



**Commonwealth Human Rights Initiative**



May 15, 2017

## **PRESENTING THE REPORT OF CHRI'S NATIONAL CONSULTATION ON PRISON MONITORING**

Dear Friends,

Greetings from CHRI!

*"In a prison you have to accept that you are not human. They don't believe that you have rights which have to be protected....No doctor comes in to see you. The capacity of the prison is 22, there were 38-40 women, all of them clubbed there. 80% of them have gynaecological problems. There were women with me who were mentally disturbed. The minute they would get fits, the officials would say, "Strip that women...Do jhaapad maaro, theek ho jayegi" (Slap her twice and she will be okay).*

This was the harrowing experience shared by Professor Modi of her stay in a Madhya Pradesh prison at the 'National Consultation on Prison Monitoring' organised by CHRI on 8<sup>th</sup> November 2016 in New Delhi. Unfortunately, her experience is not atypical but is just one of the thousand horror stories emanating from our prisons.

One would have thought that in all these years, things may have changed for the good. But CHRI's national reports on prison monitoring reflect otherwise. These reports reveal the true status of two vital oversight mechanisms, Prison Visiting System and Under Trial Review Committees. The two reports, namely, [Looking into the Haze: A Study on Prison Monitoring in India](#), and [Circle of Justice: A National Report on Under Trial Review Committees](#), underline the dismal monitoring of our prisons. While not even **one percent** of jails had implemented the Board of Visitors, it was found that **65 percent** of the district did not comply with the mandate of the Under Trial Review Committees as laid down by the Supreme Court.

The reports were presented to the representatives of the National Human Rights Commission and various state human rights commissions along with civil society and media. The purpose was to bring stakeholders at a common platform to deliberate on what kind of change we want and how to get there.

We strongly believe that change can be brought about by simply following the letter and spirit of the law. On paper, there are systems in place to keep a check on illegal detentions and overall conditions in jails, but they have not been properly implemented.

We would continue to monitor these two mechanisms as we believe that their effective implementation has the potential to make a difference on the ground. These are statutory requirements which embody the principles of accountability and transparency, and thus are indispensable.

We are happy to share the report of the launch and consultation with you, attached with this mail. It talks in detail about the core findings of the reports and also discusses the development of relevant strategies that can help in its overhaul. In order to prepare these reports and open up the prison system, CHRI has made effective use of the Right to Information Act. It is in the process of coming up with another national report on legal aid delivery for persons in custody.

### **What you can do**

We encourage you to:

1. Regularly monitor the implementation of Board of Visitors and Under Trial Review Committees in prisons/districts near you by filing right to information requests ([RTIs](#)) to the prison and District Legal Services Authority, respectively.
2. If you have recently visited jails, please inform the non-official visitor and District Magistrate of the conditions inside.
3. If you are a part of the Under Trial Review Committee, please ensure that the [full mandate](#) of the Committee as directed by the Supreme Court is fulfilled.
4. If you are a lawyer and your client has been in detention for long, please bring it to the attention of the Under Trial Review Committee in your district.
5. If you are an appointed visitor, please read the Guidebook ([Hindi](#)) ([English](#)) which is developed by CHRI with the aim to assist you in your prison visits.

Write to us at [\*\*chriprisonsprog@gmail.com\*\*](mailto:chriprisonsprog@gmail.com) with your comments and suggestions. You could leave us an email if you wish to subscribe to these updates.

