

**Report on
Women in Custodial Establishments
in the state of Madhya Pradesh**

**Sponsored by the
National Commission for Women**
4, Deen Dayal Upadhyaya Marg, New Delhi - 110 002



**Survey conducted by
Commonwealth Human Rights Initiative**
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The Commonwealth Human Rights Initiative [CHRI], New Delhi is a non-partisan international non-governmental organization and part of a family of independent organization working for the practical realization of human rights of the ordinary citizen of the Commonwealth. Human rights education and advocacy are at the core of all CHRI's activities, and the aims and ends of its reports and investigations.

CHRI was born out of an awareness that although Commonwealth countries have shared legal principles and values, little had been done to set human rights standards within the association itself or to promote a culture of human rights.

CHRI aims to raise awareness of and adherence to internationally recognized human rights instruments and declarations made by Commonwealth Heads of Governments, and those embodied in the Harare Principles in particular.

CHRI believes that the promotion and protection of human rights is the responsibility of governments but that the active participation of civil society acting in concert is vital to deepening democracy, assuring the rule of law, sustaining development and ensuring the practical realization of human rights.

CHRI's main thrust is on:

- ❑ Right to Information
- ❑ Police Reforms
- ❑ Prison Reforms
- ❑ Constitutionalism
- ❑ Human Rights Advocacy

CHRI was founded in 1987 by a group of eminent persons and sponsoring Commonwealth associations who felt that enough was not being done about human rights in the Commonwealth countries. Our arena of work is therefore Commonwealth-wide. We believe that the collective consciousness of the Commonwealth as an association must prioritize and reflect the needs of the global South, which forms the majority of its population. We believe that the presence of both developed and developing countries in this association provides valuable synergies and opportunities for exchange of ideas and good practices. We focus our work on areas that reflect human rights concerns that are common to most countries of the Commonwealth.

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Report on
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Executive Summary

The National Commission for Women, under its mandate, assigned a study of 'Women in Custodial Establishments' in Madhya Pradesh to the Commonwealth Human Rights Initiative vide their order F.No6-6/2004-NCW(L) dated March 11, 2004.

A Study Team comprising a Consultant and two women members constituted for this purpose by the CHRI visited 11 prisons, 4 protective homes for women and 4 Mahila Thanas in the State.

Objective

The objective was (a) to study the conditions of upkeep of women inmates in custodial institutions, (b) to see whether rules for the management of these institutions were being followed, and (c) whether there was any violation of the residuary rights of these inmates.

General Observations

PRISONS

- Prisons, in general, in the state of MP are extremely overcrowded. Most of them house a prison population two times, and some of them three times, more than the capacity of available barracks.
- Old and dilapidated prison buildings have further aggravated the already difficult condition of living in these places.
- Segregation of various categories of inmates - young from adults, casual from habitual, sick from the healthy, sexually depraved from the innocent - is almost impossible under such conditions of overcrowding in decrepit buildings.
- Women sections of these prisons were not overcrowded to that extent of inhumanity. But even among them any kind of segregation on the basis of age, nature of crime, level of depravation, sickness, etc., is not possible.
- During the entire period of more than 50 years of country's political independence, a lady doctor has never been posted at any prison in the state of MP.
- Most prisons in the state are awfully under-staffed.
- Posting of women staff at various prisons where women prisoners are lodged, is irrational. They should be transferred from where they are over-staffed to prisons where they are urgently needed.

- The condition of women appointed to the post of Lady Warder on *extra-temporary* basis is indeed pitiable. It is both irrational and violation of human rights. Remedial steps need to be taken to induct them in regular pay rolls.
- At most of the places, women prisons are only a separate section of a larger structure housing a jail for men offenders. There is no separate 'main gate' and women inmates have to be paraded through men's sections to and from their enclosures. It is necessary to construct structurally separate buildings for women's prisons at least at divisional headquarters.
- At no place in the state of MP do women prisoners have the facility of cooking their own meals irrespective of their number.
- The state government has made changes in various rules governing probation, parole and temporary release of inmates to accommodate cases of women more liberally as compared to their men counterparts. Rules 401 to 409 of the Prison Manual refer specially to the conditions of confinement of women prisoners and their dependent children.
- Prison Medical Officers were unaware of special provisions of diet for pregnant women, breast-feeding mothers and children in prisons.
- The lack of educational, vocational, recreational and legal facilities specifically for women is conspicuous.
- Some important and progressive steps have been taken by the Government of Madhya Pradesh on the recommendations of the State Human Rights Commission for the welfare of women prisoners, particularly with regard to parole and premature release.
- Convicted women, like their male counterparts, get Rs.10/- and Rs.8/- per day as wages for skilled and unskilled labour per day as per the directives of the Supreme Court of India.

