prison.** ‘Beti’ or visits from family members is allowed once a week per prisoner, for up to 10 minutes per visit.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No phone facility in this prison.**

Lawyers are allowed to meet their clients twice a week, for 15 minutes per visit.

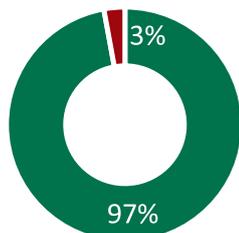


## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison**, and there is no hospital inside the prison either. A doctor from the government hospital is required to visit the prison once a month, but this is not a regular feature.

A total of 97 prisoners were provided medical assistance in the government primary health centre, during the period between 1st January 2018 and 31st December 2018, as per the data provided to the study team by the prison administration. During the same period, 5 inmates were sent to a higher medical facility to the District Government hospitals in Bidar and Kalburgi.

**This jail does not have an ambulance and therefore, during emergency situations, the staffs find it hard to make official transport arrangements in time.**



- Request for Medical Escorts fulfilled
- Request for Medical Escorts NOT fulfilled

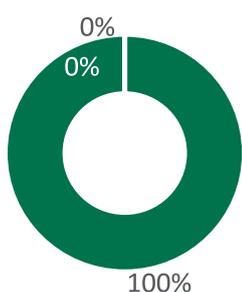
Of the 105 inmates who were required to be provided medical escorts in the year 2018, 102 were sent, only 3 could not be provided medical escorts.

## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed about their right to a lawyer either in court by the judge, or they found out from other inmates in the prison, or sometimes from the jail visiting lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There are 2 jail visiting lawyer who comes to this jail four times a week, and the TLSC has the authority to co-ordinate legal service activities in the prison.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	Four days a week



- Physical Productions
- VC Productions
- No Production

In the year 2018, all 587 requests for court escorts were fulfilled by the concerned police stations, as per the data provided by the prison administration. No court orders for production that could not be made either physically or through video conferencing.

However, at the time of the visit by the study team, there were a few inmates who had missed court dates in the recent past. There are 12 police stations

in this taluka, and they provide the necessary escorts for court production, unlike the general practice of escorts being provided by the District Armed Reserve.

One VC system has been provided by the High Court, which requires some technical support to become fully functional. There is currently no separate room for the VC system however the study team was informed that a new room had been sanctioned for the same.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

**There is no library.** Two newspapers are subscribed by the prison daily, both in Kannada. The barracks are provided with television facilities and carom boards. There is however no instructor appointed to this prison, either for education or vocational training. Apart from Christian missionary efforts, there are no NGOs or civil society participation in this prison. Further, inmates are only allowed outside their cells for about 3 hours in the day, from 6 AM – 7 AM, 12 noon to 1 PM and 5 PM to 6 PM. They are locked up all other times, and this clearly has an adverse effect on the mental physical health of inmates.



## 9. PRISON LABOUR AND WAGES

Apart from maintaining cleanliness in the prison, there are no opportunities for work in this prison. Further, since there is no kitchen, no work is available as kitchen staff either. Further, educated and long term inmates are not employed for office work. There are also no private work opportunities such as agarbatti packing, which is available in several taluk prisons in the state.



## 10. VULNERABLE GROUPS

### A. Young Offenders

During the visit to the barracks, the study team found about 13 young offenders in the age group of 18-21 years, and since there are so few inmates in general, they were not segregated from the other inmates.

### B. Old age offenders

At the time of visit by the study team, there were about 2 inmates who were above the age of 65 years old. Food and health care facilities for such inmates is generally a challenge.

### C. Prisoners from other states

During the visit by the study team, there were 4 prisoners from other states, one from the neighbouring state of Telangana, two from the neighbouring state of Maharashtra and one from Bihar. **No facility for a translator in courts for people belonging to other states.**



## 11. PRISON ADMINISTRATION

### Staff vacancies

As in most other prisons, there were a few vacancies among jail staff at the time of visit by the study team, which has since eased with the mass recruitment in 2019.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	-	10	-	-	-	-	-	05	02	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
01	-	-	01	02	07	-	-	01	01	03	01

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in the current staff not being able to avail a weekly day off, or even take leave during the year to visit their families.

### Staff Accommodation

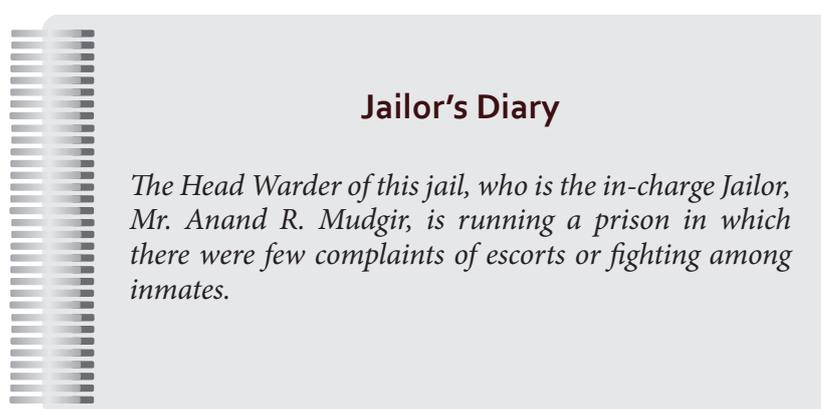
Staff accommodation is provided, and had been recently expanded and renovated. While there were 7 staff quarters before the renovation, at the time of visit by the study team, there were 13 quarters, adequate for the sanctioned staff.

## 12. PRISON OVERSIGHT

Three visits made by official visitors from the BoV in the year 2018.

## 13. ISSUES OF CONCERN

- Instances of custodial violence and torture in police custody** – Of the 10 inmates interviewed by the study team, 5 alleged that they had been victims of custodial torture by the police, which was not revealed either to the remand court or the doctor performing medical examination under police duress. Although corporal punishment is resorted to in order to handle fights inside the prison, there were no instances of torture that the study team was able to find.
- Body warrants** -The study team found at least 5 inmates who have been unable to obtain release from prison despite being granted bail and satisfying bail conditions on account of having a body warrant in one or more cases delivered to the jail.



### UPDATES AS OF APRIL 2022

In the meeting held on 17 March 2022, the study team was informed about the following changes since its visit:

- ❖ The prison now has an RO system for water. 18 CCTVs are now in working condition. Two VC systems have been installed.
- ❖ Staff vacancy has come down drastically.
- ❖ There is a separate room for admission of inmates.
- ❖ Unlock is as per the prison manual.

## KEY RECOMMENDATIONS FOR HUMNABAD

### **PRISON HEADQUARTERS**

- *Fill in the vacancies in this prison at the earliest.*
- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Sanction additional posts for one FDA/one SDA, one medical officer/one nursing staff, one teacher/instructor, one driver, one/two sweepers and one attendant.*
- *Issue a circular notifying the district's BoVs and NoVs to make regular visits to this prison.*
- *Introduce avenues of labour inside the prison, with just wages in return.*
- *Provide a four-wheeler for jail use, there is currently only a two-wheeler.*
- *Provide walkie-talkies to enable smoother prison administration.*
- *Provide an ambulance to this prison.*
- *Provide an RO facility at the earliest.*
- *Consider providing solar facility to the prison for electricity and heating water.*
- *Consider construction of a separate interview room.*

### **DISTRICT LEGAL SERVICES AUTHORITY**

- *During the next UTRC meeting, kindly propose the need to ensure regular visits by government doctors to the prison, and take suitable actions for the same.*

### **TALUKA LEGAL SERVICES COMMITTEE**

- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*

# JAMKHANDI TALUK PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

Jamkhandi is a taluk forming part of the district of Bagalkot. The taluk prison in Jamkhandi was established in 2009. This is one of the more recently constructed prisons in the state.

The prison is built over a total area of 7 acres. In all, this prison complex has 6 male barracks and 1 female barrack. The offices are close to the main gate at the entrance. Another gate opens into the main prison complex which has the kitchen, male barracks and female barracks all lined next to each other around a rectangular open courtyard. The prison has a lot of greenery, with a well maintained garden.

## 2. PRISON POPULATION AND OVERCROWDING

This taluk prison houses only under trial prisoners and those sentenced to imprisonment for less than 6 months. The total capacity of this prison is 200 (175 male and 25 female), and the strength as on 31st December 2018 was 73 male and 6 female. **There is no pressing problem of overcrowding in this prison.**

	<b>Capacity</b>	175		<b>Capacity</b>	25
	<b>Strength</b>	73		<b>Strength</b>	6
	Undertrials	72		Undertrials	6
	Convicts	1		Convicts	0
	Detenués	0		Detenués	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	41.71%		Occupancy Rate	24.00%

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 14 inmates (including 3 female) and staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

**Medical examination upon entering the prison is not conducted immediately upon admission since the prison does not have a medical officer.**

Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a chombu (vessel).

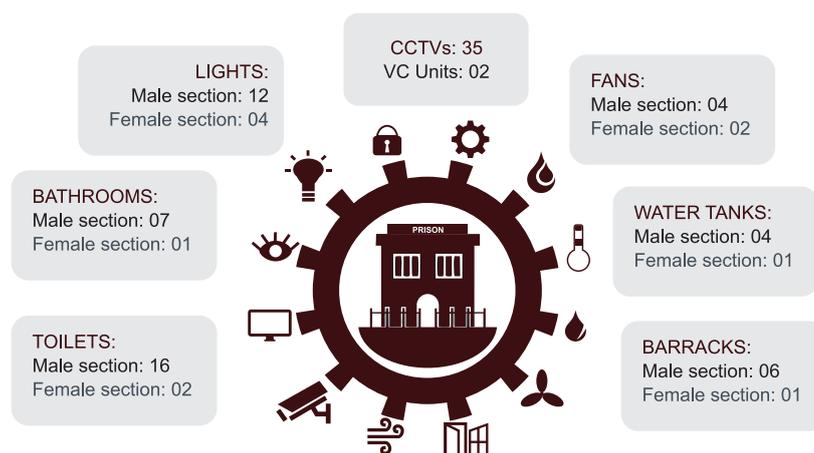
Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	Yes
Whether basic articles given?	Yes

#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS<sup>23</sup>

As per information provided, there are a total of 6 male barracks and 1 female barrack.

	Number of barracks	Inmates per barrack
Male Section	6	13
Female Section	1	6

Basic amenities such as electricity, water, clothes, food seemed to be well taken care of. Every barrack is equipped with sufficient fans and light bulbs. The toilets and washing area are inside the cells. Inmates had not been provided with soap and oil for a few months, but the Jailor had procured the same for supply at the time of visit by the study team. There are 2 bore wells to ensure sufficient water supply.



Although the prison has a kitchen, it has never been functional as there has been no continuity with inmates so far. Food is currently being provided by a contractor. However, the kitchen will soon be opened for use since the prison population has been growing. It will however require basic facilities such as chimney, fridge, mixer, steamers, etc. Inmates expressed some dissatisfaction with the food.



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice Chapatti, *Jolad rotti* and Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
No	Yes	Yes	Yes

<sup>23</sup> As on 31st December 2018



## 5. CONTACT WITH OUTSIDE WORLD

There is a visiting room available within the prison premises. 'Beti' or visits from family members is allowed once a week per prisoner, for about 30 minutes per visit between 10:30 AM and 1PM, and between 4:30 PM and 5:30 PM on government working days.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison.**

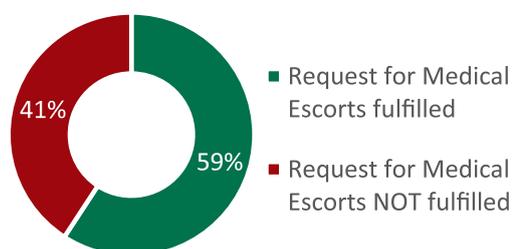
Lawyers are allowed to meet their clients twice a week, for up to 30 minutes per visit.



## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison,** nor is there a dispensary. A doctor from the government hospital visits the prison once a week. **Jail has a functional ambulance.**

About 2750 OPD appointments were provided by the visiting doctor during the period between 1st January 2018 and 31st December 2018. During the same period, 13 prisoners were taken for treatment to the district hospital in Bagalkot.



Of the 147 requests for medical escorts in the year 2018, 87 were fulfilled by the concerned police stations. In emergency situations, the prison staff themselves escort inmates to the hospital.



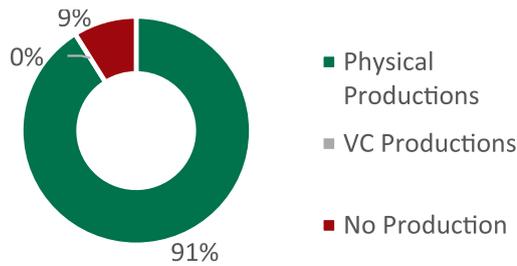
## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed about their right to a lawyer either in court by the judge, or they found out from other inmates in the prison. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

A jail visiting lawyer visit the jail once a week, and the TLSC has the authority to co-ordinate legal service activities in the prison. The multi-purpose room also seats the jail visiting lawyer.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	Once a week

In the year 2018, 798 of the 876 requests for court escorts were fulfilled by the concerned police stations, as per the information provided by the prison. About 78 court orders for production could not be made either physically or through video conferencing.



However, the study team found several inmates who had not been produced in court for over 6-8 months in the year 2019. Alarming, several of those who missed court dates did not know the next date in their case, and the same was not informed to the prison. Two VC systems have been provided to this jail, and have been set up, although they are yet to be put to use.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The barracks are provided with television facilities and carom boards. However, no newspapers are subscribed to, and there is no library in this prison. **Due to severe staff shortage, the lock-up hours are very long in this prison, with about 2 hours in the morning and half an hour in the evening available for inmates to step outside their barracks.**



## 9. PRISON LABOUR AND WAGES

There are no employment opportunities in this prison. Since the kitchen in this prison is not functional, one of the most common avenues of work in a taluk prison.



## 10. VULNERABLE GROUPS

### A. Women prisoners

There is one large barrack for women, which has a bathroom and a toilet inside, while the washing area is outside the cell. At the time of visit by the study team, there were no children, but there was one child in 2018. Children are given milk and fruit in addition to the food provided generally. The study team also learnt that **sanitary napkins are not provided to women, who use cloth instead.** When the doctor visits the prison, a visit is made to the female barrack as well.

### B. Young Offenders

During the visit to the barracks, the study team found about three young offenders in the age group of 18-21 years, and **they are not kept in a separate cell.**

### C. Old age offenders

During the visit to the barracks, the study team found about 5 inmates over the age of 60, for whom there are **no different amenities such as separate food, etc.**

### D. Prisoners from other states

During the visit by the study team, there were 4 prisoners from other states, including Maharashtra, Goa and Delhi. No facility for a translator in courts for people belonging to other states.



## 11. PRISON ADMINISTRATION

### Staff vacancies

As with most prisons in the state, there was a high vacancy rate among staff at the time of visit by the study team, which has since eased with the mass recruitment of personnel in 2019. Further, there is a dire need to sanction and fill a post of FDA/SDA to assist the prison in administrative work.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	-	19	-	-	-	-	-	04	08	01	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
01	-	01	01	05	12	-	-	02	-	02	07

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in the **current staff being unable to avail a weekly day off, or even take leave during the year to visit their families.**

### Staff Accommodation

There were only 12 staff quarters at the time of visit by the study team. The **existing quarters are insufficient for the sanctioned number of staff, and in need of urgent repairs, especially the drainage system.**

## 12. PRISON OVERSIGHT

There was 1 BoV meeting in the year 2018, and 9 visits by official visitors to the prison in the same year. The Jailor of this prison informed the study team that although this is a taluk prison, there has been prison oversight as the BoV for the district of Bagalkot visits this prison and considers the jail's requirements.

A list of prisoners is sent from this jail to the DLSA, Bagalkot to be considered in UTRC meetings.

## 13. ISSUES OF CONCERN

**Instances of custodial violence and torture in police custody** – Of the 14 inmates interviewed by the study team, 7 alleged that they had been victims of custodial torture by the police, which was not revealed either to the remand court or the doctor performing medical examination under police duress. Corporal punishment is resorted even in the prison.

### Jailor's Diary

*At the time of visit by the study team, the Jailor of this prison, Smt. Tilottame, along with the efforts of the prison staff managed to get a seriously ill prisoner to hospital on time, despite the prison ambulance broke down on the way. The incident showed her and staff members' commitment to the service.*

#### UPDATES AS OF APRIL 2022

In the meeting held on 15 March 2022, the study team was informed about the following changes since its visit:

- ❖ This prison now has a functional kitchen within the prison, and the practice of supply of food from outside has been discontinued.
- ❖ Inmates who work in the kitchen or help in cleaning the prison are paid wages through the Jan Dhan system.
- ❖ A warder is assigned with the task of informing inmates of their next dates in court.
- ❖ Young and old offenders are now segregated.
- ❖ Staff vacancy has decreased.
- ❖ Inmates now have some opportunities for skill development such as tailoring and horticulture.

## KEY RECOMMENDATIONS FOR JAMKHANDI

### PRISON HEADQUARTERS

- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Introduce sports facilities for both inmates and prison staff.*
- *Sanction additional posts for one FDA/SDA, one medical officer/one nursing staff, one pharmacist, one teacher, one technician, one driver, and one attendant.*
- *Kindly ensure that the staff quarters are expanded at the earliest. Kindly also ensure that the drainage facility for the existing staff quarters is adequately provided.*

### PRISON

- *Kindly ensure that you subscribe to newspapers, and also establish a library in this prison.*
- *Kindly ensure that women are provided sanitary napkins.*
- *Kindly ensure that when an inmate misses a court date, the next date is found out from the concerned court.*

### DISTRICT LEGAL SERVICES AUTHORITY/ TALUKA LEGAL SERVICES COMMITTEE

- *Kindly ensure that when an inmate misses a court date, the next court date is intimated to the prison. Additionally, kindly ensure that the jail visiting lawyer assists inmates in finding out their next date.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*
- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*

# K.R. NAGAR TALUK PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

Krishnarajanagar, or K.R. Nagar as it is more commonly known, is a taluk forming part of the district of Mysore. The taluk prison in K.R. Nagar was established in 1993, and serves as a jail to the surrounding taluks of Heggandevankote (H. D. Kote), Hunsur and Piriapatna.

The prison is built over a total area of 3.31 acres. There is a large open courtyard inside the prison complex, and a beautiful and well-maintained vegetable and flower garden surrounding the building. The jail premises itself is well maintained, freshly painted, and filled with inspirational quotes. In all, this prison complex has 5 male barracks with 2 cells each, and 2 female barracks with 2 cells each. This prison also has a separate storage room for storing grocery and ration supply, a record room, a room for storing supplies to be provided to a newly admitted inmate and a legal aid clinic cum library.

## 2. PRISON POPULATION AND OVERCROWDING

This taluk prison houses only under trial prisoners and those sentenced to imprisonment for less than 3 months. The total capacity of this prison is 115 male inmates and 35 female inmates, and the strength as on 31st December 2018 was 94. Although there are two female barracks in this prison, there are no female inmates as there is insufficient female staff. **There is no pressing problem of overcrowding**, with a total sleeping area of 165.44 square meters per male inmate.

	Capacity	175		Capacity	25
	Strength	73		Strength	6
	Undertrials	72		Undertrials	6
	Convicts	1		Convicts	0
	Detenues	0		Detenues	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	41.71%		Occupancy Rate	24.00%

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 13 inmates and staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

The jail has a separate admission room in which newly admitted prisoners are housed for the first week of incarceration to enable them to get acquainted to prison life. The importance of

this room was evident to the study team while interviewing an inmate who had been newly admitted. He was very emotionally volatile and needed the space and time to come to terms with his new phase in life.

There is also a separate room to store supply of items to be provided to newly admitted inmates. Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel).