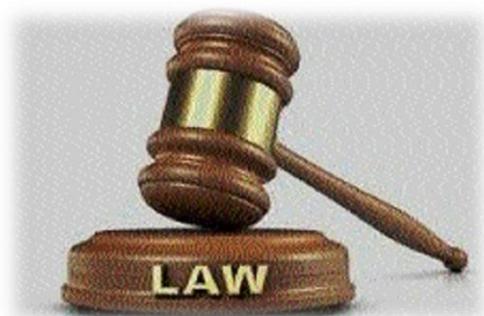
Best Regards,

Madhurima Dhanuka  
Coordinator, Prison Reforms Programme  
Commonwealth Human Rights Initiative

## Behind Bars, Not Beyond Justice

### PRISON NEWS

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#### High Court seeks corrective measures to improve women prisoners' condition

*The Hitavada*

HC supplied copy of the minutes of the State-level Committee to the Counsel for the petitioner to examine the minutes and to suggest if any other step is required for improvement of conditions of women prisoners in jails



#### India Comes in the Line of Fire at UNHRC over Rights Record, Racism

*Devirupa Mitra, The WIRE*

In his opening remarks, attorney general Mukul Rohatgi said India was a secular state with no religion and that the constitution protects the rights of minorities.



#### Justice Misra At NALSA Meet: 'Legal aid not charity, lawyers should work sincerely'

*Utkarsh Anand, Ie Nation*

Justice Misra said that more than 11 lakh people were benefited in the last National Lok Adalats, held in February, as 6.41 lakh cases were settled



#### Law ministry launches 3 legal aid services for poor

*Priyanka Mittal, Live Mint*

To provide legal aid to marginalised and vulnerable communities law ministry launched 3 initiatives— pro bono legal services, tele law service and Nyaya Mitra scheme

#### CAG Exposes Dismal Conditions in Assam jails

*The Sentinel*

GUWAHATI, March 10: The dismal conditions of jails in Assam have been exposed in the latest report of the Comptroller and Auditor General (CAG) of India on the social, general and economic (non-PSUs) sectors for the year 2017.

#### SC judge launches SCLSC's video conferencing facility

*Press Trust of India*

Justice Dipak Misra today inaugurated the Supreme Court Legal Services Committee's (SCLSC) video conferencing facility in the court complex.

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## Lawmakers ask governor to reconsider prison visitation cuts

*Daniel S. Wells, Legislative Gazette*

Assemblyman David Weprin is surrounded by fellow lawmakers and other advocates who want to maintain the current number of visitation days per week at maximum security prisons at seven. The governor has proposed reducing the number to three days per week.

## NZ use of seclusion in prison lambasted

*Jacob McSweeney, RNZ*

New Zealand's high use of seclusion and restraints in prisons and other facilities has been criticised in an international report on the practices.

### **About *Jail Mail***

*Jail Mail* is a regular series of Prison Reform Updates from CHRI for readers interested in the rights of prisoners and the reform of prisons as a matter of public concern. The engagement of civil society in the management and monitoring of prisons and the rights of prisoners is vital to the transparency of this traditionally closed institution and to ensure the practical realisation of the rights of those behind bars. *Jail Mail* invites discussion between civil society members and those entrusted to oversee and manage prisons.

Evidence-based research and watch reports of CHRI's Prison Reforms Programme, interviews with critical stakeholders, topical issues and developments concerning the liberty of prisoners, and health of prisons in India and around the world will form the sources of *Jail Mail*. Its periodicity will depend on the urgency of issues and the interest they generate.

### **About CHRI and the Prison Reforms Programme**

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the practical realisation of human rights across the Commonwealth. CHRI was founded in 1987 by Commonwealth professional associations; it is headquartered in New Delhi, India since 1993, and has offices in Accra, Ghana and London, UK.

The Prison Reforms Programme of CHRI is more than 15 years old. The programme focuses on improving prison monitoring through the strengthening of undertrial review mechanisms and prison visiting system nationally, and ensuring early safeguards against unnecessary pre-trial detentions, specifically in Rajasthan and West Bengal. The programme also advocates for timely repatriation of foreign national prisoners and immediate release of asylum seekers. Evidence-based research, advocacy, capacity-building of actors of the criminal justice system including prison officials, welfare and probation officers, criminal defense lawyers, magistrates, legal aid functionaries and civil society actors are the regular activities of the programme.

Leave us an email at [chriprisonsprog@gmail.com](mailto:chriprisonsprog@gmail.com) if you wish to subscribe to these updates.

You could also to write to us with your comments and suggestions.

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