PROTECTIVE HOMES FOR WOMEN

- Rules for the upkeep of women in custodial institutions other than prisons, in the state of Madhya Pradesh, are not very clear or well-defined.
- There are 4 types of protective homes for women in the State of Madhya Pradesh :
 - Short Stay Homes (Alpavas Griha)
 - Protective Homes for Women in moral danger (Mahila Uddhar Griha)
 - Homes for Destitute Women (Nirashrit Mahila Griha), and
 - Home for Mentally Retarded or Sick.

However, women of various categories are generally confined together.

- It is surprising to note that Bhopal – the capital city of Madhya Pradesh – has no protective home for women.
- Protective homes for women in the state are small, over-staffed, scattered and loosely run under makeshift arrangements in small rented or acquired buildings in crowded localities.

- There is no staff accommodation attached to a majority of these institutions.
- Trained guards are not available for watch and ward duties.
- At some places male (class iv) employees keep watch over these homes for women during night hours.
- One of the major difficulties faced by the management of these homes is the inordinate delay in allotment of funds from the headquarters.
- Some of the superintendents had to depend on the generosity of suppliers to keep the homes going with credit purchases, and they could hardly exercise any control on the quality of goods.
- Medical facilities in these homes are poor and inadequate. There is no arrangement for regularly visiting lady medical officers either on full time or part time basis although it is mandatory for each of these homes to provide for a part-time medical officer.
- The rules also provide that the 'Advisory Committee', constituted under provisions of Chapter 4 of these Rules, should meet at least 6 times in a year but, it appears, that this rule is not properly applied in most of the institutions.
- In spite of several physical and financial difficulties in the management of these protective homes for women, one striking and soothing feature was the amiable and cordial relationship between the staff and inmates.

POLICE STATIONS FOR WOMEN (Mahila Thana)

- Inadequacies and malpractices of the criminal justice system tend to affect women more adversely than men on account of the fact that women are still a marginal group in the custodial population. It is therefore necessary to carve out special channels in the CJS to allow women easy access to justice when there is sufficient ground to do so. Women Police Stations are an important step in that direction.
- Police Stations exclusively for women complainants (Mahila Thana) is a relatively new idea in Madhya Pradesh; but it is heartening to see that the Government of MP has been able to find some really devoted women police officers and constables to be posted at its all-women police stations.
- Each Mahila Thana has one or more Paramarsh Kendra (Counseling Centre) attached to it. These Centres are a source of institutionalized community participation in the administration of social justice to women in distress, facing various kinds of violence either within their family surroundings or in the society at large
- Women Counselors are appointed (by the Divisional Inspector General of Police on the recommendation of the concerned Inspector of Police) from amongst concerned citizens interested in social service. Unfortunately, party affiliations form basis of such selection.
- They basically advise complainants whether to adopt an informal social approach to resolve family difficulties or to enter into the structured process of criminal justice system for a formal legal redress. But their emphasis is on reconciliation between concerned parties. This perhaps is not their function.

- A large majority of cases registered and investigated by Mahila Thanas fall under sections 376, 363, 366, 498A, 323, 324, 325, 326, 354, and 406 of IPC; 3, 4, 5, 6 of Prevention of Immoral Traffic Act; and 3, 4 of Anti-dowry Act. The number of cases registered under section 498A of IPC far out-number the total of cases registered under all the remaining sections.

GENERAL RECOMMENDATIONS

(a) For Women's Prisons

Prison Buildings

- A structurally separate women's prison (with a fully functional kitchen, a common-room, an indoor patients facility and work-sheds) should be constructed at each divisional headquarter.
- It may be attached to the Central or District prison but the main gate should be separate and the entire management (except security arrangement of outer wall) should be in the hands of women personnel.
- Residential quarters of lady staff must be attached to this prison.
- Women's section of various prisons deserve to be surveyed urgently for repair works, additional living barracks, and facility of segregation of various categories of inmates. This survey should be followed by execution of essential works on an urgent and time-bound basis.
- The Government of MP must consider creation of at least 2 such open camp facilities at suitable places, where even women convicts could be transferred.
- It was alarming to note loose electrical wiring in many prisons offering an open invitation for suicide, considering that many inmates are frustrated and depressed. This could be one more cause of custodial deaths if no remedial measures are taken immediately.