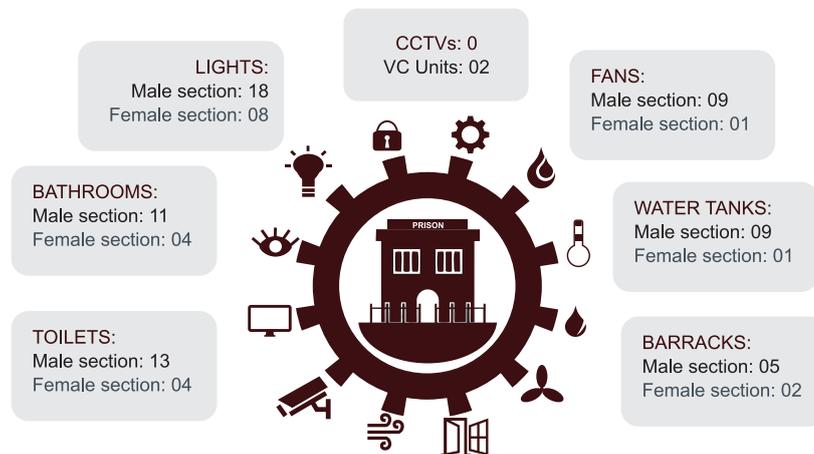
Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	Yes
Whether basic articles given?	Yes

#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS<sup>24</sup>

As per information provided, there are a total of 5 barracks and 2 cells for males and 2 female barracks and 2 cells for females.

	Number of barracks	Inmates per barrack
Male Section	5	19
Female Section	2	0

Basic amenities such as electricity, water, clothes, food seemed to be well taken care of, none of the inmates complained about this. Every barrack is equipped with sufficient fans and light bulbs.



Although the prison has a kitchen, it has never been functional as there has been no continuity with inmates so far. Food is currently being provided by a contractor. However, the kitchen will soon be opened for use since the prison population has been growing. It will however require basic facilities such as chimney, fridge, mixer, steamers, etc. Inmates however expressed some dissatisfaction with the food.

24 As on 31st December 2018



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice, *Ragi mudde* and Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	No	No

**Garbage is burnt in the prison complex as there is no regular collection from the nagar sabha.**



## 5. CONTACT WITH OUTSIDE WORLD

There is a visiting room available within the prison premises. Clean and spacious visiting room, with benches on both sides to enable visits to be intimate and comfortable. 'Entry' or visits from family members is allowed once a week per prisoner, for about 20-30 minutes per visit, or longer if the family has travelled from far away to make the visit.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison.**

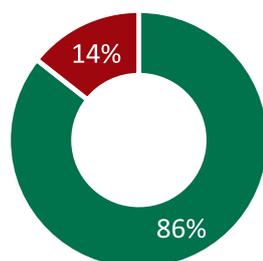
Lawyers are allowed to meet their clients twice a week, for up to 15 minutes per visit. Separate room for lawyer-client interviews is provided.



## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison**, and there is no hospital inside the prison either. Basic medical equipment such as a stethoscope, digital operator, thermometer, weighing machine, glucometer, nebulizer and BP operator are available. A doctor from the government hospital visits the prison once a month. **Regular general medical check-up of inmates is done in batches as a good practice at the instance of the Jailor. HIV and TB test conducted for all inmates on 03.10.2018.**

A total of 135 prisoners were provided medical assistance in the prison by the visiting doctor from the Government Hospital, K.R. Nagar, during the period between 1st January 2018 and 31st December 2018, as per the data provided to the study team by the prison administration. During the same period, 693 prisoners were taken for general treatment to the Government



- Request for Medical Escorts fulfilled
- Request for Medical Escorts NOT fulfilled

Hospital K.R. Nagar and 46 inmates were referred for higher medical treatment to K.R. Hospital Mysore, and 1 to Kidwai Hospital Bangalore.

Of the 544 inmates who were required to be provided medical escorts in the year 2018, 466 were actually provided with the same. This jail does not have an ambulance and therefore, during

emergency situations, the staffs find it hard to make official transport arrangements in time.

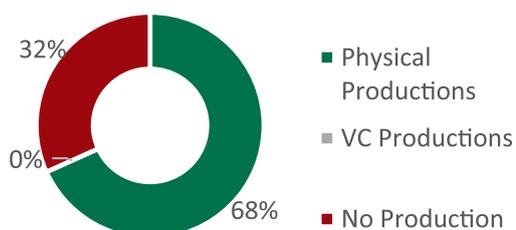


## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed about their right to a lawyer either in court by the judge, or they found out from other inmates in the prison. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There is a jail visiting lawyer who comes to this jail once a week, and the TLSC has the authority to co-ordinate legal service activities in the prison. However, since inmates come from neighbouring taluks as well, visiting lawyers from those taluks to inform inmates about the progress in their cases in the respective taluk courts are not available.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	Once a week



In the year 2018, 1728 of the 2,611 requests for court escorts were fulfilled by the Mysore district armed reserve force. About 829 court orders for production could not be made either physically or through video conferencing.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The barracks are provided with television facilities. The **Jailor takes a keen personal interest to invite several organisations, individuals, NGOs, etc. to visit the jail regularly and conduct programmes for rehabilitation and celebrate festivals.** A list of the same was provided to the study team by the Jailor:

- Hope for Prisoners – a group run by a former convict and his team – ex-inmates from this prison who have successfully reintegrated into society are felicitated
- Taluka Janapada Kala Sangha – to conduct cultural programmes
- Yoga Guru – to conduct yoga and de-addiction programmes
- Carpentry workshops
- Retired government officers and teachers from the government college are invited to deliver guest lectures
- Prison Ministry of India
- Prajapitha Brahmakumaris

Newspapers and periodicals are subscribed in this prison. There is a library maintained by one of the inmates, which forms part of the legal aid room in the prison premises. Books are sent from the district government library on rotation basis. There is however **no post of teacher or librarian to supervise this library.**



## 9. PRISON LABOUR AND WAGES

Kitchen staff, appointed from among the under trials, prepare meals for the inmates. Inmates are also enlisted to take care of the vegetable garden in the prison, maintain the library, clean the bathrooms and to paint the walls. As is the case in most other taluk prisons, there is **no wage labour available for under trial prisoners.**



## 10. VULNERABLE GROUPS

### A. Women prisoners

There are no women or children in this prison, as there is insufficient female staff appointment to use the existing barracks.

### B. Prisoners with mental health concerns

The information provided to the study team revealed that between 1st January 2018 and 31st December 2018, there were no inmates undergoing treatment for mental health concerns. During the study team's visits to the barracks, it was found one inmate who had been treated in NIMHANS prior to 2018. During an in-depth interview with this prisoner, it seemed like this prisoner had still not recovered enough to be able to comprehend the status of his case. Further, this inmate is from Bihar and therefore language is a barrier in understanding the state of his mental health. The prison authorities have made their best efforts to get in touch with his family through the concerned police station, but they have been unsuccessful in establishing family contact.

### C. Young Offenders

During the visit to the barracks, the study team found about 5-6 young offenders in the age group of 18-21 years, and they are not kept in a separate cell. Some of these young offenders were unaware of their exact date of birth, with the possibility of being juveniles at the time of their arrest.

### D. Prisoners from other states

During the visit by the study team, there were a few prisoners from other states, including Bihar and Uttar Pradesh, some of whom could not understand Kannada well. **No facility for a translator in courts for people belonging to other states.**

### E. Differently abled prisoners

The study team found one prisoner who was hard of hearing. The prison authorities had kept him along with a family member who was also incarcerated in the case, so as to enable communication amidst familiarity.



## 11. PRISON ADMINISTRATION

### Staff vacancies

As with most prisons in the state, there was a high vacancy rate among staff at the time of visit by the study team, which has since eased with the mass recruitment of personnel in 2019. Despite having two female barracks, there are no sanctioned posts for female staff yet.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	-	17	-	-	-	-	-	06	02	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
	Male	Female	Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
						M	F	M	F	M	F
01	01	-	01	03	11	-	-	02	-	06	02

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in the **current staff being unable to avail a weekly day off, or even take leave during the year to visit their families.**

### Staff Accommodation

Staff accommodation is provided, and recently over head tanks have been provided for supply of water. A compound has also been built around the quarters.

## 12. PRISON OVERSIGHT

**Official visitors such as the Chief Judicial Magistrate and the Member Secretary of the DLSA visit the prison regularly.**

List of prisoners is sent from this jail to the DLSA to be considered by UTRC meetings. No visits were made by the NoVs in 2018, and they do not attend BoV meetings either. However, unlike most taluk prisons, this taluk prison has previously had the BoV for the district of Mysore send visitors to this prison as well, and BoV resolutions have been passed to benefit this prison as well.

## 13. ISSUES OF CONCERN

**Instances of custodial violence and torture in police custody** – Of the 13 inmates interviewed by the study team, 6 alleged that they had been victims of custodial torture by the police, which was not revealed either to the remand court or the doctor performing medical examination under police duress. A common body part to mutilate is the feet, as injury to this region is not visible to the naked eye. There also seems to be a practice of the first production being in the house of the Magistrate before or after court hours, or on Sundays.

### Jailor's Diary

*The Jailor Mr. Dharanesh M.D. believes that the inmates released from his prison should be 'raya baris' (flag bearers) of the state's correctional facilities. He therefore makes many efforts to invite individuals and organisations from different walks of life to meet with inmates and inspire them to take charge of their lives.*

#### UPDATES AS OF APRIL 2022

In the meeting held on 23 March 2022, the study team was informed about the following changes since its visit:

- ❖ With respect to infrastructure, this prison now has 15 CCTVs. An RO has been installed. Two additional toilets have been sanctioned for this prison to meet the ratio as prescribed in the Model Prison Manual.
- ❖ The visiting doctor now visits at the interval of one week.
- ❖ Wages are being paid to inmates who work in kitchen and cleaning.
- ❖ Prison waste is collected by the municipality.
- ❖ Young and old inmates are being segregated from the remaining inmates.
- ❖ Inmates who are educated are involved in conducting literacy programmes for those interested, in association with the Adult Education Department.
- ❖ There is no shortage of staff, and they can now avail weekly off as per rules.

## KEY RECOMMENDATIONS FOR K.R. NAGAR

### PRISON HEADQUARTERS

- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Introduce sports facilities for both inmates and prison staff.*
- *Sanction additional posts for one FDA/one SDA, one medical officer/one nursing staff, one teacher/instructor, one driver, one/two sweepers and one attendant.*
- *Direct NoVs appointed to this prison to make regular visits and participate in BoV meetings.*
- *Introduce avenues of labour inside the prison, with just wages in return.*
- *Provide a four-wheeler for jail use, there is currently only a two-wheeler.*
- *Provide walkie-talkies to enable smoother prison administration.*

### DLSA

- *Appoint a jail visiting lawyer from Mysore to visit the prison at least once a month to clarify queries regarding cases being heard in the District and Sessions Courts in Mysore.*
- *Request TLSAs of Piriapatna, H.D.Kote and Hunsur to send panel lawyers regularly to this prison so as to clarify queries of inmates who have their cases in those taluks.*
- *Appropriate directions may be issued by the District and Sessions Judge during the next UTRC meeting to the Superintendent of Police to ensure first production at the court and not at Magistrate's house. It may also be directed that upon arrest, the right to inform a family member be facilitated by the concerned police station. Fixing remand hours in court for first production may also be considered. Further, the right to a lawyer during remand period must necessarily be communicated at the time of first production.*

### TALUKA LEGAL SERVICES COMMITTEE

- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*

### DISTRICT COLLECTOR, MYSORE

- *As the chairperson of the BoV, direct the Town Municipal Council to make arrangements for timely garbage collection from the prison premises.*

# KGFTALUK PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The taluka prison in KGF was constructed in 1913. It is one of only two taluk prisons to be called a 'special taluk prison', the other being the jail in Davangere which is now designated as a district jail.

This jail is a very old construction, built over 100 years ago. It is constructed in a total area of 3.39 acres. There are two big cells which are located parallel to one another in the rectangular area of the prison. The remaining space is open, with trees and steps and a central courtyard. There is a small cell that has been converted into a beautiful church by the inmates. The walls of the prison are very low. Some portions of the open space have been used to cultivate vegetables.

## 2. PRISON POPULATION AND OVERCROWDING

This taluk prison houses only under trial prisoners. There are 2 functional male barracks (the third has been shut for being unusable) and no female barracks. The total capacity of this prison is 76, while the strength as on 31st December 2018 was 52. **There is no pressing problem of over-crowding in this prison.**

	Capacity	76		Capacity	-
	Strength	52		Strength	-
	Undertrials	52		Undertrials	-
	Convicts	0		Convicts	-
	Detenues	0		Detenues	-
	Civil Prisoners	0		Civil Prisoners	-
	Occupancy Rate	68.42%		Occupancy Rate	-

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 9 inmates and staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that **medical examination upon entering the prison is not conducted immediately upon admission.**

Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel). Some of the inmates also received a tumbler.

Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes

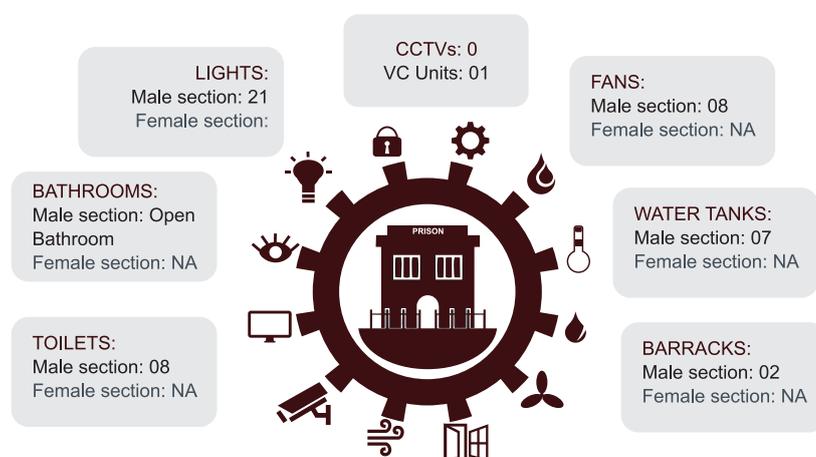
#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS<sup>25</sup>

As per information provided, there are a total of 2 male barracks.

	Number of barracks	Inmates per barrack
Male Section	2	26
Female Section	-	-

Basic amenities such as electricity, water, clothes, seemed to be well taken care of, none of the inmates complained about this. However, being an old structure, the rooms have very high walls with small openings and therefore **there is insufficient light in the rooms. The floors are also very old and chipped in many places. Deep cleaning is required to maintain toilet hygiene and broken faucets need to be fixed.**

Further, there is an acute problem of drinking water since the water that is available is very hard, and **there is no RO system to purify water for drinking purposes.** The problem is so acute that some of the inmates who can afford it buy bottled water, or ask their family members to bring it for them.



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice, *Chapatti* and Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	No	No

<sup>25</sup> As on 31st December 2018



## 5. CONTACT WITH OUTSIDE WORLD

As per the information provided by the prison, 'entry' or visits from family members is allowed once a week per prisoner, on any working day of the week. Each meeting is allowed for about 45 minutes. **There is no separate visiting room in this prison, and meetings happen near the main gate.**

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison.**

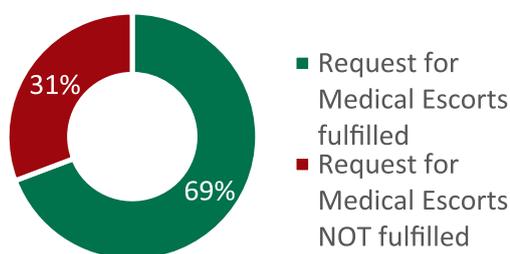
Lawyers are allowed to meet their clients twice a week, for up to 60 minutes per visit.



## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison,** and there is no hospital inside the prison either. There are also no regular visits by doctors from the government hospital, which is about 3 kms from the prison. Jail does not provide an ambulance.

In the year 2018, 450 inmates were provided medical treatment in the government general hospital in KGF itself, while 2 were taken to the district hospital in Kolar and 6 were referred to the Bangalore Central Jail for referral to higher medical centres.



In the same period, while a request was made about 650 times for medical escorts, about 450 of those had been fulfilled. There are no inmates with mental health concerns in this prison, as per the

information provided by the prison authorities.

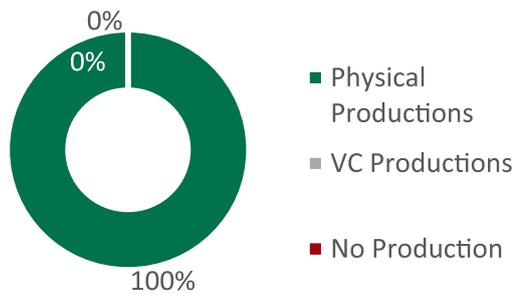


## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There is one jail visiting lawyer who come to this jail four times a week. The computer system provided by the DLSA to be used by the jail visiting lawyer has been set up for use.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	Four times a week



In the year 2018, **all 950 court productions could be made through physical production, with no serious problem of court escorts reported in this prison since KGF has a separate DAR for court production.** There is one VC system which is yet to be set up for use.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The jail subscribes to newspapers and periodicals. **There no instructor or library.** The barracks are provided with television facilities and carom boards. Apart from this, inmates have maintained one small room in the form of a church with beautiful paintings, decorations, and multiple copies of the Bible. KGF itself has a strong Christian influence, which is reflected in the prison as well.



## 9. PRISON LABOUR AND WAGES

Kitchen staff, appointed from among the under trials, prepare meals for the inmates. Like in most other prisons, **they are not paid as this is under-trial work.** Well behaved prisoners are also taken outside the cells to work in the vegetable garden inside the prison compound itself.



## 10. VULNERABLE GROUPS

### A. Young Offenders

At the time of visit by the study team, there were about 9 inmates between the age group of 18 and 21 years.

### B. Tamil speaking prisoners

KGF borders Tamil Nadu and therefore most of the prisoners here are bilingual, speaking in both Kannada and Tamil. The study team was informed that some of the prison staff (posted from other parts of Karnataka) insists that the inmates speak in Kannada, and are even forced to do so. Given that the culture of KGF itself is heavily influenced by Tamil, with even sign boards being written in both Kannada and Tamil, such intolerance by the prison staff creates unnecessary animosity in the prison. Further, **there were two prisoners from Chennai who were in the prison, and being only Tamil speakers, have been unable to follow court proceedings so far.**



## 11. PRISON ADMINISTRATION

### Staff vacancies

As with most prisons in the state, there was vacancy among staff at the time of visit by the study team, which has since eased with the mass recruitment of personnel in 2019.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	01	12	-	-	-	-	-	08	-	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
01	-	-	01	02	09	01	-	02	-	05	-

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in the **current staff being unable to avail a weekly day off, or even take leave during the year to visit their families.**

### Staff Accommodation

**There is not enough staff accommodation, and there is a need for renovating the existing quarters.**

## 12. PRISON OVERSIGHT

**In the year 2018, there were 23 visits by official members of the BoV.** However, **no visits were made by non-official visitors to the jail and BoV meetings were conducted in the year 2018.**

UTRC meetings had been conducted for January 2019, with preparations for following Supreme Court directions to conduct a meeting per month till June. The list of inmates to be considered by the UTRC is verified by the Member Secretary of the DLSA, including the maximum punishment, changes in charges mentioned in the FIR and chargesheet, etc.

## 13. ISSUES OF CONCERN

- a) **Instances of custodial violence and torture in police custody** – All the 9 inmates interviewed by the study team alleged that they had been victims of custodial torture, which was not revealed either to the remand court or the doctor performing medical examination under police duress.

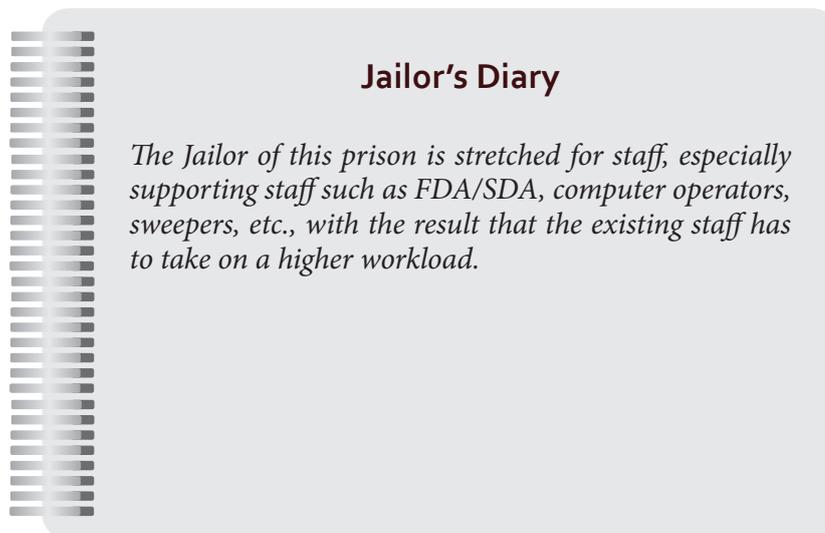
**Alarmingly, a written representation was made to the study team discretely, signed by 24 inmates, who expressed that they were being physically harassed in the prison.** They alleged that they are being beaten by some of the staff, without provocation, and showed the study team marks on their body as evidence of the same. Often times, they are beaten late at night. Families of inmates are harassed for money at the time of visits. Inmates are also harassed at the time of admission, when they have to pay money to the staff (anywhere between Rs.10,000 and Rs.20,000), with the threat of physical violence if the payment is not made. Another common threat is to transfer inmates who resist payment to distant prisons.

While the complaint was not made against the current Jailer, the previous Jailer, who has now been transferred, apparently practiced and sanctioned custodial torture in the prison, was prone to drinking alcohol and abusing inmates, and continues to visit the prison even after his transfer. Although the study team has previously been informed about the

practice of having to pay money at the time of visits by family members and even physical punishments in other prisons, they have all been instances of a fixed amount at the time of entry or punishment for a specific purpose such as the use of mobile phones or ganja. This is one of the few prisons in which money at the time of entry and admission amount to extortion, and custodial torture is indiscriminate and without cause.

Further, the written representation also revealed that there had been a case of attempt to suicide previously when an inmate, unable to bear the torture in prison, allegedly tried to kill himself. He was threatened to not reveal this information. And no media coverage of this was allowed.

- b) **Body warrants** - The study team found a few instances of persons who have been unable to gain release from prison despite being granted bail and satisfying bail conditions in the main case, on account of having a body warrant in another case delivered to the jail.



#### UPDATES AS OF APRIL 2022

In the meeting held on 25 March 2022, the study team was informed about the following changes since its visit:

- ❖ With respect to infrastructure, an RO plant and 24 CCTV camera units have been installed. There are now 3 functional VC units in the prison. A visitor' room has been constructed, and there is a separate admission room. Four additional toilets have been sanctioned.
- ❖ A medical officer visits the prison once in 15 days.
- ❖ Staff shortage has come down, and this allows them to avail weekly off as per rules. Four staff quarters have been renovated and another 5 are under repair.

## KEY RECOMMENDATIONS FOR KGF

### PRISON HEADQUARTERS

- *Kindly conduct an enquiry into custodial violence in this prison and take appropriate action.*
- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Introduce sports facilities for both inmates and prison staff.*
- *Sanction additional posts for one medical officer/one nursing staff, one SDA/FDA, one driver, and one attendant.*
- *Introduce avenues of labour inside the prison, with just wages in return.*
- *Renovate and expand staff quarters.*
- *Kindly provide an ambulance to this jail.*
- *Kindly provide a four wheeler to this jail.*
- *Kindly provide an RO facility for this prison, especially since there is very hard water here.*
- *Kindly provide CCTV facilities for this jail.*

### PRISON

- *Kindly create an environment of tolerance towards the Tamil speaking prison population.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Kindly consider inmates who have several body warrants placed on them to determine whether their continued detention in prison is necessary. Further, kindly also consider if persons with multiple body warrants in minor offences can have their sentences converted to a concurrent term and set-off against the time served as under trials.*
- *Given the vast number of POCSO cases, kindly consider if this is a special category of cases that might require to be considered for bail under suitable conditions to be determined by the UTRC.*

### TALUKA LEGAL SERVICES COMMITTEE

- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*

### BOARD OF VISITORS

- *One of the reasons for rampant custodial torture in this prison is the absence of regular visits by non-official visitors and lack of meetings by the BoV. Kindly consider making regular visits to check custodial torture and abuse and create a sense of trust and faith in the system among the inmates.*

# LINGSUGURU TALUK PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The taluka prison in Lingsuguru was originally established in 1976, and has been recently renovated between April and October 2018. This jail houses inmates who have cases in the taluka courts of Maski and Lingsuguru. It is currently headed by an officer of the rank of Head Warden.

This prison complex is constructed in a total area of about 2 acres, and is rectangular in its layout. There are 4 male barracks, lined next to each other, adjacent to the office room on one side. The 2 female barracks are lined on the other side of the office room. There is a washing area outside the barracks, and toilets for use both inside and outside the barracks. The renovation has resulted in the muddy floors outside the barracks being cemented and barbed wires being put across the outer walls. There is an open space in the centre of the prison complex which is put to good use – this is where inmates meet their visitors, and this area also has trees under which the jail visiting lawyer puts out their table and chair to meet inmates.

## 2. PRISON POPULATION AND OVERCROWDING

This jail houses only under trial prisoners, and those sentenced to less than 3 months' imprisonment. The total capacity of this prison is 60, and the strength as on 31st December 2018 was 20. There are 4 male and 2 female barracks in this taluk prison. However, there were no female inmates in the prison as of 31st December 2018, or at the time of the visit by the study team. **There is no concern of overcrowding in this prison.**

	Capacity	60		Capacity	0
	Strength	20		Strength	0
	Undertrials	20		Undertrials	0
	Convicts	0		Convicts	0
	Detenues	0		Detenues	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	33.33%		Occupancy Rate	0.00%

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 5 inmates and staff to understand the real issues and functioning of the prison.



### 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that **medical examination upon entering the prison is not conducted immediately upon admission, since there is no medical officer in this prison.** Further, since it is a small prison, there is no separate admission room.

Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate, chombu (vessel) and tumbler.

Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes

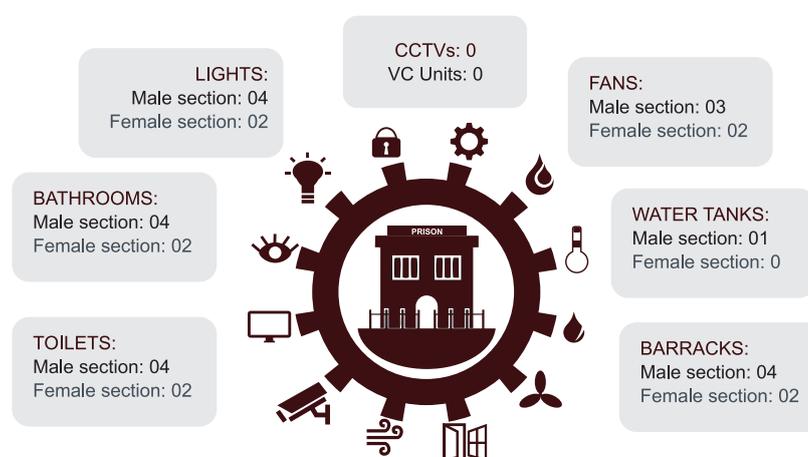
### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, there are a total of 4 male barracks and 2 female barracks.

	Number of barracks	Inmates per barrack
Male Section	4	5
Female Section	2	0

Basic amenities such as electricity, water, clothes, seemed to be well taken care of, none of the inmates complained about this. Every barrack is equipped with a bulb and a fan. No CCTVs have been installed in the prison as yet, although a survey for the same had been prepared at the time of visit by the study team and CCTVs were soon about to be installed. **No working two-wheeler or four-wheeler in the prison.**

An RO plant had been installed at the prison and was going to be put to use over the next few days once the water connection with the syntax tank was finalised; **it had taken a long time to coordinate this effort with the Public Works Department.**





- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice, *Jolad rotti* and Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Yes	Yes	Installed, to be used	No

Since the prison population is very low, readymade food is supplied from outside and there is no kitchen in the prison premises.



## 5. CONTACT WITH OUTSIDE WORLD

**There is no visiting room in this jail complex.** ‘Beti’ or visits from family members is allowed once a week per prisoner, for up to 10-15 minutes per visit. **Family members are allowed to meet inmates in the common court yard, during working days and office hours of the prison.**

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

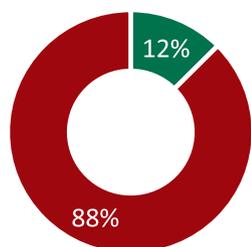
**No PCO facility available in this prison.**



## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison,** and there is no hospital inside the prison either. A doctor from the government hospital visits the prison once a fortnight, when possible.

In the period between 1st January 2018 and 31st December 2018, the prison was shut between April and October, and during the period that the prison was functional, 57 inmates were provided medical treatment in the prison itself, 8 inmates were referred for medical treatment to the taluk government hospital, and 1 inmate were referred to the district government hospital in.



- Request for Medical Escorts fulfilled
- Request for Medical Escorts NOT fulfilled

Of the 8 people who required medical escorts, only 1 was provided this, with the prison staff having to escort the remaining 7. There were no inmates with mental health concerns during the year 2018.



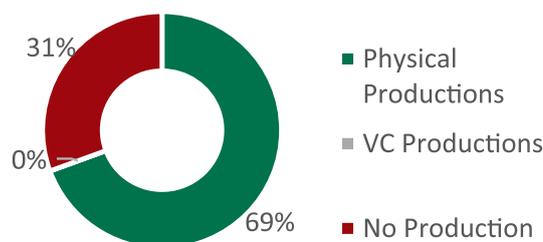
## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet. Since this prison is a taluk prison, there were a few inmates

here who did not have lawyers as yet, and were waiting to appoint one after they had been charged in their cases.

There is a jail visiting lawyer who comes to this jail twice a week, on Mondays and Wednesdays.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	Two days a week



Private lawyers are allowed to visit their clients once a week, and meet for 15 minutes, although the general practice is to speak with clients in the court itself.

In the year 2018, 59 of the 85 requests for court escorts were fulfilled by the concerned police stations. About 26 court orders for production could not be made either physically or through video conferencing.

On days when there are many court productions, personnel from the District Armed Reserve provide court escorts in addition to personnel from the concerned police stations. Video conferencing for court production has not yet been set up in this jail.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The jail subscribes to newspapers and periodicals. Being a small jail, **there is no library, or classroom.** There was one cell with a TV and another cell with a carom board at the time of visit by the study team, and inmates rotated between the two cells weekly to use the TV and carom room alternatively. One more TV had been sanctioned at the time of visit by the study team. There is no instructor appointed to this prison, either for education or vocational training, as is the case with all taluk prisons in the state. No room or open space for conducting any vocational or awareness programs, classes.



## 9. PRISON LABOUR AND WAGES

Being a very small jail with very few permanent staff members, there is no opportunity for work in this prison. In fact, there is also no jail kitchen, with food being procured from outside through tender. All inmates take turns in keeping their cells and toilets clean, but there are no wages for this.



## 10. VULNERABLE GROUPS

### A. Young Offenders

At the time of visit by the study team, there were about 5 inmates between the age group of 18 and 21 years, and they were staying in the same cells as the older inmates.

### B. Old age offenders

At the time of visit by the study team, there were 2 inmates who were above the age of 65. Since

it is a small jail with few inmates, **the older inmates are not kept in a separate room, nor were they given different food from the other inmates.**



## 11. PRISON ADMINISTRATION

### Staff vacancies

Staff vacancy was a problem in this prison as of 31st December 2018, which has since eased with the mass recruitment of personnel in 2019.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	-	07	-	-	-	-	-	05	-	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
01	-	-	-	01	05	-	-	01	-	04	-

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in **very few of them being able to avail a weekly day off, or even take leave during the year to visit their families.** The staff quarters had been renewed at the time of renovation in 2018, they were still in need of borewells for water supply.

## 12. PRISON OVERSIGHT

**Regular visits are made by the Secretary of the TLSC.** BoV meetings in Raichur District Jail will have representation from this taluk prison starting 2019. Lists of prisoners to be considered during the UTRC meeting are sent from this taluk prison to the DLSA.

### Head Warder's Diary

*Mr. Chidananda, the Head Warder in-charge of this prison, was available for the study team despite the fact that his daughter was about to get married a week later. This is indicative of how hard it is for the staff to take time off, even for special occasions in life.*

### UPDATES AS OF APRIL 2022

In the meeting held on 19 March 2022, the study team was informed about the following changes since its visit:

- ❖ RO system is now functional, and 10 CCTVs and 2 VC units have been installed.
- ❖ There is now a separate admission room. Further, a visiting room has been sanctioned.
- ❖ As of 01.04.2022, the prison's kitchen will start functioning.
- ❖ Cultural and education activities are being organized for inmates.
- ❖ Young and old inmates are being segregated from the remaining inmates.
- ❖ Staff shortage has come down, which now enables them to avail of weekly off as per rules.

## KEY RECOMMENDATIONS FOR LINGSUGURU

### PRISON HEADQUARTERS

- *Kindly sanction posts of medical officer/nursing staff, one FDA/SDA, one teacher/instructor, one driver, and one attendant to this prison.*
- *Provide a four wheeler for the use of the prison.*
- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Introduce avenues of labour inside the prison, with just wages in return.*
- *Kindly ensure that BoV meetings are held for the prison.*

### PRISON

- *Kindly coordinate with the government library department to open a library in the prison.*
- *Kindly secure more board games for use by inmates.*
- *Kindly consider allowing inmates to spend time outside their cells, for a longer period of time in the day.*

### TALUKA LEGAL SERVICES COMMITTEE

- *Kindly assist the prison authorities in preparing the list to be considered by the UTRC, as per the format prescribed by the Supreme Court in the Standard Operating Procedure.*
- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*

# MANVITALUK PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

Manvi forms a part of the district of Raichur. The taluk prison in Manvi was established in 1919. This prison is within the taluka court complex.

This is an old and small prison built over a total area of 66\*86 feet. There are 3 male barracks in this prison, and unlike most other jails, **there are 3 barracks specifically for transgender persons.** The barracks are lined one next to the other, and there is open space around the barracks where the inmates can walk around when they are not under lock-up. There is a common washing area outside the barracks, and toilets for use both inside the barracks, and outside, which were well maintained at the time of visit by the study team.

## 2. PRISON POPULATION AND OVERCROWDING

This taluk prison houses only under trial prisoners, and convicts sentenced to less than 3 months imprisonment. The total capacity of this prison is 50 and the strength as on 31st December 2018 was 34. **There is no pressing problem of overcrowding.**

	Capacity	50		Capacity	0
	Strength	34		Strength	0
	Undertrials	33		Undertrials	0
	Convicts	1		Convicts	0
	Detenues	0		Detenues	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	68.00%		Occupancy Rate	0.00%

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 7 inmates and staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt **that medical examination upon entering the prison is not conducted immediately upon admission, since there is no medical officer in this prison.** Further, since it is a small jail, there is no separate admission room.

Upon admission an inmate gets a mat to sleep on and a blanket/bed sheet to cover themselves with. Plates, *chombu* (vessel) and tumblers are maintained communally.

Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes

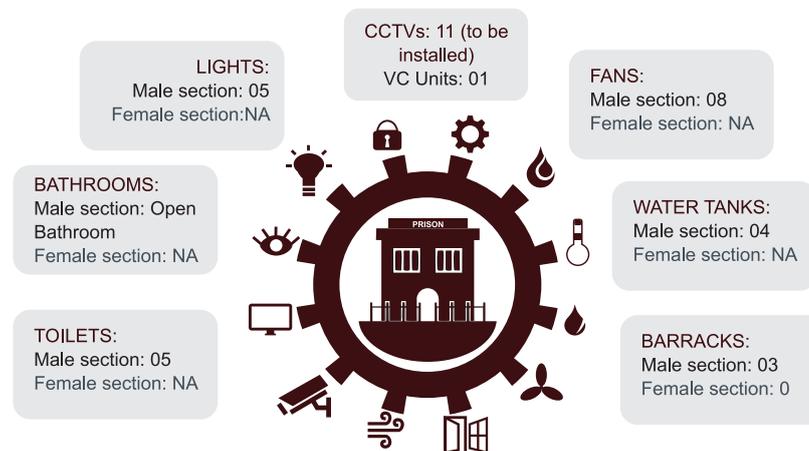
#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS<sup>26</sup>

There are 3 male barracks in this prison, and unlike most other jails, there are 3 barracks specifically for transgender persons.

	Number of barracks	Inmates per barrack
Male Section	3	12
Female Section	-	-

Basic amenities such as electricity, water clothes, food seemed to be well taken care of. Every barrack is equipped with sufficient fans and light bulbs. **Since there is shortage of water in this taluka, water is supplied to this prison once in 3 days, and so the inmates are required to collect and store water for use. Waste is collected every morning by the municipality. Soap and tooth powder provided regularly and sufficiently.**

No CCTVs have been installed in the prison as yet, although a survey for the same had been conducted at the time of visit by the study team and 11 CCTVs were soon to be installed.



There is no kitchen, being a small jail with a small population. Food is supplied through a tender process, and by and large there were no complaints.



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice, *Jolad rotti* and Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

26 As on 31st December 2018

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
No	No	Yes	No (to be installed)



## 5. CONTACT WITH OUTSIDE WORLD

**There is no separate visiting room available within the prison premises, meetings happen near the entrance to the prison.** 'Beti' or visits from family members is allowed once a week per prisoner, for up to 10-15 minutes per visit.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

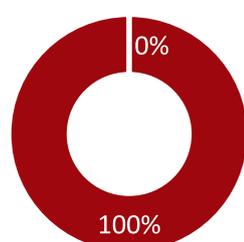
**No PCO facility available in this prison.**



## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison,** and there is no hospital inside the prison either. A doctor from the government hospital is required to visit the prison once a week or fortnight, but this tends to be once in 2/3 months effectively.

A total of about 92 inmates were provided medical assistance in the prison during the year 2018 by the visiting government doctors. A total of 45 prisoners were provided medical assistance in the government primary health centre, during the period between 1st January 2018 and 31st December 2018, as per the data provided to the study team by the prison administration.



- Request for Medical Escorts fulfilled
- Request for Medical Escorts NOT fulfilled

No medical escorts were provided however, and the prison staff was required to take the inmates to the hospital themselves. The government hospital is at a distance of 4 kms from the prison, and the prison does not have either an ambulance or a four-wheeler.



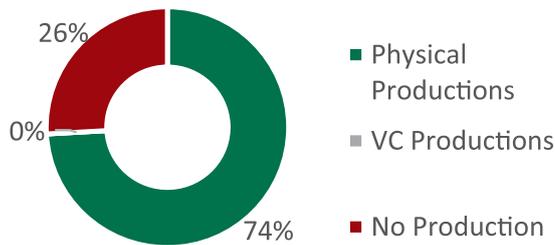
## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed about their right to a lawyer either in court by the judge, or they found out from other inmates in the prison, or sometimes from the jail visiting lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There is 1 jail visiting lawyer who comes to this jail once a week, and the TLSC has the authority to co-ordinate legal service activities in the prison.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	Once a week

Although there is no concern with court escorts for local courts, there is a problem for escorts to the courts in Raichur and Sindanoor.



In the year 2018, 644 of the 869 requests for court escorts were fulfilled as per the data provided by the prison administration. About 225 court orders for production could not be made either physically or through video conferencing.

One VC system has been provided by the High Court, which requires some technical support to become fully functional. Since the kitchen in this prison is not in use given the small population, the staff has creatively converted this space into a VC room.