Prison personnel

- A committee should be appointed by the government to examine staff strength and staffing pattern in all prisons, particularly those meant for women and to make suitable recommendations to correct staff structure, the functions of prison personnel and their working conditions including salaries. Implementation of its recommendations should be done within a time frame.
- Appropriate training courses should be introduced in the Jail Training Institute attached to this prison for sensitization of prison personnel (both men and women) engaged in the management of women offenders.
- The system of "extra-temporary appointment" of warders, particularly women, should be immediately stopped and those of them working as such for more than 2 years (with a break in service for 2 to 7 days after each spell of 89 days) should be confirmed and taken on regular pay rolls.

- Clerical duties should be performed by separate clerical staff. Security and supervisory staff should not be engaged for the purpose.
- At sub-jails or district jails where the average number of women prisoners is so small that it is not viable to post permanent lady staff, the department should coordinate with the DG Home Guards to obtain services of lady home guards.
- Posting of women staff at various women's prisons needs to be rationalized. Lady warders should be transferred from prisons where they are spare and over-staffed and be posted at prisons where they are genuinely needed. This needs immediate attention of prison headquarters.
- A post of Assistant IG of Prisons (Women) needs to be created at Prison Headquarters and an officer (preferably a lady) of the rank of Central Jail Superintendent must be posted on it. She must be responsible for the proper management of all women prisons in the state.

Legal Services

- Every prison with an average inmate population of 100 or more must have a prison welfare/probation/law officer on its strength to look-after the legal matters of prisoners.
- One prison welfare/probation/law officer should be specially assigned the responsibility of looking after the legal matters of women inmates.
- District Legal Service Committee must exercise an appropriate check on the tendency of private lawyers dissuading poor accused from obtaining free legal assistance.
- State Legal Services Authority should evolve a common system to be obligatorily followed by all district committees with regard to the availability of free legal aid programs.
- It is strongly recommended that District Coordination Committees of CJS should be appointed to periodically review cases of under-trial prisoners (men and women). This will help inmates in restricting their undue and unnecessary incarceration.
- Two issues (1) the unending wait of mentally sick criminal prisoners for the beginning of their trial in the court of law, and (2) the blatant denial of under-trial prisoners' right to be physically present before the presiding judicial magistrate for extension of the period of remand as provided under proviso (b) to section 167(2) of the CrPC, deserve to be raised in higher judiciary as a PIL for seeking uniform directions to be followed by all agencies of the criminal justice system.

Work Programs

- The right to work and to receive vocational training has an obvious gender bias. At most jails women prisoners are left only with menial or unskilled works. Some rehabilitative works such as hosiery, knitting on machines, cloth printing, dress making, uniform tailoring, toy making, computing, etc., must be introduced in the women sections of prisons, particularly where the number of women inmates is sufficiently large.
- Under-trial prisoners should be allowed to work and be paid for it.
- A suitable scheme should be promoted for the economic rehabilitation of women willing to start their own business or manufacturing unit. CHRI is willing to participate in the development of any such scheme.

Medical aspects and hygiene

- A full time lady medical officer should be appointed at each central and district jail.
- A lady part-time Medical Officer must be appointed for every prison where women inmates are lodged.
- It should be ensured that Lady medical officers visit the women section of the prison on a regular basis (daily, weekly or on call, depending on the number of prisoners).
- Ironically, part-time medical officers and male nurses are paid Rs.100/- and Rs.50/- per month respectively as honorarium. This is too small an amount to attract them to work sincerely. The government should consider making a reasonable change in the honorarium.
- The care of personal hygiene of women inmates should be assigned to some para-medical or specially trained women staff. Sanitary napkins should be purchased from the market.

General Amenities

- At all prisons where women inmates' average population is 50 or more, there should be a fully functional separate kitchen. Women should be given the liberty to prepare a variety of meals within the food scales provided under rules.
- Interview sheds for women inmates (until separate prisons are constructed for them) should be separate from the sheds for men prisoners. The time allowed for interview should also be extended to one hour.
- There should be no restriction on the frequency of meeting with advocates for the purposes of drafting appeals or briefing of a case.
- A printed post card should be made available to each new entrant for informing relatives about his/her incarceration.