Lawyers are allowed to meet their clients once a week for 20 minutes at the least, and longer if required. Although most lawyers meet their clients in court, there were about 56 visits by lawyers to the prison in the year 2018.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The prison subscribes to newspapers and the barracks are provided with television facilities, carom boards and chess sets. There is however no instructor appointed to this prison, either for education or vocational training, as is the case with most taluk prisons in the state. **No room or open space for conducting any vocational or awareness programs, classes. There is no library in this prison.**



## 9. PRISON LABOUR AND WAGES

Apart from maintaining cleanliness in the prison, there are no opportunities for work in this prison. Further, since there are very few inmates, no work is available as kitchen staff either. There are also no private work opportunities such as *agarbatti* packing, which is available in several taluk prisons in the state.



## 10. VULNERABLE GROUPS

### A. Young Offenders

During the visit to the barracks, the study team found about four young offenders in the age group of 18-21 years, and since there are so few inmates in general, they were not kept in a separate cell.

### B. Old age offenders

At the time of visit by the study team, there was one inmate who was above the age of 65. Since it is a small jail with few inmates, the older inmates are not kept in a separate room, nor were they given different food from the other inmates.

### C. Prisoners from other states

During the visit by the study team, there were 3 prisoners from the neighbouring states of Maharashtra and Telangana, who has been granted bail but were unable to furnish surety since

they did not know anybody locally. **No facility for a translator in courts for people belonging to other states.**



## 11. PRISON ADMINISTRATION

### Staff vacancies

As in most other prisons, there were a few vacancies among prison staff at the time of visit by the study team, which has since eased with the mass recruitment of personnel in 2019.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	-	12	-	-	-	-	-	04	-	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
01	-	-	01	02	08	01	-	01	-	03	-

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in the **current staff being unable to avail a weekly day off, or even take leave during the year to visit their families.**

### Staff Accommodation

Staff accommodation is provided, and had been recently expanded and renovated at the time of visit by the study team. While the quarters were provided with enough lights and fans, there remained a **water problem in the staff quarters**, just like in the prison.

## 12. PRISON OVERSIGHT

**Regular visits are made by the Secretary of the TLSC.** BoV meetings in Raichur District Jail have representation from this taluk prison.

Lists of prisoners to be considered during the UTRC meeting are sent from this taluk prison to the DLSA.

## 13. ISSUES OF CONCERN

- d) **Instances of custodial violence and torture in police custody** – Of the 7 inmates we interviewed, 5 alleged that they had been victims of custodial torture by the police, which was not revealed either to the remand court or the doctor performing medical examination under police duress.
- e) **Body warrants** -The study team found at least 12 inmates (about a third of the population in this prison) who have been unable to obtain release from prison despite being granted bail and satisfying bail conditions in the 'arrest case' on account of having a body warrant in one or more cases delivered to the jail.

### Jailor's Diary

*The Chief Warder of this jail, who is the in-charge Jailor, Mr. Renukacharya, has risen up the ranks, having been recruited in 1984 as a Warder. During his long service, he has also worked in the judicial section of the prisons he has been posted in, in addition to security duties. This provides him the unique ability to be able to perform all tasks required in a jail – from wall duty, to administrative work, to operating ePrisons, which is useful given that he now heads a jail with several posts vacant.*

#### UPDATES AS OF APRIL 2022

- ❖ The prison has been closed down.

## KEY RECOMMENDATIONS FOR MANVI

### PRISON HEADQUARTERS

- *Fill in the vacancies in this prison at the earliest since there are only three permanent staff members currently.*
- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Sanction additional posts for one FDA/one SDA, one medical officer/one nursing staff, one teacher/instructor, one driver, one/two sweepers and one attendant.*
- *Introduce avenues of labour inside the prison, with just wages in return.*
- *Provide a four-wheeler for jail use, there is currently only a two-wheeler.*
- *Provide walkie-talkies to enable smoother prison administration.*
- *Consider providing solar facility to the prison for electricity and heating water.*

### PRISON

- *Kindly coordinate with the government library department to open a library in the prison.*
- *Kindly consider allowing inmates to spend time outside their cells, for a longer period of time in the day.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Kindly coordinate with the government library department to open a library in the prison.*
- *Kindly consider allowing inmates to spend time outside their cells, for a longer period of time in the day.*

### TALUKA LEGAL SERVICES COMMITTEE

- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*

# NANJANGUD TALUK PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

Nanjangud is a taluk that forms part of the Mysore District, located on the banks of river Kapila. The taluk prison was established on 15.03.2001.

This prison is tucked away inside the city, with construction work afoot in the connecting roads. The prison has 4 barracks, meant only for male inmates. Built over a plot of land that is 4.5 acres in size, the jail has a lot of greenery surrounding it, and the barracks are around a wide open courtyard that is used as a common space. New white marble floors had been laid in the prison during the visit by the study team, and a proposal had been made by the Jailer to the Head Office to sanction funds to modernise the toilets and bathing area.

## 2. PRISON POPULATION AND OVERCROWDING

This taluk prison houses only under trial prisoners. The total capacity of this prison is 80, and the strength as on 31 December 2018 was 30. **There is no pressing problem of overcrowding.**

	Capacity	80		Capacity	-
	Strength	30		Strength	-
	Undertrials	30		Undertrials	-
	Convicts	0		Convicts	-
	Detenues	0		Detenues	-
	Civil Prisoners	0		Civil Prisoners	-
	Occupancy Rate	37.50%		Occupancy Rate	-

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of four inmates and staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that **medical examination upon entering the prison is not conducted immediately upon admission**, but during the weekly visit by the doctor from the government hospital.

Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel).

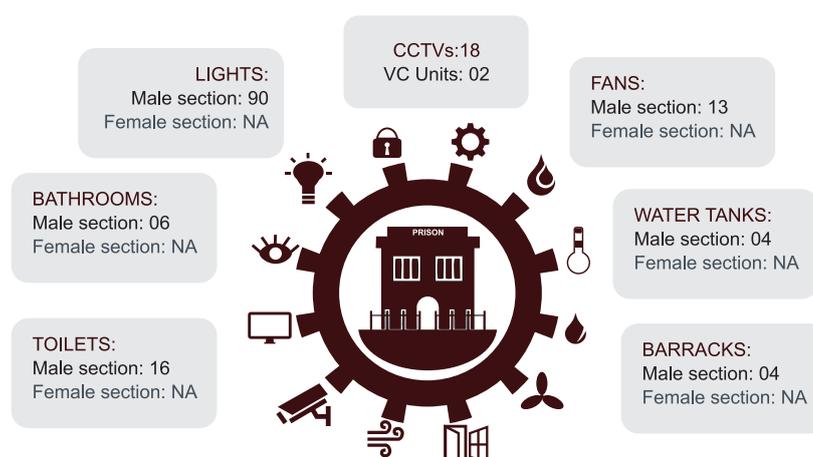
Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes

#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS<sup>27</sup>

As per information provided, there are a total of 4 male barracks.

	Number of barracks	Inmates per barrack
Male Section	4	8
Female Section	-	-

Basic amenities such as electricity, water, clothes, food seemed to be well taken care of, none of the inmates complained about this. Every barrack is equipped with sufficient fans and light bulbs. There is a proposal made by the Jailor to the Head Office to sanction funds to modernise the bathroom and bathing area. An RO facility had been recently installed after the Jailor personally approached the local Rotary Club to donate one to the jail. **Deep cleaning is required to maintain toilet hygiene and broken faucets need to be fixed. Solar power can be used for electricity and water heating purposes.**



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice, *Ragi Mudde* and Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
No	Yes	Yes	Yes

**Garbage is collected every day at a fixed time in the morning by the Town Municipal Council. The prison is fumigated once in six months to prevent mosquito borne diseases which are common in this region.**

<sup>27</sup> As on 31st December 2018



## 5. CONTACT WITH OUTSIDE WORLD

There is a small visiting room available within the prison premises. ‘Entry’ or visits from family members is allowed once a week per prisoner, from 11 AM -1 PM and 4:30 PM – 5:30 PM, on any day of the week, for about 20-30 minutes per visit.

One new Video-Conferencing system sent from the Karnataka High Court are being installed, and the Jailor believes that this might be of use not only for court productions but to also facilitate conversations between prisoners and family members, especially since this prison does not have a PCO facility.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison.**

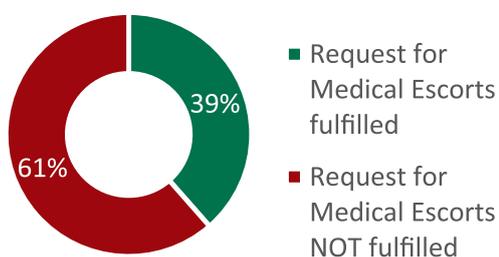
Lawyers are allowed to meet their clients once a week up to 3 hours per visit if required. As per the data provided to the study team by the prison staff, about 37 lawyers visited the prison in between 1st January 2018 and 31st December 2018.



## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison,** and there is no hospital inside the prison either. A doctor from the government hospital visits the prison once a week (every Tuesday). Since the court yard is open and bright, the doctor prefers to meet patients here, although one of the cells is used for conducting intimate examinations.

A total of 544 prisoners were provided medical assistance in the prison during the period of 1st January 2018 to 31st December 2018, as per the data provided to the study team by the prison administration. During the same period, **This jail does not have an ambulance and therefore, during emergency situations, the staff find it hard to make official transport arrangements in time.**



226 prisoners were referred for medical treatment outside the jail, of which 17 prisoners had been referred to the Mysore Central Jail from where they were further referred to K.R. Hospital. However, about 360 prisoners were supposed to have been referred to hospital treatment outside the prison, and not all could be taken due to shortage of escorts.



## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

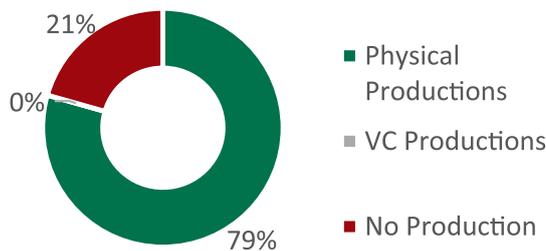
Further, since many of the inmates have their trials committed to the Sessions courts in Mysore,

and lawyers are appointed in the courts in Mysore, most of them can only meet their lawyers when taken for their hearings.

There is a jail visiting lawyer who comes to this jail once a week, and the TLSC has the authority to co-ordinate legal service activities in the prison.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	Once a week

The communication requesting escorts for court production specifically mentions important dates of hearing such as recording of evidence, to ensure that escorts are provided for such cases even if there is a shortage to provide escorts for everyone.



In the year 2018, 860 of the 1,083 requests for court escorts were fulfilled by the Mysore district armed reserve force. About 40 court orders for production could not be made either physically or through video conferencing.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

**No separate space demarcated as library space.** The jail subscribes to newspapers and periodicals and there is a collection of books in an almirah in the office of the Jailor. There is however no teacher or librarian to supervise this library. The barracks are provided with television facilities. But apart from this, there seems to be no recreational avenues available for the inmates. Further, this being a small jail, there is very little presence of NGOs. Members from Prison Ministry of India visit the prison every Thursday, and local bodies such as Rotary can be approached for donations. **No room or open space for conducting any vocational or awareness programs. Limited participation by NGOs in the prison life.**



## 9. PRISON LABOUR AND WAGES

Kitchen staff, appointed from among the under trials, prepare meals for the inmates. Apart from this, packing of incense sticks is an option inside the prison (provided by Cycle Agarbatti). Wages for those who pack incense sticks is Rs.30 per day for those learning the work, and Rs.40 per day for those skilled in the work.



## 10. VULNERABLE GROUPS

### A. Prisoners with mental health concerns

The information provided to the study team revealed that between 1st January 2018 and 31st December 2018, there were no inmates undergoing treatment for mental health concerns. During the study team's visits to the barracks, we found one inmate who had been treated in NIMHANS prior to 2018 and had recovered subsequently. This jail sends mental health related documents of prisoners to the concerned court to take appropriate action, as a matter of practice.

## B. Young Offenders

During the visit to the barracks, the study team learnt that there was one inmate who had been incarcerated for 6 months and did not know his exact date of birth, but that he was born in the year 1999, making it possible that he was a minor at the time of arrest. Further, another inmate, now a major, informed the study team that he has recently procured documents to prove that he had not turned 18 at the time of the alleged commission of the offence for which he was arrested. On previous occasions when inmates have claimed minority at the time of arrest, the prison has written to school authorities to procure age related documents.

## C. Prisoners from other states

During the visit by the study team, there were a few prisoners from the neighbouring state of Kerala, some of whom could not understand Kannada well. **No facility for a translator in courts for people belonging to other states.**



## 11. PRISON ADMINISTRATION

### Staff vacancies

As with most prisons in the state, there was a high vacancy rate among staff at the time of visit by the study team, which has since eased with the mass recruitment of personnel in 2019.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	-	13	-	-	-	-	-	04	01	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
01	01	-	01	03	08	-	-	01	-	02	-

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in the **current staff being unable to avail a weekly day off, or even take leave during the year to visit their families.**

### Staff Accommodation

Staff accommodation is provided, however the same are in need of renovation.

## 12. PRISON OVERSIGHT

Official visitors visit the prison once in two months, while non-official visitors visit on a quarterly basis. **There is no regular request from the DLSA to provide a list from this taluk prison.**

### 13. ISSUES OF CONCERN

**Instances of custodial violence and torture in police custody** – Of the four inmates we interviewed, one alleged that he had been a victim of custodial torture, which was not revealed either to the remand court or the doctor performing medical examination under police duress.

#### Jailor's Diary

*The Jailor Mr. Shiv Kumar takes a keen interest in upgrading the jail. He has made proposals to upgrade the existing toilets and wash rooms and has also reached out to Rotary to donate an RO system. During the prison rounds conducted with him, he was aware of the status of cases of almost all the inmates.*

#### UPDATES AS OF APRIL 2022

In the meeting held on 23 March 2022, the study team was informed about the following changes since its visit:

- ❖ With respect to infrastructure, an amount of Rs. 25,00,000 (rupees twenty five lakhs) has been sanctioned for renovation work. An amount of Rs.12,80,000 (rupees twelve lakhs eighty two thousand) has been sanctioned for setting up an interview room, while an amount of Rs.5,80,000 (rupees five lakhs eighty thousand) has been sanctioned for toilet repairs. Toilets have been deep cleaned.
- ❖ Wages are being paid to inmates who work in kitchen and cleaning.
- ❖ Young and old inmates are being segregated from the remaining inmates.
- ❖ There is now a separate library area with over 2,100 books. A barrack has also been demarcated for recreational facilities.
- ❖ There is no shortage of staff, and they can now avail weekly off as per rules.

## KEY RECOMMENDATIONS FOR NANJANGUD

### PRISON HEADQUARTERS

- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Expand and modernise interview room to ensure effective communication.*
- *Introduce sports facilities for both inmates and prison staff.*
- *Sanction additional posts for one FDA/one SDA, one medical officer/one nursing staff, one teacher/instructor, one driver, one/two sweepers and one attendant.*
- *Introduce avenues of labour inside the prison, with just wages in return..*

### PRISON

- *To get the estimates prepared by PWD for additional room for vocational activities; expansion and modernisation of interview room; paint and repairs.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Regularly request a list of prisoners to be considered by the UTRC for release.*
- *Appoint a jail visiting lawyer from Mysore to visit the prison at least once a month to clarify queries regarding cases being heard in the District and Sessions Courts in Mysore.*

### TALUKA LEGAL SERVICES COMMITTEE

- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*

# SURAPURA TALUK PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

Surapura is a taluk forming part of the district of Yadgir. The taluk prison was established here in 1976.

The prison is built over a total area of just less than an acre of land. The barracks are lined one next to another, adjacent to the office block. There is open space around the barracks, where the common washing area is, and where the inmates are allowed to walk around when not under lock-up.

## 2. PRISON POPULATION AND OVERCROWDING

This taluk prison houses only under trial prisoners. The total capacity of this prison is 50 male inmates, and the strength as on 31st December 2018 was 34. There are 3 male barracks and no female barracks in this prison. **There is no pressing problem of overcrowding.**

	Capacity	50		Capacity	-
	Strength	34		Strength	-
	Undertrials	34		Undertrials	-
	Convicts	0		Convicts	-
	Detenues	0		Detenues	-
	Civil Prisoners	0		Civil Prisoners	-
	Occupancy Rate	68.00%		Occupancy Rate	-

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 6 inmates and staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

**The jail does not have a separate admission room** since it is so small, and generally has very few inmates. Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel).

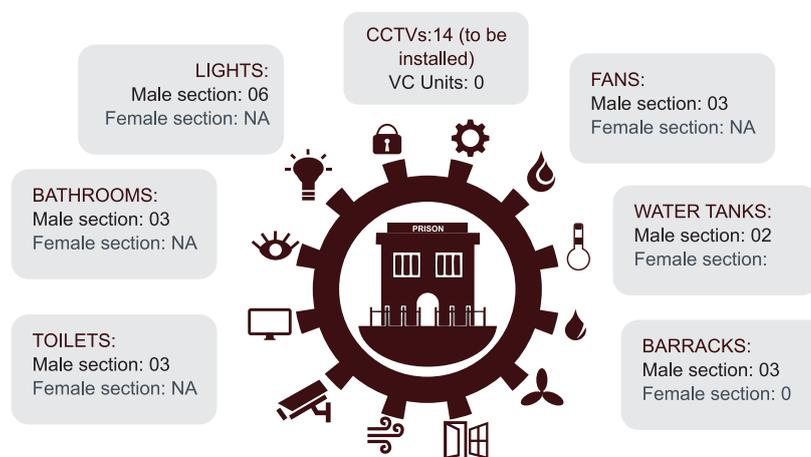
Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes

#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS<sup>28</sup>

As per information provided, there are a total of 3 male barracks.

	Number of barracks	Inmates per barrack
Male Section	3	12
Female Section	-	-

Basic amenities such as electricity, water clothes, food seemed to be well taken care of. The study team was informed that the direct water supplied was tested for potability, and was found to be 80% potable. Every barrack is equipped with sufficient fans and light bulbs. Borewell has been dug to supplement direct water supply. There are syntax tanks to supply water to the toilets inside the barracks.



There is no kitchen in this prison, being a small jail with a small population. Food is supplied through a tender process.



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice, *Jolad Rotti* and Buttermilk.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
No	Yes	No	No (to be installed)

Garbage is collected every day at a fixed time in the morning by the Town Municipal Council. The prison is fumigated once in six months to prevent mosquito borne diseases which are common in this region.



#### 5. CONTACT WITH OUTSIDE WORLD

There is no visiting room available within the prison premises, and inmates meet their family members at the gate of the cell in which they are locked. ‘Beti’ or visits from family members is allowed once a week per prisoner, from 11:30 AM-12:30 AM, and 4 PM-5 PM.

<sup>28</sup> As on 31st December 2018

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison.**

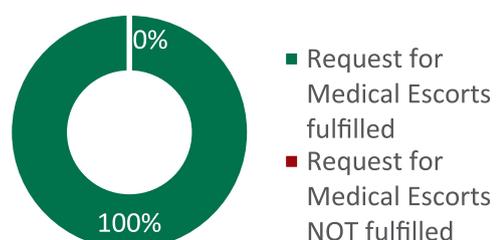
Lawyers are allowed to meet their clients twice a week, for up to 60 minutes per visit.



## 6. MEDICAL FACILITIES AND HEALTHCARE

There is no permanent medical officer or nursing staff appointed at this prison, and there is no hospital inside the prison either. A doctor from the government hospital is required to visit the prison once a month, but this is not a regular feature.

A total of 84 prisoners were provided medical assistance in the prison during the period between 1st January 2018 and 31st December 2018, as per the data provided to the study team by the prison administration.



During the same period, 65 inmates were sent to the taluk government hospital for treatment, and 8 inmates were required to be sent to a higher medical facility, and were all sent to the District Government Hospital in Kalaburagi. Medical escorts were provided for all the referrals to hospitals.

This jail does not have an ambulance and therefore, during emergency situations, the staffs find it hard to make official transport arrangements in time.

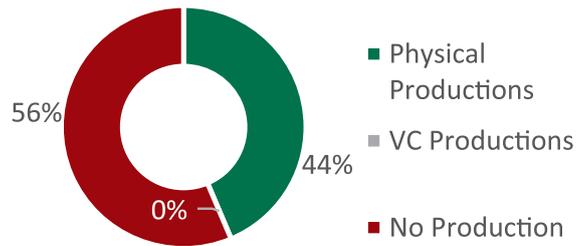


## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed about their right to a lawyer either in court by the judge, or they found out from other inmates in the prison, or sometimes from the jail visiting lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

The TLSC has the authority to co-ordinate legal service activities in the prison. There 2 jail visiting lawyers who comes to this jail 2-3 times a week, one each for the districts of Surapura and Shahpur.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	2-3 time a week



In the year 2018, 633 of the 1450 requests for court escorts were fulfilled by the concerned police stations, with over 817 court dates missed by inmates of this prison. There is no VC system in this prison as yet. About 817 court orders for production could not be made either physically or through video conferencing.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

There is 1 TV which is shared by inmates of all the cells, and 1 more had been sanctioned at the time of visit by the study team. **There is no library in this prison and no NGO or civil society participation.** No board games are available in the cells. The inmates in this prison are under lock up for the most part of the day, being let out for one hour in the morning, and one hour in the evening. Given the very long lock-up time, there is a need to equip the cells with more ways of spending time, in addition to decreasing the lock-up time.



## 9. PRISON LABOUR AND WAGES

Apart from maintaining cleanliness in the prison, there are no opportunities for work in this prison. Further, since there is no kitchen, no work is available as kitchen staff either. Further, educated and long term inmates are not employed for office work. There are also no private work opportunities such as agarbatti packing, which is available in several taluk prisons in the state.



## 10. VULNERABLE GROUPS

### A. Young Offenders

During the visit to the barracks, the study team found about 5 young offenders in the age group of 18-21 years, and since there are so few inmates in general, they was not kept in a separate cell.

### B. Old age offenders

At the time of visit by the study team, there was one inmate over the age of 60. There are no special amenities for old age inmates.



## 11. PRISON ADMINISTRATION

### Staff vacancies

There was an alarmingly high vacancy rate in this jail at the time of visit by the study team, with only 4 permanent staff members. With the mass recruitment of personnel in 2019, this situation might have since eased.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	-	13	-	-	-	-	-	04	-	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
01	-	-	01	02	09	-	-	02	-	02	-

### Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in the **current staff being able to avail a weekly day off, or even take leave during the year to visit their families.**

## 12. PRISON OVERSIGHT

UTRC meeting is conducted in the prison, and the prison prepares the list as per the Standard Operating Procedure prescribed by the Supreme Court. There were 3 BoV meetings in the prison during the year 2018.

## 13. ISSUES OF CONCERN

**Long lock-up time** – Since there is a dearth of prison staff, inmates are locked up throughout the day, except for one hour in the morning and one hour in the evening. The need for filling in the vacant posts among staff is therefore vital to ensure that the inmates are allowed to step out of their cells for longer durations, to ensure good physical and mental health.

### Jailor's Diary

*The Head Warder of this jail, who is the in-charge Jailor, Mr. Huligesh provided details of the escort concern in this prison to the study team, and expressed his desire to find a solution to the same as this is a priority for the inmates.*

### UPDATES AS OF APRIL 2022

In the meeting held on 17 March 2022, the study team was informed about the following changes since its visit:

- ❖ The prison now has an RO system for water. 13 CCTVs have been installed.
- ❖ Staff vacancy has come down drastically.
- ❖ There is a separate room for admission of inmates.
- ❖ Unlock is as per the prison manual.

## KEY RECOMMENDATIONS FOR SURAPURA

### PRISON HEADQUARTERS

- *Fill in the vacancies in this prison at the earliest since there are only three permanent staff members currently.*
- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Sanction additional posts for one FDA/one SDA, one medical officer/one nursing staff, one teacher/instructor, one driver, one/two sweepers and one attendant.*
- *Introduce avenues of labour inside the prison, with just wages in return.*
- *Consider providing solar facility to the prison for electricity and heating water.*
- *Kindly provide the prison with a visiting room.*

### PRISON

- *Kindly increase the time when prisoners are allowed outside their cells, in accordance with chapter XIV of the Karnataka Prison Manual 1978 which prescribes daily routine in prison.*
- *Kindly facilitate TV, carom boards by requisitioning for them from the Head Office/ Central Jail Kalaburagi.*
- *Kindly coordinate with the government library department to open a library in the prison.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *During the next UTRC meeting, kindly propose the need to ensure regular visits by government doctors to the prison, and take suitable actions for the same.*
- *Kindly also consider the alarming level of escort absence during the next UTRC meeting.*

### TALUKA LEGAL SERVICES COMMITTEE

- *Collect a list of prisoners in the age group of 18-21 years and determine through appropriate documents whether they are minors, and in case of doubt communicate this to the concerned court so that appropriate measures under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the rules there under are taken.*
- *Collect a list of trial prisoners undergoing treatment for mental illnesses and assess whether action is required to be taken under Chapter XXV of the CrPC.*

# REVENUE PRISONS

# HUKKERI REVENUE PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The revenue prison in Hukkeri was established in 1919. This revenue prison is headed by the shirastidar of the revenue department, who holds the additional charge of superintendent, while the FDA of the revenue department holds the additional charge of jailor. Persons arrested by the police stations of Chikkodi, Sadalga, Ankali and 3 police stations in Hukkeri are sent to this prison. Personnel from the Hukkeri police stations provide guarding services. Nobody from the prison department is posted in this prison. Most revenue jails however are being entirely integrated into the prison department in a phased manner.

This prison is very old, and consists of 3 cells and is located within the old tehsildar's office complex. The police personnel who provide services in this prison are provided with a table and chair placed right outside the cells.

## 2. PRISON POPULATION AND OVERCROWDING

This revenue jail houses only under trial prisoners. This prison only houses male inmates. The total capacity of this prison is about 15, and the strength as on 31st December 2018 was 31. Each cell is each 32\*27 feet large. **There is a grave problem of overcrowding in this prison.**

	Capacity	15		Capacity	-
	Strength	31		Strength	-
	Undertrials	31		Undertrials	-
	Convicts	0		Convicts	-
	Detenues	0		Detenues	-
	Civil Prisoners	0		Civil Prisoners	-
	Occupancy Rate	206.67%		Occupancy Rate	-

The study team physically checked all 3 cells that make up this prison and interacted with all the inmates and prison staff and conducted detailed interviews of 8 of them.



## 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that **medical examination upon entering the prison is not conducted as there is no medical officer.** Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel)/tumbler.

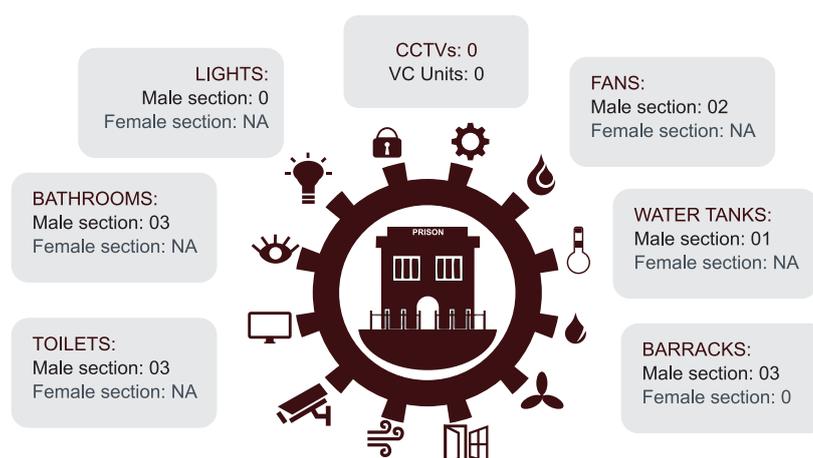
Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes

#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, there are a total of 3 male barracks.

	Number of barracks	Inmates per barrack
Male Section	3	11
Female Section	-	-

**This prison does not have some of the basic amenities required for humane prison conditions. The toilet inside the cell is the only space used for all purposes including washing and bathing. Direct water used for general purposes is supplied for drinking purposes as well. There are no lights inside the cells.** 2 of the 3 cells have fans – one fan was fixed by inmates from their own money, the second fan has not been working for a very long time and the third fan was not functioning properly at the time of visit by the study team.



Food is provided by a private contractor, and includes rice, chapatti and vegetable curry.

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
No	No	No	No



#### 5. CONTACT WITH OUTSIDE WORLD

**There is no separate visiting room in this jail complex. Family members are allowed to meet inmates at the gates of the cells.** Visits are allowed weekly once, or more often case of emergencies. Each visit can last for about 10-15 minutes.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison.**



## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison**, and there is no dispensary inside the prison either. A doctor visits the prison when required. In the period between 1st January 2018 and 31st December 2018, medical escorts were provided only about 9 times. In the same period, about 160 OPD sessions were provided by the visiting doctor. Personnel from the Hukkeri police stations provide medical escorts. All the inmates sent for treatment, were taken to the government hospital in Hukkeri. **If referrals are made to higher medical centres outside Hukkeri, then no escorts are available for the same.**



## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, inmates interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There is a jail visiting lawyer who comes to this jail about once a week. Private lawyers are allowed to visit their clients when required, and for however long required.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	No	Once a week

**Although the prison does not have records of the number of actual escorts for court production required and actually provided in the year 2018, the average number of productions in a year is about 12, and only some of them are actually produced in court.**

Video conferencing has not yet been used for court production in this jail.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

**No newspapers are subscribed to in this prison. There is no TV, which is provided in most prisons in the state. There are no board games available in the cells. There is no participation by civil society in this prison. Most crucially, inmates are under 24 hour lock up, making this a prison with a high risk for negative mental and physical consequences on inmates.**



## 9. PRISON LABOUR AND WAGES

Being a very small jail with very few permanent staff members, there is no opportunity for work in this prison.



## 11. PRISON ADMINISTRATION

### Staff vacancies

Staff vacancy is an acute problem in this jail. The shirastidar of the revenue department holds the additional charge of superintendent, while the FDA of the revenue department holds the additional charge of jailor. In addition to these posts, 3 personnel from the Hukkeri police stations take turns in providing guarding services, in shifts.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	-	-	-	-	-	-	-	-	-	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
	-	-				-	-	-	-	-	-

### Experiences of prison administrators

Since all of the individuals providing services in this prison do so as an additional responsibility, it is a strain. Further, **none of these posts have previous training in administering a prison. This has resulted in basic prison records not being maintained, in addition to the more crucial concern of basic guarding duties not being easy to provide.** Further, there is no additional salary for this additional post.

## 12. PRISON OVERSIGHT

**BoV and NoV meetings have not been held for this prison, since it is unclear whether the jurisdiction of the BoV extends to a revenue jail.**

**Information regarding inmates in this prison is sought by phone for consideration in the UTRC meetings which are conducted in the district headquarter of Belgaum.**

## 13. ISSUES OF CONCERN

**24 hour lock up and lack of basic necessities** – This prison does not have the basic features which make for humane living conditions. Inmates are under complete lock up, never being allowed to step out of their cells including family and lawyer visits, taking food, etc., with severe negative mental and physical consequences on inmates. This was evident to the study team during interactions with inmates who have spent about 7-8 months in this prison (there were about 5 such inmates) and one inmate who has spent 2 whole years under complete lock-up. They have back aches, headaches, and were mentally shaken. Further, while there is merit in the argument that there is a need to ensure that an under trial prisoner is provided adequate escort to courts, interviews with the inmates revealed that some of them have had to miss a few court dates, just like in any other prison, and several of them had their cases in courts outside Hukkeri.

#### UPDATES AS OF APRIL 2022

- ❖ This prison has been closed down after an urgent preliminary report was submitted by CHRI to the SLSA on the deplorable conditions of the prison. Inmates of Hukkeri Revenue Prison were transferred to Belagavi Central Prison.

## KEY RECOMMENDATIONS FOR HUKKERI

### PRISON HEADQUARTERS

- *Kindly ensure that the integration of this prison into the prison department takes place at the earliest – including a new prison complex with basic amenities and staff from the prison staff. In the meanwhile, kindly consider closing this prison down and transferring the inmates to the Central Prison in Belgaum.*

### PRISON / REVENUE DEPARTMENT

- *Kindly ensure that the cells have lights and fans fixed.*
- *Kindly ensure that soap and other basic amenities are provided to the inmates from time to time.*
- *Kindly ensure that the cells are cleaned at the earliest.*

### KARNATAKA LEGAL SERVICES COMMITTEE

- *Kindly assist the prison authorities in preparing the list to be considered by the UTRC, as per the format prescribed by the Supreme Court in the Standard Operating Procedure.*

### KARNATAKA STATE LEGAL SERVICES AUTHORITY

- *This prison does not fall within the jurisdiction of the DLSA. As a result, the prison sends a list of inmates to be considered under s.436A, CrPC to the concerned courts, and not to the TLSC/DLSA. Kindly ensure that this prison is brought within the DLSA such that UTRC meetings and other prison related programmes from your department can be extended to this prison.*

### DISTRICT COMMISSIONER

- *Kindly take the necessary steps to initiate the transfer of the administrative control of this prison to the prison department.*

# KUMTA REVENUE PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The revenue prison in Kumta was established in 1937. This revenue prison is headed by the shirastidar of the revenue department, who holds the additional charge of superintendent, while the FDA of the revenue department holds the additional charge of jailor. Personnel from the concerned police stations provide guarding services. Nobody from the prison department is posted in this prison. Most revenue jails however are being entirely integrated into the prison department in a phased manner.

This prison complex is very old, and is constructed in a total area of 1200 square feet. **The prison consists of two small cells placed next to each other, and is located within the tehsildar's office complex.** The police personnel who provide services in this prison are provided with a table and chair placed right outside the cells.

## 2. PRISON POPULATION AND OVERCROWDING

This revenue jail houses only under trial prisoners. This prison only houses male inmates. The total capacity of this prison is 8, and the strength as on 31st December 2018 was 4. The strength at the time of visit by the study team was also 4, but there are times when the population can go up to 14-15 at a time, which can cause overcrowding.

	Capacity	8		Capacity	-
	Strength	8		Strength	-
	Undertrials	4		Undertrials	-
	Convicts	0		Convicts	-
	Detenues	0		Detenues	-
	Civil Prisoners	4		Civil Prisoners	-
	Occupancy Rate	100.00%		Occupancy Rate	-

The study team physically checked both cells that make up this prison. The study team spoke to all 4 inmates and staff in this prison at the time of visit, and conducted detailed interviews of them.



## 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that **medical examination upon entering the prison is not conducted as there is no medical officer.** Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel)/tumbler.

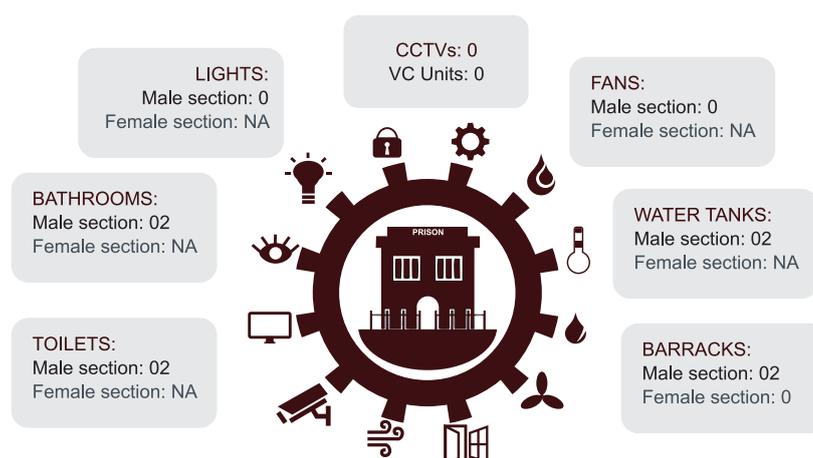
Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	No

#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, there are a total of 2 male barracks.

	Number of barracks	Inmates per barrack
Male Section	2	4
Female Section	-	-

**This prison has none of the basic amenities required for humane prison conditions. Neither of the two cells has a fan or light. The toilet inside the cell is the only space used for all purposes including washing and bathing. Drinking water provided in this prison is not potable, resulting in inmates constantly falling ill. Cells have very poor ventilation. The toilets inside the cells are in urgent need of cleaning. There is no regular cleaning of the cells, with inmates being locked in for 24 hours.**



Food is provided by a private contractor - rice and fish

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
No	No	No	No



#### 5. CONTACT WITH OUTSIDE WORLD

**There is no separate visiting room in this jail complex. Family members are allowed to meet inmates outside the cells.** Visits are allowed weekly once, or more often case of emergencies. Each visit can last for about 10-15 minutes.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison.**



## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison**, and there is no dispensary inside the prison either. **No doctor visits this prison, and instead**, in case medical treatment is required, inmates are taken to the government hospital in Kumta. **In the period between 1st January 2018 and 31st December 2018, medical escorts had to be provided for 20 inmates. However, inmates have to wait for police personnel to provide medical escort, which is not always easy.**



## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, inmates interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There is a jail visiting lawyer who comes to this jail about once a month. Private lawyers are allowed to visit their clients once a week, and can meet for up to 10 minutes per visit.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	No	Once a week

In the year 2018, court production was provided to 38 inmates, by the concerned police stations. **Exact figures of the number of escorts required and provided were not available, as no records of the same are maintained. However, during the interviews, the study team learnt that there are times when they have missed court dates.** Video conferencing has not yet been used for court production in this jail.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The jail subscribes to one Kannada newspaper, although there are inmates who cannot read the language in this prison. The cells are provided with Ludo sets. There is no TV, which is provided in most prisons in the state. There is no participation by civil society in this prison. Most crucially, **inmates are under 24 hour lock up, making this a prison with a high risk for negative mental and physical consequences on inmates.**



## 9. PRISON LABOUR AND WAGES

Being a very small jail with very few permanent staff members, there is no opportunity for work in this prison.



## 10. VULNERABLE GROUPS

### A. Young Offenders

One of the four inmates in the prison was in the age group of 18-21.

### B. Prisoners from other countries

One of the four inmates in the prison at the time of visit by the study team was from Nepal. In the year 2018, there had been a Russian inmate in this prison. Gokarna is a popular tourist destination, and the Gokarna police station comes within the purview of this prison, and hence there are times when there are foreign nationals detained in this prison. Following court proceedings then is a difficult prospect for such inmates.

### C. Prisoners from other states

One of the four inmates in the prison at the time of visit by the study team was from Rajasthan.



## 11. PRISON ADMINISTRATION

### Staff vacancies

Staff vacancy is an acute problem in this jail. The *shirastidar* of the revenue department holds the additional charge of superintendent, while the FDA of the revenue department holds the additional charge of jailor. In addition to these posts, 3 personnel from the concerned police stations take turns in providing guarding services, in shifts.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	-		-	-	-	-	-		-	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
			Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
	Male	Female				M	F	M	F	M	F
	-	-				-	-		-		-

### Experiences of prison administrators

Since all of the individuals providing services in this prison do so as an additional responsibility, it is a strain. Further, **none of these posts have previous training in administering a prison. This has resulted in basic prison records not being maintained, in addition to the more crucial concern of basic guarding duties not being easy to provide.** Further, there is no additional salary for this additional post.

## 12. PRISON OVERSIGHT

**BoV and NoV meetings have not been held for this prison, since it is unclear whether the jurisdiction of the BoV extends to a revenue jail. This prison is not represented in UTRC meetings.**

### 13. ISSUES OF CONCERN

**24 hour lock up and lack of basic necessities** – This prison does not have the basic features which make for humane living conditions. Inmates are under complete lock up, never being allowed to step out of their cells including family and lawyer visits, taking food, etc. One of the inmates interviewed by the study team had spent 7 months in this prison, while another had spent 3 ½ months. Further, while there is merit in the argument that there is a need to ensure that an under trial prisoner is provided adequate escort to courts, interviews with the inmates revealed that some of them have had to miss a few court dates, just like in any other prison.