Correctional programs

- Prison administration must understand that community participation in correctional work is aimed at *supplementing* government efforts in reformation and rehabilitation. If utilized properly, NGOs can open new channels of resource utilization in prison reforms.
- Even in prisons where the number of women prisoners is small, voluntary social workers can engage them in some kind of useful activity – formal education, craft, embroidery, knitting, crochet work, etc.
- Efforts should be made by prison welfare/probation officers to network with voluntary organizations and individuals to secure release of women prisoners arrested under petty offences (such as Railway Act) by depositing their petty fines, and to stand surety for women first-offenders where possible.
- With the cooperation of voluntary agencies some kind of counseling on psychological and spiritual aspects must be organized in women section of prisons on a regular basis.
- Ask voluntary organizations to donate books, old magazines, used indoor games and picture books.
- Network with voluntary organizations that lend support to disadvantaged groups in medical check-ups, literacy and education, legal matters, standing surety, arranging small amounts for payment of fine and in rehabilitation of offenders after release.
- A crèche with appropriate facilities should be developed for the upkeep of innocent children staying with their mothers in the prison.

Prison Visiting System

- Prison Visiting System should be revived, regulated and made effective.
- Persons of credible social status should be appointed as Non-official Prison Visitors and they should be given the authority to visit jails without prior notice.

General Recommendations For Protective Homes

- At least one protective home for women and girls should be opened in Bhopal, the capital city of Madhya Pradesh.
- Protective Homes must be housed in specially designed buildings owned by the government and having facility of effective segregation of different kinds of inmates.
- At present the homes run by Department of WCD are very small, scattered and over-staffed. A staff of 10-12 persons for an institution, the average daily inmate population of which is 5 or 10 for the past almost 10 years, is in no way justified. The department should think of merging some of these institutions.

- Bigger institutions can be better furnished with work force and physical facilities essential for efficient management.
- Money presently spent on the rent, maintenance and staffing of small and wasteful institutions can, with proper planning, be utilized in the construction of properly designed buildings.
- The department should have its own buildings for running homes for women and girls. Rented houses in crowded localities do not provide the right ambience for the development of inmates.
- All mentally sick women presently lodged in protective homes not meant for them, should be immediately transferred to appropriate places.

General Recommendations For Women Police Stations (Mahila Thana)

- Women Police Stations are an important step in that direction of making justice accessible to marginalized women. Therefore the government should establish one such police station in every district in a phased manner.
- Paramarsh Kendras (Counseling Centres) attached to Mahila Thana are a source of institutionalized community participation in the administration of social justice. Therefore, women social workers of repute should be appointed at these centers. Party affiliations should not form the basis of such selection.
- It should be ensured that these Centres do not start functioning as 'mediators' between the accused and the victim. They should basically advise complainants whether to adopt an informal social approach to resolve family difficulties or to enter into the structured process of criminal justice system for a formal legal redress.
- The number of cases registered under section 438A of IPC far out-number the total of cases registered under all the remaining sections. Higher officials of Police and Prosecution must ensure that this section is not misused and no excesses are done in the matter of arrest and remand to judicial custody.
- A computerized help-line on the pattern of WPS Bhopal should be installed at all other districts in a phased manner.
- Some men constables need to be posted at Mahila Thanas in order to facilitate and assist women force in effecting arrests and investigations in remote and difficult areas.
- A uniform provision must be made for food and short journey allowance of accused and escorting force. Administrative instructions to this effect must be sent to all women police stations immediately to prevent both hardship and irregularity.
- All Women Police Stations, where the work of investigation is large enough, should be provided with an independent vehicle for quick and effective work.
- Old and dilapidated buildings housing W P Stations should be replaced with properly designed new ones.

Main Report on
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(in the state of Madhya Pradesh)

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Study Team

RK Saxena, Ningthi Mangsatabam, Sister Mariola Sequeira, Major Malika Trivedi

Introduction

The National Commission for Women Act, 1990, governing the constitution and functioning of NCW mandates that the Commission can inspect (or *cause to be inspected*) jails, remand homes, women's institutions or other places of custody where women are kept as prisoners or otherwise and take up with the concerned authorities for remedial action if found necessary.

The Commission, under this mandate, assigned a study of 'Women in Custodial Establishments' in Madhya Pradesh and Tamil Nadu to the Commonwealth Human Rights Initiative vide their order F.No6-6/2 004-NCW(L) dated March 11, 2004. (**Annexure- 1**)

Custodial establishments, all over the world, are extremely vulnerable to human rights violations; and India is certainly no exception. It is a well-known fact that conditions of confinement in many Indian States are quite appalling with overcrowding, lack of adequate infrastructure, poor medical aid, prevalence of communicable and other diseases, paucity of staff, and so on.

However, largely due to the impermeability of these establishments many of the problems and the abuse of rights of those in custody are not visible to the public eye. Although women constitute only about 3% of the total population in custodial institutions in India, they face some of the most aggravated forms of deprivation, violations and disabilities. Therefore in order to make them more transparent and accountable, it is necessary for an independent organization such as the NCW to probe into the conditions prevailing therein.