#### UPDATES AS OF APRIL 2022

- ❖ This prison has been closed down after an urgent preliminary report was submitted by CHRI to the SLSA on the deplorable conditions of the prison. Inmates of Kumta Revenue Prison were transferred to Karawar District Prison.

## KEY RECOMMENDATIONS FOR KUMTA

### PRISON HEADQUARTERS

- *Kindly ensure that the integration of this prison into the prison department takes place at the earliest – including a new prison complex with basic amenities and staff from the prison staff. In the meanwhile, kindly consider closing this prison down and transferring the inmates to the district prison in Kumta.*

### PRISON / REVENUE DEPARTMENT

- *Kindly ensure that a water purifying system is provided to this prison at the earliest.*
- *Kindly ensure that the cells are fit with lights and fans at the earliest.*

### KARNATAKA LEGAL SERVICES COMMITTEE

- *Kindly assist the prison authorities in preparing the list to be considered by the UTRC, as per the format prescribed by the Supreme Court in the Standard Operating Procedure.*

### KARNATAKA STATE LEGAL SERVICES AUTHORITY

- *This prison does not fall within the jurisdiction of the DLSA. As a result, the prison sends a list of inmates to be considered under s.436A, CrPC to the concerned courts, and not to the TLSC/DLSA. Kindly ensure that this prison is brought within the DLSA such that UTRC meetings and other prison related programmes from your department can be extended to this prison.*

### DISTRICT COMMISSIONER

- *Kindly consider closing down this prison, and in the alternative, kindly ensure that the basic facilities like lights, fans and clean drinking water are provided in this prison.*

# MADHUGIRI REVENUE PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The revenue prison in Madhugiri was constructed in 1926. This jail houses inmates who have cases in the taluka courts of Sira, Pavagada, Koratagere and Madhugiri. It is currently headed by an officer of the rank of Head Warder. Being a revenue jail, this jail is managed in a tripartite arrangement among the prison department, revenue department and also the police department, making administration a complicated process of adjustment. Most revenue jails however are being entirely integrated into the prison department in a phased manner.

This prison complex is very old, and is constructed in a total area of 8580 square feet. Although there is no over-crowding as such in this prison, **the rooms are very small, and the common area available to inmates during their lock-out time is congested.** The prison is however located within the city, and next to the government hospital and very close to the court complex thereby integrating it with the city.

## 2. PRISON POPULATION AND OVERCROWDING

This revenue jail houses only under trial prisoners, and those sentenced to less than 6 months' imprisonment. The total capacity of this prison is 74, and the strength as on 31st December 2018 was 47. This prison only houses male inmates. There is no pressing problem of overcrowding in this prison, with an occupancy rate of 73%.

	<b>Capacity</b>	74		<b>Capacity</b>	-
	<b>Strength</b>	47		<b>Strength</b>	-
	Undertrials	46		Undertrials	-
	Convicts	1		Convicts	-
	Detenues	0		Detenues	-
	Civil Prisoners	0		Civil Prisoners	-
	Occupancy Rate	63.51%		Occupancy Rate	-

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 11 inmates and staff to understand the real issues and functioning of the prison.



### 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that **medical examination upon entering the prison is not conducted immediately upon admission**. Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a chombu (vessel)/tumbler.

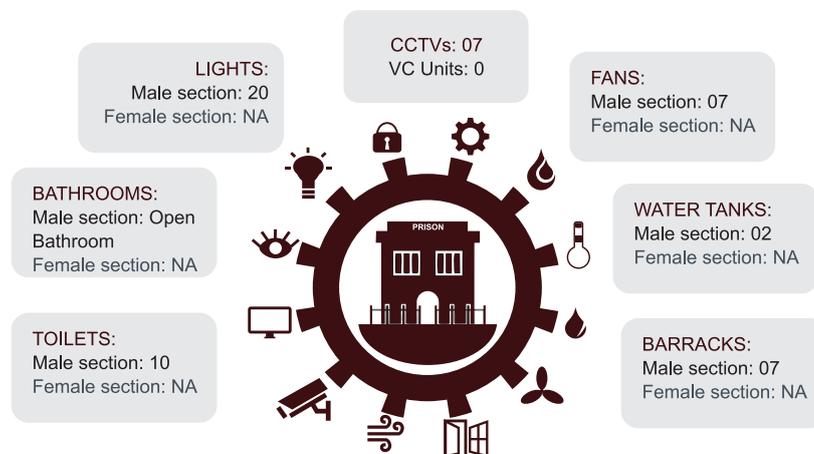
Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes

### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS<sup>29</sup>

As per information provided, there are a total of 7 male barracks.

	Number of barracks	Inmates per barrack
Male Section	7	7
Female Section	-	-

Basic amenities such as electricity, water, clothes, seemed to be well taken care of, none of the inmates complained about this. Every barrack is equipped with sufficient fans and light bulbs.



Food is provided by a private contractor, and includes rice, chapatti and vegetable curry.

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
No	No	No (has been sanctioned, to be installed)	No

<sup>29</sup> As on 31st December 2018



## 5. CONTACT WITH OUTSIDE WORLD

There is no separate visiting room in this jail complex. Family members are allowed to meet inmates in the common court yard, during working days and office hours of the prison. Visits are allowed weekly once, or more often case of emergencies.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison.**



## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison,** and there is no hospital inside the prison either. **A doctor from the government hospital visits the prison once a month.** The government hospital is the building next to the jail complex thereby making medical care easily available.

In the period between 1st January 2018 and 31st December 2018, as per the data provided to the study team by the prison administration, 126 prisoners were referred for medical treatment to the district government hospital or to higher medical centres through the Bangalore Central Jail. **There is no problem in providing medical escorts, as all 126 of the prisoners required to be sent for treatment outside the jail were given escorts.**

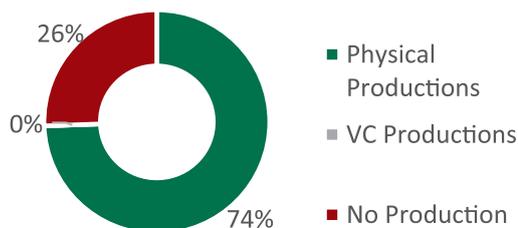


## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There is a jail visiting lawyer who comes to this jail once a week. Private lawyers are allowed to visit their clients once a week, for as long as they require for the case.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	Once a week



In the year 2018, 530 of the 712 requests for court escorts were fulfilled by the concerned police stations which provide escorts for prisoners from revenue jails, unlike the armed reserved police like in other jails. About 182 court orders for production could not be made either physically or through video conferencing.

Video conferencing has not yet been used for court production in this jail.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The jail subscribes to newspapers and periodicals. Being a small jail, **there is no library, or classroom.** NGOs working in prisons such as the Prison Ministry of India and Gopi and team visit the jail often. No room or open space for conducting any vocational or awareness programs, classes.



## 9. PRISON LABOUR AND WAGES

Being a very small jail with very few permanent staff members, there is no opportunity for work in this prison. In fact, there is also no jail kitchen, with food being procured from outside through tender.



## 10. VULNERABLE GROUPS

### A. Prisoners with mental health concerns

The prison authorities reported 1 person with mental health issues, who is being given treatment in NIMHANS when required. He has been in the prison for about a year now.

### B. Young Offenders

At the time of visit by the study team, there were about five inmates between the age group of 18 and 21 years. Only 1 of these 5 has been charged for a heinous offence.

### C. Prisoners from other states

During the visit by the study team, there were five prisoners from other states – one from Andhra Pradesh and four from Uttar Pradesh. **No facility for a translator in courts for people belonging to other states.**



## 11. PRISON ADMINISTRATION

### Staff vacancies

Staff vacancy is an acute problem in this jail with only 2 permanent staff members from the prison department, 5 police officers who are deputed to the jail on a rotation basis by the police department, 1 out of the 4 sanctioned posts of shirastidars provided by the revenue department.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	-	-	-	-	-	-	-	-	-	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
	Male	Female	Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
						M	F	M	F	M	F
	-	-				-	-	-	-	-	-

## Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in **very few of them being able to avail a weekly day off, or even take leave during the year to visit their families.**

## 12. PRISON OVERSIGHT

UTRC meetings had been conducted for January 2019, with preparations for following Supreme Court directions to conduct a meeting per month till June. **BoV and NoV meetings have not been held for this prison, since it is unclear whether the jurisdiction of the BoV extends to a revenue jail. Members from the TLSC had visited the prison about 5 times in the year 2018.**

## 13. ISSUES OF CONCERN

**Instances of custodial violence and torture in police custody** – Of the 11 inmates interviewed by the study team, 2 alleged that they had been victims of custodial torture, which was not revealed either to the remand court or the doctor performing medical examination under police duress. In fact, one of the persons we interviewed has been severely physically debilitated owing to police torture. However, one of the inmates, who has been arrested by five different police stations so far, has faced intense custodial torture, leading to his old wounds reopening (wound were from an accident predating his arrest).

### Head Warder's Diary

*We were informed by the inmates in this prison, that the Head Warder, who almost singly handedly manages this prison, does so with his humanity intact. Like in all other jails, dinner is served in the evening before lock up time, leaving inmates without food for over 12 hours. The Head Warder makes sure to check if any inmate needs more food at night during his rounds.*

### UPDATES AS OF APRIL 2022

In the meeting held on 25 March 2022, the study team was informed about the following changes since its visit:

- ❖ A kitchen has been sanctioned for this prison. An RO system, a generator, a portable light and a VC unit have been installed. A visitor's room is being constructed. Further, a female barrack is also being constructed.
- ❖ Young and old inmates are being segregated from the other inmates.
- ❖ A medical officer visits the prison once a week.
- ❖ A library has been set up, and literacy classes are conducted for interested inmates.
- ❖ Staff shortage has come down, and this allows them to avail weekly off as per rules. This has also enabled more hours in unlock for inmates.

## KEY RECOMMENDATIONS FOR MADHUGIRI

### PRISON HEADQUARTERS

- *Kindly fill the vacant posts at the earliest.*
- *Provide a four wheeler for the use of the prison.*
- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Introduce avenues of labour inside the prison, with just wages in return.*
- *Kindly ensure that there are BoV meetings conducted for this prison.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *There is a delay in intimation of court dates when a prisoner has not been produced in person. Currently, intimation is mostly through post, which reaches after the date has passed on some occasions. Kindly coordinate with all courts in the district to enable quicker despatch of intimation of court dates, and intimation by phone where necessary.*
- *In the preparation of lists of prisoners to be considered for UTRC meetings, kindly assist the prison staff in determining the maximum punishment and also in identifying prisoners who have been granted bail but have been unable to furnish surety as this information is only available with the courts. If required, kindly direct the concerned Taluka Legal Services Committee, and the jail visiting lawyers, to assist in this process.*

# RANEBENNUR REVENUE PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The revenue prison in Ranebennur was established in 1890. This revenue prison is headed by the shirastidar of the revenue department, who holds the additional charge of superintendent, while the FDA of the revenue department holds the additional charge of jailor. Persons arrested by the Ranebennur rural and town police stations, Haligeri police station, Kumarapattna police station, and the traffic police station are sent to this prison. Personnel from the concerned police stations provide guarding services. Nobody from the prison department is posted in this prison. Most revenue jails however are being entirely integrated into the prison department in a phased manner.

This prison complex is very old, and consists of 2 cells (a third one is not functional). The prison consists of two small cells placed next to each other, each 10\*10 feet large and is located within the old tehsildar's office complex. The police personnel who provide services in this prison are provided with a table and chair placed right outside the cells.

## 2. PRISON POPULATION AND OVERCROWDING

This revenue jail houses only under trial prisoners. This prison only houses male inmates. The total capacity of this prison is 14, and the strength as on 31st December 2018 was 15. However, there are times when the strength goes up to 24 inmates at a time, which results in overcrowding.

	<b>Capacity</b>	<b>14</b>		<b>Capacity</b>	-
	<b>Strength</b>	<b>15</b>		<b>Strength</b>	-
	Undertrials	0		Undertrials	-
	Convicts	0		Convicts	-
	Detenues	0		Detenues	-
	Civil Prisoners	0		Civil Prisoners	-
	Occupancy Rate	108%		Occupancy Rate	-

The study team physically checked both cells that make up this prison and interacted with all the inmates and staff and conducted detailed interviews of 5 of them.



## 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that **medical examination**

**upon entering the prison is not conducted as there is no medical officer.** Upon admission an inmate gets a mat to sleep on, a blanket/bedsheet to cover themselves, a plate and a chombu (vessel)/tumbler.

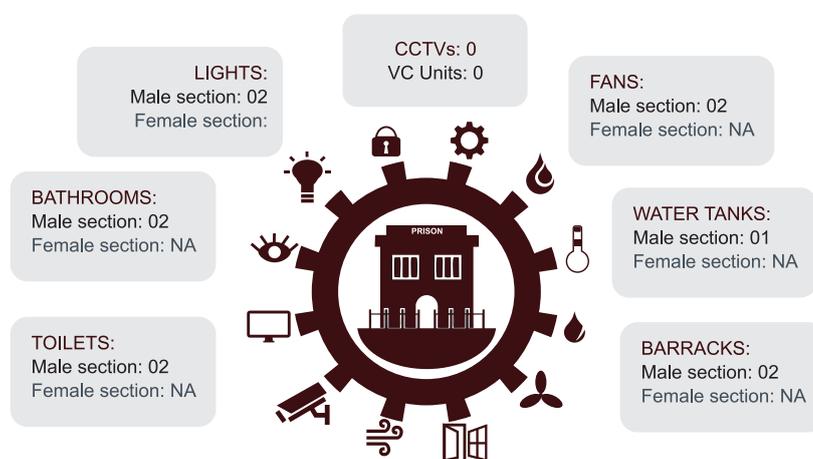
Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes

#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS

As per information provided, there are a total of 2 male barracks.

	Number of barracks	Inmates per barrack
Male Section	2	8
Female Section	-	-

**This prison does not have some of the basic amenities required for humane prison conditions. The toilet inside the cell is the only space used for all purposes including washing and bathing. Drinking water is brought along with the food. The cells were fit with fans and lights only about 2 months prior to the visit by the study team. Cells have very poor ventilation. The toilets inside the cells are in urgent need of cleaning. There is no regular cleaning of the cells, with inmates being locked in for 24 hours. There is an infestation of mosquitoes in this prison.**



- Food is provided by a private contractor, and includes rice, chapatti and vegetable curry.

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
No	No	No	No



## 5. CONTACT WITH OUTSIDE WORLD

**There is no separate visiting room in this jail complex. Family members are allowed to meet inmates at the gates of the cells.** Visits are allowed weekly once, or more often case of emergencies. Each visit can last for about 10-15 minutes.

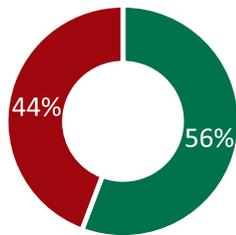
Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison.**



## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison,** and there is no dispensary inside the prison either. No doctor visits this prison, and instead, in case medical treatment is required, inmates are taken to the government hospital in Ranebennur.



■ Request for Medical Escorts fulfilled

■ Request for Medical Escorts NOT fulfilled

In the period between 1st January 2018 and 31st December 2018, medical escorts had to be provided for about 39 times, although the requirement was approximately 70.

Personnel from the concerned police stations provide medical escorts. All the inmates sent for treatment, were taken to the government hospital

in Ranebennur. **If referrals are made to higher medical centres outside the district of Haveri, then no escorts are available for the same.** At the time of visit by the study team, one of the inmates had been referred to Dharwad for treatment, but could not be.

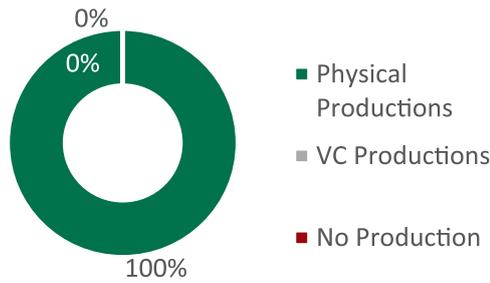


## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, inmates interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There is a jail visiting lawyer who comes to this jail about once a week. Private lawyers are allowed to visit their clients however times they need to in a week and can meet for up to 10-15 minutes per visit.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	No	Once a week



In the year 2018, about 87 of the 110 requests for court production were fulfilled by the concerned police stations. No court orders for production that could not be made either physically or through video conferencing.

Video conferencing has not yet been used for court production in this jail.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

**Inmates subscribe to newspapers themselves. There is no TV, which is provided in most prisons in the state. There is a carom board, but little space in the cells for it to be used. There is no participation by civil society in this prison. Most crucially, inmates are under 24 hour lock up, making this a prison with a high risk for negative mental and physical consequences on inmates.**



## 9. PRISON LABOUR AND WAGES

Being a very small jail with very few permanent staff members, there is no opportunity for work in this prison.



## 10. VULNERABLE GROUPS

### Prisoners from other states

At the time of visit by the study team was one prisoner from Rajasthan.



## 11. PRISON ADMINISTRATION

### Staff vacancies

Staff vacancy is an acute problem in this jail. The *shirastidar* of the revenue department holds the additional charge of superintendent, while the FDA of the revenue department holds the additional charge of jailor. In addition to these posts, 3 personnel from the concerned police stations take turns in providing guarding services, in shifts.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	-	-	-	-	-	-	-	-	-	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
	Male	Female	Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
						M	F	M	F	M	F
	-	-				-	-		-		-

### Experiences of prison administrators

Since all of the individuals providing services in this prison do so as an additional responsibility, it is a strain. Further, **none of these posts have previous training in administering a prison. This has resulted in basic prison records not being maintained, in addition to the more crucial concern of basic guarding duties not being easy to provide.** Further, there is no additional salary for this additional post. **The office space available to the personnel on duty is cramped and without basic amenities.**

### 12. PRISON OVERSIGHT

**BoV and NoV meetings have not been held for this prison, since it is unclear whether the jurisdiction of the BoV extends to a revenue jail. This prison is not represented in UTRC meetings.**

### 13. ISSUES OF CONCERN

**24 hour lock up and lack of basic necessities** – This prison does not have the basic features which make for humane living conditions. Inmates are under complete lock up, never being allowed to step out of their cells including family and lawyer visits, taking food, etc. Alarming, there are several inmates in this prison who have spent longer than a year under such conditions. At the time of visit by the study team, 1 inmate had spent 4 years and 7 months, another 2 years and 3 months, and 3 who had spent more than 6 months. Further, while there is merit in the argument that there is a need to ensure that an under trial prisoner is provided adequate escort to courts, interviews with the inmates revealed that some of them have had to miss a few court dates, just like in any other prison.

#### UPDATES AS OF APRIL 2022

- ❖ This prison has been closed down after an urgent preliminary report was submitted by CHRI to the SLSA on the deplorable conditions of the prison. Inmates of Ranebennur Revenue Prison were transferred to Haveri District Prison.

## KEY RECOMMENDATIONS FOR RANEBENNUR

### PRISON HEADQUARTERS

- *Kindly ensure that the integration of this prison into the prison department takes place at the earliest – including a new prison complex with basic amenities and staff from the prison staff. In the meanwhile, kindly consider closing this prison down and transferring the inmates to the district prison in Haveri.*

### PRISON / REVENUE DEPARTMENT

- *Kindly ensure that budget approvals are duly sought so as to ensure that soap and other basic amenities are provided to the inmates from time to time.*
- *Kindly ensure that the cells are cleaned at the earliest, with mosquito treatment.*

### KARNATAKA LEGAL SERVICES COMMITTEE

- *Kindly assist the prison authorities in preparing the list to be considered by the UTRC, as per the format prescribed by the Supreme Court in the Standard Operating Procedure.*

### KARNATAKA STATE LEGAL SERVICES AUTHORITY

- *This prison does not fall within the jurisdiction of the DLSA. As a result, the prison sends a list of inmates to be considered under s.436A, CrPC to the concerned courts, and not to the TLSC/DLSA. Kindly ensure that this prison is brought within the DLSA such that UTRC meetings and other prison related programmes from your department can be extended to this prison.*

### DISTRICT COMMISSIONER

- *Kindly take the necessary steps to initiate the transfer of the administrative control of this prison to the prison department.*

# REVENUE PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The revenue prison in Sedam was originally established in 1816, and has been renovated at least twice since then, once in 2014 and then again in 2017. This jail houses inmates who have cases in the taluka courts of Chincholi, Chittapur and Sedam. It is currently headed by an officer of the rank of Head Warder. Although this is a revenue jail, unlike other revenue jails, it is not managed in association with the revenue department, but under the aegis of the Central Jail in Kalaburagi. The prison department is taking over this prison's administration entirely, but this had not been officially finalised at the time of the visit by the study team.

This prison complex is very old, and is constructed in a total area of 30 guntas. There are 3 barracks, lined next to each other, with an office room and open space around the barracks for the inmates to walk around. The prison is located within the court complex, and is well connected to both the taluka courts of Sedam and government hospital.

## 2. PRISON POPULATION AND OVERCROWDING

This revenue jail houses only under trial prisoners, and those sentenced to less than 3 months' imprisonment. The total capacity of this prison is 70, and the strength as on 31st December 2018 was 40. This prison only houses male inmates. There is no pressing problem of overcrowding.

	Capacity	70		Capacity	-
	Strength	40		Strength	-
	Undertrials	40		Undertrials	-
	Convicts	0		Convicts	-
	Detenues	0		Detenues	-
	Civil Prisoners	0		Civil Prisoners	-
	Occupancy Rate	57.14%		Occupancy Rate	-

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 11 inmates and staff to understand the real issues and functioning of the prison.



## 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that **medical examination upon entering the prison is not conducted immediately upon admission**. Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel)/tumbler.

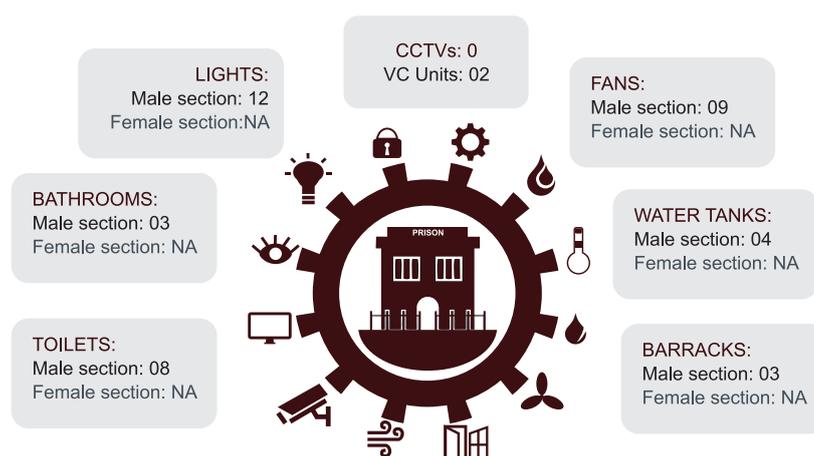
Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes

#### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS<sup>30</sup>

As per information provided, there are a total of 3 male barracks.

	Number of barracks	Inmates per barrack
Male Section	3	14
Female Section	-	-

Basic amenities such as electricity, water, clothes, seemed to be well taken care of, none of the inmates complained about this. Every barrack is equipped with sufficient fans and light bulbs. There is also an inverter in the prison. No CCTVs have been installed in the prison as yet. **No two-wheeler/four-wheeler provided to the prison.**



- Food is provided by a private contractor, and includes rice, chapatti and curry.

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
No	No	No	No



#### 5. CONTACT WITH OUTSIDE WORLD

**There is no separate visiting room in this jail complex. Family members are allowed to meet inmates in the common court yard**, during working days and office hours of the prison. Visits are allowed weekly once, and more often in case of emergencies.

<sup>30</sup> As on 31st December 2018

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison.**



## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison**, and there is no hospital inside the prison either. A doctor from the government hospital visits the prison once a week.

In the period between 1st January 2018 and 31st December 2018, as per the data provided to the study team by the prison administration, 307 inmates were provided medical treatment in the prison itself, 42 inmates were referred for medical treatment to the taluk government hospital, and 8 inmates were referred to the district government hospital in Kalaburagi. **There is no problem in providing medical escorts, as all of the prisoners required to be sent for treatment outside the jail were given escorts.**

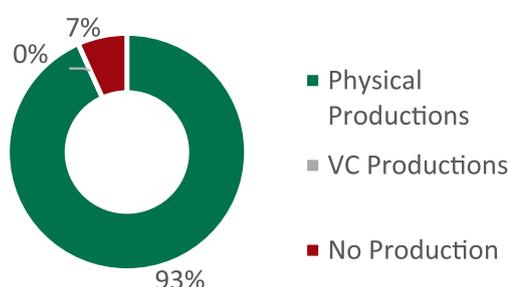


## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, most of the prisoners who were interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There is a jail visiting lawyer who comes to this jail once a week. Private lawyers are allowed to visit their clients once a week, for as long as they require, although the general practice is to speak with clients in the court itself. Since the jail is located within the court complex, the office of the Taluka Legal Services Committee is right next to the jail complex.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	Yes	Once a week



In the year 2018, 558 of the 598 requests for court escorts were fulfilled by the concerned police stations which provide escorts for prisoners here. Video conferencing for court production has not yet been set up in this jail. About 40 court orders for production could not be made either physically or through video conferencing.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The jail subscribes to newspapers and periodicals. Being a small jail, **there is no library, or classroom. There is also no participation of NGOs in this prison.** There was one TV at the time of visit by the study team, to be shared by all inmates; one more TV had however been

sanctioned at the same time. The rooms did not have carom boards and other board games in the rooms at the time of the visit by the study team. **Lock up hours in this prison are very long owing to a severe shortage in staff, and in the absence of any other distraction in the room, this results in high instances of mental health concerns. No room or open space for conducting any vocational or awareness programs, classes.**



## 9. PRISON LABOUR AND WAGES

Being a very small jail with very few permanent staff members, there is no opportunity for work in this prison. In fact, there is also no jail kitchen, with food being procured from outside through tender. All inmates take turns in keeping their cells and toilets clean, but there are no wages for this.



## 10. VULNERABLE GROUPS

### A. Young Offenders

At the time of visit by the study team, there were about 6 inmates between the age group of 18 and 21 years, and they were staying in the same cells as the older inmates.

### B. Prisoners from other states

During the visit by the study team, there were 5 prisoners from other states – 2 from Andhra Pradesh, and one each from Rajasthan, Uttar Pradesh and Bihar. **No facility for a translator in courts for people belonging to other states.**



## 11. PRISON ADMINISTRATION

### Staff vacancies

Staff vacancy is an acute problem in this jail. There are no sanctioned posts to this jail, either from the prison department or the revenue department, as per the information provided to the study team. As of 31st December 2018, there were 2 head warders and 2 warders working in the prison, on deputation. There is a need to sanction posts for this prison, in both Group C and Group D.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	-	-	-	-	-	-	-	04	-	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
	Male	Female	Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
						M	F	M	F	M	F
-	-	-	-	02	02	-	-	02	-	02	-

## Experiences of prison administrators

Staff shortage is a very grave concern, and this has resulted in **very few of them being able to avail a weekly day off, or even take leave during the year to visit their families. Being a small jail with limited resources and staff, they are unable to maintain ePrisons in this jail.**

## Staff Accommodation

**The staff living quarters is in need of maintenance and upkeep.**

## 12. PRISON OVERSIGHT

BoV meeting held in this prison resulted in streamlining weekly visits by a government medical officer to this prison. **No NoVs have been appointed for this prison. This jail is not overseen by the DLSA of Kalaburgi, and no UTRC meetings have been conducted here** – instead, the prison staff sends a list of prisoners eligible for release under s.436A CrPC to the concerned courts.

## 13. ISSUES OF CONCERN

**Instances of custodial violence and torture**– Of the 11 inmates interviewed, 5 confided in the study team that they had been victims of custodial torture, which was not revealed either to the remand court or the doctor performing medical examination under police duress. The study team also learnt that corporal punishment is resorted to in the prison to control fights, and upon new admission.

### Head Warder's Diary

*Mr. Shivakumar, the Head Warder in-charge of this prison had recently been appointed to this prison at the time of visit by the study team and had already started looking into the drainage problem in the prison as this was resulting in clogging in the toilets outside the barracks.*

### UPDATES AS OF APRIL 2022

In the meeting held on 17 March 2022, the study team was informed about the following changes since its visit:

- ❖ The prison now has an RO system for water.
- ❖ Rs.25,00,000 (rupees twenty five lakhs) has been sanctioned for the renovation of the prison.
- ❖ Staff vacancy has come down drastically.
- ❖ A doctor visits once in fifteen days.
- ❖ There is now a separate admission room.
- ❖ Unlock is as per the prison manual.

## KEY RECOMMENDATIONS FOR SEDAM

### PRISON HEADQUARTERS

- *Kindly sanction basic posts of warders for this prison, in addition to one medical officer/ one nursing staff, one FDA/SDA, one driver, and one attendant*
- *Provide a four wheeler for the use of the prison.*
- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Introduce avenues of labour inside the prison, with just wages in return.*
- *Kindly ensure that there are BoV meetings conducted for this prison, and that NoVs are appointed.*

### PRISON

- *Kindly increase the time when prisoners are allowed outside their cells, in accordance with chapter XIV of the Karnataka Prison Manual 1978 which prescribes daily routine in prison.*
- *Kindly facilitate carom boards and chess boards by requisitioning for them from the Head Office/Central Jail Kalaburagi.*
- *Kindly coordinate with the government library department to open a library in the prison.*

### KARNATAKA LEGAL SERVICES COMMITTEE

- *Kindly assist the prison authorities in preparing the list to be considered by the UTRC, as per the format prescribed by the Supreme Court in the Standard Operating Procedure.*

### KARNATAKA STATE LEGAL SERVICES AUTHORITY

- *This prison does not fall within the jurisdiction of DLSA, Kalaburgai. As a result, the prison sends a list of inmates to be considered under s.436A, CrPC to the concerned courts, and not to the TLSC/DLSA. Kindly ensure that this prison is brought within the DLSA such that UTRC meetings and other prison related programmes from your department can be extended to this prison.*

### DISTRICT COMMISSIONER

- *Kindly take the necessary steps to initiate the transfer of the administrative control of this prison to the prison department.*

# SAUADATTI REVENUE PRISON



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

Sauadatti is a taluk in the district of Belgaum. Persons arrested by the Sauadatti, Murgod and Excise police stations are maintained in this prison during their remand period. The revenue prison is headed by the shirastidar of the revenue department, who holds the additional charge of superintendent, while the SDA of the revenue department holds the additional charge of jailor. Personnel from the Sauadatti police station provide guarding services. Nobody from the prison department is posted in this prison. Most revenue jails however are being entirely integrated into the prison department in a phased manner.

This prison complex is very old, and is constructed in a total area of 4000 square feet. The prison consists of four small cells placed next to each other, of which only two are currently in use (one of the empty cells is used if there are more inmates, and the other used to be used for female inmates until 2 years ago), and is located within the tehsildar's office complex. The police personnel who provide services in this prison are provided with a table and chair placed right outside the cells.

## 2. PRISON POPULATION AND OVERCROWDING

This revenue jail houses only under trial prisoners. This prison only houses male inmates. The total capacity of this prison is 16, and the strength as on 31st December 2018 was 11. The strength at the time of visit by the study team was 9.

	<b>Capacity</b>	<b>16</b>		<b>Capacity</b>	-
	<b>Strength</b>	<b>11</b>		<b>Strength</b>	-
	Undertrials	11		Undertrials	-
	Convicts	0		Convicts	-
	Detenues	0		Detenues	-
	Civil Prisoners	0		Civil Prisoners	-
	Occupancy Rate	68.75%		Occupancy Rate	-

The study team physically checked both cells that make up this prison. The study team spoke to all inmates in this prison at the time of visit, and conducted detailed interviews of 5 of them and staff.



### 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that **medical examination upon entering the prison is not conducted as there is no medical officer.** Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a chombu (vessel)/tumbler.

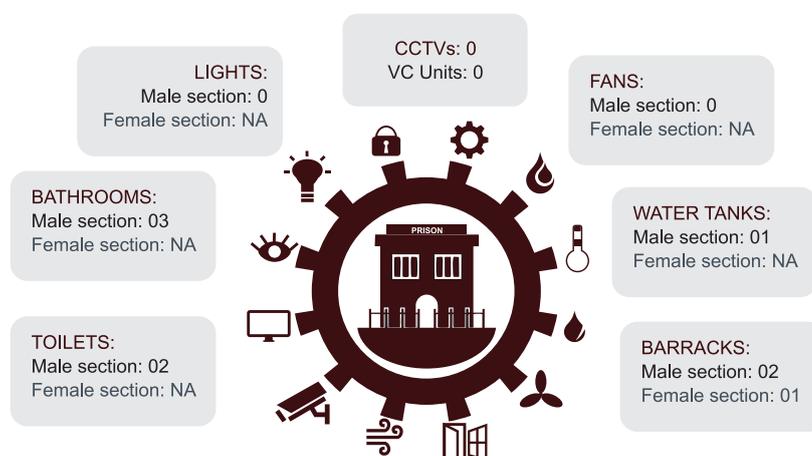
Mandate	Status
Whether first medical examination done using the NHRC format?	No
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes

### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS<sup>31</sup>

As per information provided, there are a total of 2 male barracks and 1 female barrack.

	Number of barracks	Inmates per barrack
Male Section	2	6
Female Section	1	-

**This prison has none of the basic amenities required for humane prison conditions. Neither of the two cells has a fan or light, there is one large fan and a tube light outside the cells in the corridor which serve the purpose. The loo inside the cell is used when inmates are in lock up, and a small washing area is present outside the cells to bathe and wash clothes. Drinking water provided in this prison is not potable, resulting in inmates constantly falling ill.**



- Food is provided by a private contractor, and includes rice, chapatti and curry.

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
No	No	No	No

31 As on 31st December 2018



## 5. CONTACT WITH OUTSIDE WORLD

**There is no separate visiting room in this jail complex. Family members are allowed to meet inmates outside the cells.** Visits are allowed weekly once, or more often case of emergencies. Each visit can last for about 10-15 minutes.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

**No PCO facility available in this prison.**



## 6. MEDICAL FACILITIES AND HEALTHCARE

**There is no permanent medical officer or nursing staff appointed at this prison,** and there is no dispensary inside the prison either. A doctor visits this prison once a week and in case medical treatment is required, inmates are taken to the government hospital in Souadatti.

In the period between 1st January 2018 and 31st December 2018, medical escorts had to be provided for 5 inmates. Personnel from the concerned police stations provide the same.



## 7. ACCESS TO LEGAL AID AND COURT

Regarding their legal rights, inmates interviewed revealed that they were informed in court about their right to a lawyer. However, the right to a lawyer was not communicated at the time of arrest, and most inmates did not have legal representation until the time of the filing of charge sheet.

There is a jail visiting lawyer who comes to this jail about once a week. Private lawyers are allowed to visit their clients without restrictions.

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?
	No	Once a week

In the year 2018, court production was provided up to 90% of the times by the concerned police stations. **Exact figures of the number of escorts required and provided were not available, as no records of the same are maintained.** Video conferencing has not yet been used for court production in this jail.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The jail subscribes to newspapers. The cells are provided with carom boards and other games. **There is no TV, which is provided in most prisons in the state. There is no participation by civil society in this prison. Inmates are allowed to walk outside on the corridor once in a while, but are otherwise under 24 hour lock-up, making this a prison with a high risk for negative mental and physical consequences on inmates.**



## 9. PRISON LABOUR AND WAGES

Being a very small jail with very few permanent staff members, there is no opportunity for work in this prison.



## 10. VULNERABLE GROUPS

### Young Offenders

At the time of visit by the study team, there were 3 inmates in the prison in the age group of 18-21.



## 11. PRISON ADMINISTRATION

### Staff vacancies

Staff vacancy is an acute problem in this jail. The shirastidar of the revenue department holds the additional charge of superintendent, while the SDA of the revenue department holds the additional charge of jailor. In addition to these posts, 2 personnel from Souadatti police stations take turns in providing guarding services, in shifts.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	-		-	-	-	-	-		-	-	-

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
	Male	Female	Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
						M	F	M	F	M	F
	-	-				-	-		-		-

### Experiences of prison administrators

Since all of the individuals providing services in this prison do so as an additional responsibility, it is a strain. Further, **none of these posts have previous training in administering a prison. This has resulted in basic prison records not being maintained, in addition to the more crucial concern of basic guarding duties not being easy to provide.** Further, there is no additional salary for this additional post.

## 12. PRISON OVERSIGHT

**BoV and NoV meetings have not been held for this prison, since it is unclear whether the jurisdiction of the BoV extends to a revenue jail. Regular visits are made to the prison by the secretary of the TLSC.**

### 13. ISSUES OF CONCERN

**24 hour lock up and lack of basic necessities** – This prison does not have the basic features which make for humane living conditions. Inmates are under complete lock up, being allowed to step out of their cells only to use the bathroom, and once in a while for a walk in the corridor. However, unlike revenue prisons visited by the study team in the state, inmates are only kept here during their remand period and transferred to the Hindalga Central Prison in Belgaum soon as the case is committed. Further, some of the inmates expressed that they do not mind spending three months in this prison while they wait for their charge sheets to be filed as this allows them to meet their family and lawyer, since Belgaum is very far away.

#### UPDATES AS OF APRIL 2022

- ❖ This prison has been closed down after an urgent preliminary report was submitted by CHRI to the SLSA on the deplorable conditions of the prison. Inmates of Ranebennur Revenue Prison were transferred to Haveri District Prison.

## KEY RECOMMENDATIONS FOR SAUADATTI

### PRISON HEADQUARTERS

- *Kindly ensure that the integration of this prison into the prison department takes place at the earliest – including a new prison complex with basic amenities and staff from the prison staff.*

### PRISON / REVENUE DEPARTMENT

- *Kindly ensure that a water purifying system is provided to this prison at the earliest.*
- *Kindly ensure that the cells are fit with lights and fans at the earliest.*

### TALUKA LEGAL SERVICES COMMITTEE

- *Kindly assist the prison authorities in preparing the list to be considered by the UTRC, as per the format prescribed by the Supreme Court in the Standard Operating Procedure.*

### TALUKA STATE LEGAL SERVICES AUTHORITY

- *This prison does not fall within the jurisdiction of the DLSA. As a result, the prison sends a list of inmates to be considered under s.436A, CrPC to the concerned courts, and not to the TLSC/DLSA. Kindly ensure that this prison is brought within the DLSA such that UTRC meetings and other prison related programmes from your department can be extended to this prison.*

### DISTRICT COMMISSIONER

- *Kindly consider ensure that the basic facilities like lights, fans and clean drinking water are provided in this prison.*

# OPEN PRISONS

# OPEN AIR PRISON, DEVANAHALLI



## 1. PRISON DESIGN AND PHYSICAL LAYOUT

The open air prison in Devanahalli is the only one of its kind in the state of Karnataka. Spread across 113 acres and 25 guntas, this prison was established in 1972. Meant as a step between prison life in a traditional prison and reintegration with society upon release, the open air prison is for prisoners who satisfy certain conditions laid down in the Karnataka Prison Manual, and are chosen by a Selection Committee.

The open air prison is idyllic and is located on the outskirts of the city of Bangalore. It is amidst farmland, and is itself a cultivated space. In one corner of the plot is the prison structure, with 4 male barracks. There is a separate office complex a little further from the barracks. Staff quarters provided within this plot of land, which is farther from the barracks and office complex. The remaining space is used for cultivation and animal rearing. There is a cow shed, pig sty, and shed for sheep. Crops grown here include drum sticks, bottle gourd, pumpkin, beans, avarekai, heerekai, tomatoes, mangoes, lime, jack fruit, papaya, guava, tur dal, coconuts and cow feed. There are also a few flower beds, and a recent addition to the prison is a water tank for pisciculture.

## 2. PRISON POPULATION AND OVERCROWDING

The capacity of the open air prison is 80, although as on 31st December 2018, the population in this prison was only 48. **There is no problem of overcrowding in this prison.**

	Capacity	80		Capacity	0
	Strength	48		Strength	0
	Undertrials	0		Undertrials	0
	Convicts	48		Convicts	0
	Detenues	0		Detenues	0
	Civil Prisoners	0		Civil Prisoners	0
	Occupancy Rate	60.00%		Occupancy Rate	0.00%

The study team physically checked all the barracks and visited all parts of the prison. Since the population of the prison is not very high, the team could speak with almost all the inmates for any grievance. The team also conducted detailed interviews of 5 inmates and staff to understand the real issues and functioning of the prison.



### 3. PROCEDURES UPON ADMISSION

During the interviews conducted in the prison, the study team learnt that medical examination upon entering the prison is not conducted as there is no medical officer. Upon admission an inmate gets a mat to sleep on, a blanket/bed sheet to cover themselves, a plate and a *chombu* (vessel)/tumbler.

Mandate	Status
Whether first medical examination done using the NHRC format?	Yes
Whether a separate admission room for quarantine in prison?	No
Whether basic articles given?	Yes

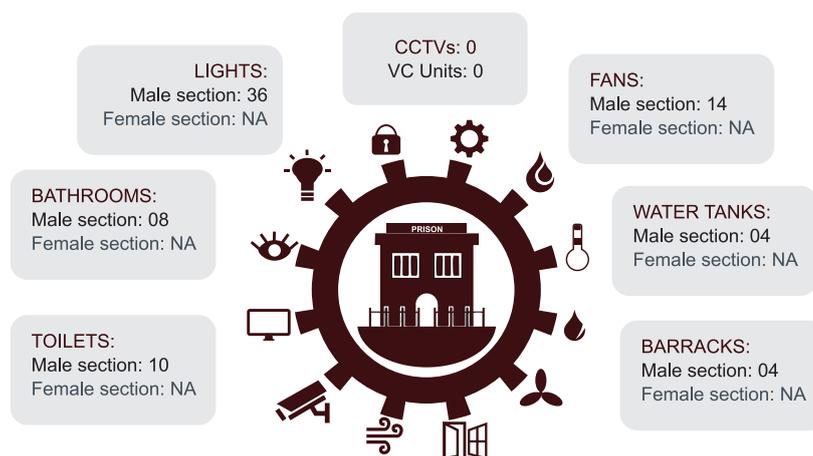
### 4. INFRASTRUCTURAL FACILITIES & LIVING CONDITIONS<sup>32</sup>

As per information provided, there are a total of 4 male barracks.

	Number of barracks	Inmates per barrack
Male Section	4	12
Female Section	-	-

Basic amenities such as electricity, water, clothes, food seemed to be well taken care of, none of the inmates complained about this. The rooms in the barrack are large and airy. Every barrack is equipped with sufficient fans and light bulbs, and have bathrooms and toilets attached to them.

**Vegetables cultivated on the land are used for cooking. Milk from the cows reared in the land is used to meet the dairy requirements in the prison. Gobar gas is used for cooking and lighting. There is provision for rain water harvesting.**



- Tea and Breakfast
- Lunch & Dinner – Curry, Vegetables, Rice and *Ragi Mudde*.
- Eggs once a week; Non-veg once a week (mutton and chicken alternatively).

Whether Solar Power used?	Whether Generator available?	Whether RO system available?	Whether CCTVs installed?
Gobar gas plant is used	Yes	No	Yes



## 5. CONTACT WITH OUTSIDE WORLD

Prisoners chosen to be sent to this prison are generally those without any family close by. As a result, most of them have to wait for long periods of time for their family members to come and visit them. Visits are allowed once in 15 days, or during emergency upon the discretion of the Superintendent. Timings for meetings are between 9:30 and 1:30 AM and between 2:30 PM and 5:30 PM. Meetings are in the open space available in the prison.

Mandate	Status
Whether convicts allowed to meet family members once in 15 days?	Yes
Whether undertrials allowed to meet family members once a week?	Yes

No PCO facility available in this prison.

No. of phone numbers allowed	Duration of Calls	Periodicity	Cost per call
-	-	-	-

Inmates are allowed to meet their lawyers once a week, for a period of 30-45 minutes



## 6. MEDICAL FACILITIES AND HEALTHCARE

There is a dispensary in the prison, with a pharmacist in charge. The dispensary is stocked with basic medicines, a bed, and basic medical equipment like thermometer, etc. Medical officer from the Primary Health Centre, Avathi, visits the prison once a week. **The prison has an ambulance for emergencies, and a driver hired on contract basis.** The government hospital of Devanahalli is very close by and has specialists for emergency medical requirements. In case further specialised treatment is required, inmates are referred to the Bangalore Central Prison, from where they are further referred to hospitals in Bangalore depending on the needs of the inmates.



## 7. ACCESS TO LEGAL AID AND COURT

**Several inmates here had their appeals pending either in the High Court or the Supreme Court. Most of them have filed prison appeals, with legal aid lawyers, and receive very little information about their cases, and have been waiting for years for final decisions.**

**There is no jail visiting lawyer to this prison.**

	Whether Jail Legal Aid Clinic set up?	Frequency of visit by jail visiting lawyers?	No. of Convict PLVs appointed
	-	-	-

Prisoners eligible for early release are recommended to the Advisory Board that convenes in the Bangalore Central Prison.



## 8. ACCESS TO EDUCATION AND RECREATIONAL ACTIVITIES

The barracks are provided with television facilities. **The prison complex itself is open to inmates to move around freely, and work in.** Newspapers and periodicals are subscribed in this prison. **There is no library in this prison.**



## 9. PRISON LABOUR AND WAGES

There are ample opportunities for work in this prison. Apart from cooking and cleaning the prison, inmates here have the opportunity to work in crop cultivation, cow/pig/sheep herding, horticulture and pisciculture. As is the case in other prisons in the state, **convicts have not been given wages for the past two years, while their bank accounts are being opened in a phased manner.** The study team was informed that the arrears will soon be released. While some of the prisoners here have opened their bank accounts, there were a few new entrants who were still in the process of getting their accounts opened, and a few others who were waiting for their accounts to be transferred from the prison from which they have arrived.



## 10. VULNERABLE GROUPS

### A. Women prisoners

**There is no provision for women prisoners to be shifted to the open prison.**

### B. Young Offenders

There are no young offenders in this prison. However, the study team found about 3 prisoners who claimed juvenility at the time of the alleged offence.



## 11. PRISON ADMINISTRATION

### Staff vacancies

As with most prisons in the state, there is a high vacancy rate among staff. At the time of visit by the study team, this prison has a Superintendent and Jailor, although there are three sanctioned posts for officers. The sanctioned post of 1 Chief Warder is vacant, all 5 sanctioned posts of Head Warder are filled, and of the sanctioned post of 13 Warders, only 3 were filled as of 31st December 2018. This prison also has administrative staff.

Sanctioned strength				Working strength							
Group A	Group B	Group C	Group D	Group A		Group B		Group C		Group D	
				Male	Female	M	F	M	F	M	F
-	01	35	07	-	-	-	-	13	-	03	01

Sanctioned Strength of Officers	Actual Number of Officers		Sanctioned Strength			Number of Staff					
	Male	Female	Chief Warder	Head Warder	Warder	Chief Warder		Head Warder		Warder	
						M	F	M	F	M	F
03	02	-	01	05	13	-	-	05	-	03	-

### Staff Accommodation

The original staff quarters were built in 1972, at the time of the establishment of the prison. **New quarters were added in 1984, and have not been renovated since then.** There is a guest house as well, which too is pending repairs and is currently not in use.

## 12. PRISON OVERSIGHT

**No visits were made by the BoV in the year 2018.**

## 13. ISSUES OF CONCERN

- a) **Miscalculation of remission**– The study team was given a written representation by 14 inmates who have come from the Central Prison in Bijapur requesting that the remission earned by them while they were in Bijapur be calculated fairly. Although these inmates worked in Central Prison Bijapur, no work remission was granted to them. Therefore, instead of being given 7 days a month as remission for work, these inmates were only given 3 days of remission per month. This is effectively resulting in several inmates having to spend two years longer than otherwise required before being considered for release.
- b) **Constraints in filing appeals** – The study team met a few prisoners who did not have a certified copy of their judgments either because their lawyers did not give them their copy, or because the prisons from where they were transferred retained their copy. Although the prison authorities here tried to procure fresh certified copies, there tends to be considerable delay by the time the same is made available. Further, under Order XXII Rule 7 of the Supreme Court Rules, 2013, although the Supreme Court Registry is required to obtain the relevant trial court and high court records when a jail petition is sent with a certified copy of the high court judgment, the study team found an inmate who was informed that he had to send his petition with complete court records. The other concern that the study team found was that there were a few inmates who have spent a long time waiting for their appeals to be decided, pending which their names would not be considered for early release. This delay has deterred other inmates from preferring appeals, as they would rather hedge their bets on early release from prison, rather than winning their appeal. Some prisoners did not have certified copies of judgments to file appeals in the High Court of Karnataka or the Supreme Court, as the case may be. Inability to get prison appeal listed in the Supreme Court for not being able to file complete court records.
- c) **Parole not granted** – Several police stations do not seem to be passing parole applications, without good reason, and often times due to the inability of the prisoner's family paying a bribe. Further, there is a direction from the head office of the prison that there can be no grant of parole through discretion under Rule 191(2), Karnataka Prison Rules, 1974 unless there has been at least one approval by the concerned police station. As a result, several inmates are caught in a catch-22 situation where they cannot prove to the prison authorities that they will return without trouble unless they are allowed to do so, despite their good conduct in prison. Prisoners transferred to the open air prison have to be approved by a Selection Committee who consider their prison conduct. One of the inmates interviewed by the study team considered it ironic that he was good enough to be sent to the open air prison, but not good enough to be released on parole.
- d) **Set off not being calculated for lifers** - The study team met an inmate who has been convicted and sentenced to imprisonment for life. By the time of his conviction, the inmate had spent 4 years and 3 days as an under trial. The judgment of the Sessions Court, upheld by the High Court, however, specifically stated that the period spent as an under trial could not be set off under s.428, CrPC, as a sentence of life imprisonment was being imposed on him. This is in

direct contravention of the position of law laid down by a constitution bench of the Supreme Court in the case of *Bhagirath v. Delhi Administration* [1985 AIR 1050; 1985 SCR (3) 743; 1985 (2) SCC 580] which held that the benefit of set off is available to those undergoing life sentences as well. The result of this is that despite this particular inmate having served more than 14 years imprisonment, and having good conduct, he cannot be considered for early release for another four years.

#### **UPDATES AS OF APRIL 2022**

In the meeting held on 25 March 2022, the study team was informed about the following changes since its visit:

- ❖ The prison now has an RO system installed, 2 VC units and an admission room.
- ❖ Medical students from the M.S. Ramiah medical college visit the prison to provide treatment.
- ❖ IGNOU distance education courses are available for inmates who wish to study. The library has been reopened.
- ❖ Wages have been paid to inmates whose Jan Dhan accounts have now been opened.
- ❖ Remission details of inmates being transferred from other prisons have been procured and the due calculations updated.
- ❖ Three convict PLVs have been appointed.
- ❖ Staff shortage has come down, and this allows them to avail weekly off as per rules.

## KEY RECOMMENDATIONS FOR DEVANAHALLI

### PRISON HEADQUARTERS

- *Introduce phone facilities, with at least one free phone call at the time of admission into the prison to inform family members of incarceration.*
- *Direct BoVs to make visits as per rules.*
- *Direct the Superintendent of Central Prison, Bijpaur to credit the remission due to convict prisoners, upon enquiring into the same.*

### DISTRICT LEGAL SERVICES AUTHORITY

- *Appoint a jail visiting lawyer to make regular visits to this prison.*
- *Assist prisoners who do not have certified copies of their court judgments procure the same.*

### STATE LEGAL SERVICES AUTHORITY

- *Send submissions to all the magistrate courts, sessions courts and the High Court to provide the benefit under s.428, CrPC at the time of imposing a sentence, regardless of the quantum of sentence being imposed.*

### SUPREME COURT LEGAL SERVICES COMMITTEE

- *Make efforts to procure trial court and high court case records by writing to the concerned courts and file SLPs without delay, and not reject jail petitions for being incomplete.*

# CHRI Programmes

CHRI seeks to hold the Commonwealth and its member countries to high standards of human rights, transparent democracies and Sustainable Development Goals (SDGs). CHRI specifically works on strategic initiatives and advocacy on human rights, Access to Justice and Access to Information. Its research, publications, workshops, analysis, mobilisation, dissemination and advocacy, informs the following principal programmes:

## 1. Access to Justice (ATJ)

**Police Reforms:** In too many countries the police are seen as an oppressive instrument of state rather than as protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reform so that the police act as upholders of the rule of law rather than as enforcers of a regime. CHRI's programme in India and South Asia aims at mobilising public support for police reforms and works to strengthen civil society engagement on the issues. In Tanzania and Ghana, CHRI examines police accountability and its connect to citizenry.

**Prison Reforms:** CHRI's work in prisons looks at increasing transparency of a traditionally closed system and exposing malpractices. Apart from highlighting systematic failures that result in overcrowding and unacceptably long pre-trial detention and prison overstay, it engages in interventions and advocacy for legal aid. Changes in these areas can spark improvements in the administration of prisons and conditions of justice.

## 2. Access to Information

\* **Right to Information:** CHRI's expertise on the promotion of Access to Information is widely acknowledged. It encourages countries to pass and implement effective Right to Information (RTI) laws. It routinely assists in the development of legislation and has been particularly successful in promoting Right to Information laws and practices in India, Sri Lanka, Afghanistan, Bangladesh, Ghana and Kenya. In Ghana, CHRI as the Secretariat for the RTI civil society coalition, mobilised the efforts to pass the law; success came in 2019 after a long struggle. CHRI regularly critiques new legislation and intervenes to bring best practices into governments and civil society knowledge both at a time when laws are being drafted and when they are first being implemented. It has experience of working in hostile environments as well as culturally varied jurisdictions, enabling CHRI bring valuable insights into countries seeking to evolve new RTI laws.

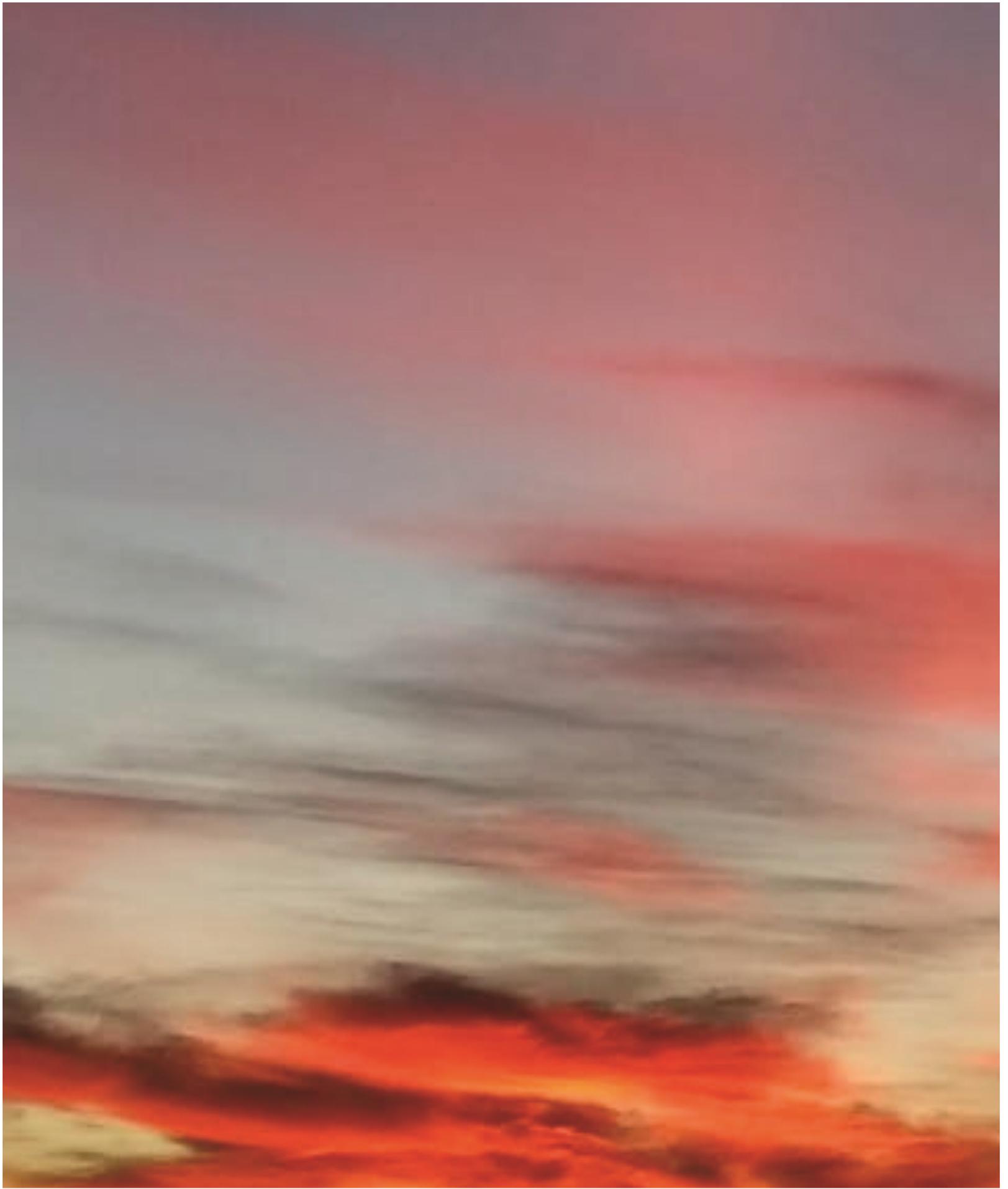
\***Freedom of Expression and Opinion -- South Asia Media Defenders Network (SAMDEN):** CHRI has developed a regional network of media professionals to address the issue of increasing attacks on media workers and pressure on freedom of speech and expression in South Asia. This network, the South Asia Media Defenders Network (SAMDEN) recognises that such freedoms are indivisible and know no political boundaries. Anchored by a core group of media professionals who have experienced discrimination and intimidation, SAMDEN has developed approaches to highlight pressures on media, issues of shrinking media space and press freedom. It is also working to mobilise media so that strength grows through collaboration and numbers. A key area of synergy lies in linking SAMDEN with RTI movements and activists.

## 3. International Advocacy and Programming

Through its flagship Report, *Easier Said Than Done*, CHRI monitors the compliance of Commonwealth member states with human rights obligations. It advocates around human rights challenges and strategically engages with regional and international bodies including the UNHRC, Commonwealth Secretariat, Commonwealth Ministerial Action Group and the African Commission for Human and People's Rights. Ongoing strategic initiatives include advocating for SDG 16 goals, SDG 8.7 (see below), monitoring and holding the Commonwealth members to account and the Universal Periodic Review. We advocate and mobilise for the protection of human rights defenders and civil society spaces.

## 4. SDG 8.7: Contemporary Forms of Slavery

Since 2016, CHRI has pressed the Commonwealth to commit itself towards achieving the United Nations Sustainable Development Goal (SDG) Target 8.7, to 'take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.' In July 2019 CHRI launched the Commonwealth 8.7 Network, which facilitates partnerships between grassroots NGOs that share a common vision to eradicate contemporary forms of slavery in Commonwealth countries. With a membership of approximately 60 NGOs from all five regions, the network serves as a knowledge-sharing platform for country-specific and thematic issues and good practice, and to strengthen collective advocacy.



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