CHRI with the active support of the National Commission for Women felt it would be a good opportunity to highlight some of these grave conditions. The NCW can then recommend necessary changes to the respective state governments.

With this in view, different schedules were worked upon and finalized for the assessment of different custodial establishments – Prisons, Protective Homes and Police Stations – where under provisions of established laws and rules of the state, women can be kept or confined. The NCW wrote letters to the authorities exercising administrative control over these institutions, instructing them as per its mandate, to provide CHRI with access and cooperation.

Process

Two study teams were constituted by the CHRI for the purpose – one for each state – to complete the assignment. This Report covers the survey of custodial establishments – 11 Prisons (including 4 Central Prisons, 6 District Prisons and 1 Sub-Jail), 4 Women Police Stations and 4 Protective Homes for women – in the state of Madhya Pradesh.

We would like to place on record the cooperation extended by the Police Department, the Prisons Department and the Department of Women and Child Development under the Government of Madhya Pradesh in promptly granting access to establishments falling under their administrative control.

Equipped with the authority granted by the NCW and the permission for visit to custodial establishments accorded by respective departments, the actual work of survey and study began on April 27, 2004 with the Study Team's visit to Central Prison, Bhopal and concluded on July 2, 2004 with the visit to District Jail, Datia.

Methodology

The Study Team had preliminary meetings at Delhi Office to decide upon the methods of study, observation, and reporting. It was decided that the team shall proceed in the following manner :

- Write to the concerned departments of State Government for granting permission of access to prisons, protective homes for women and Mahila Thanas (police stations specially meant for women complainants);
- Furnish to these departments a copy of the format designed in consultation with the NCW for furnishing information with regard to various categories of institutions (such formats for prisons, protective homes and police stations are enclosed as **Annexures-2, 3, and 4**, respectively);
- Visit each institution thoroughly; (it was decided to visit Central Prisons for consecutive two days, and protective homes and police stations for one day each);
- Prepare individual case sheets of some women inmates randomly selected from each institution for having a deeper insight into their legal status and conditions of upkeep;
- Record general observations about each category of institutions and about each institution visited; and
- Make suitable recommendations – generally for various categories of institutions and specifically for each institution.

A copy of the schedule according to which prisons, protective homes and police stations for women were visited by the Study Team is enclosed as **Annexure-5**. The Study Team for institutions in Bhopal region comprised Major (Mrs.) Malika Trivedi (Retd), Ms Ningthi Mangsatabam (a law graduate from Aligarh Muslim University), and R.K. Saxena, Consultant Custodial Institutions, CHRI. For institutions in other three regions Major (Mrs.) Malika Trivedi (Retd) was replaced by Sister Mariola, Lecturer, Sophia College Ajmer.

Main Findings

PRISONS (with special reference to incarceration of women)

Prisons, in general, in the state of MP are extremely overcrowded. Most of them house a prison population two times, and some of them three times, more than the capacity of available barracks. Prisoners, particularly those facing trial, are jammed up in insufficient spaces. The favoured ones occupy raised platforms in the barrack while the less favoured ones squeeze themselves on the floor in the space between these platforms. Those, who are poor and weak find space only to huddle-up in corners during the day and to lie down on the walkway within the barrack during night. A common feature in most of these overcrowded prisons is that inmates approaching emergency toilets at night have to jump and cross over their sleeping fellow inmates sprawling over every available space. A statement of prison population in various categories of prisons as compared to the available capacity is enclosed as Annexure-1; but the position of some of the severely overcrowded prisons in the month of February, 2004 was as follows :

S.No	Name of the Prison	Capacity	Actual Population	Percentage of overpopulation
1	Central Prison, Indore	850	2077	244%
2	Central Prison, Gwalior	1026	2309	225%
3	Central Prison, Bhopal	1400	2634	188%
4	Central Prison, Satna	327	715	218%
5	Central Prison, Ujjain	500	1815	363%
6	District Jail, Ratlam	165	475	287%
7	District Jail, Indore	297	508	171%
8	Sub-Jail, Neemuch	50	248	496%

As against the total inmate capacity of little more than 17 thousand in all the 110 prisons in the State of Madhya Pradesh, the prison population was about 26 thousand in the month of February, 2004, which showed that the state urgently needed extra buildings to accommodate 9000 prisoners to avert any charge of not following the prescribed norms. It need not be stated that overcrowding in prisons leads to usurpation of space meant for work programs and for women.

Old and dilapidated prison buildings have further aggravated the already difficult condition of living in these places. During rains and showers the unprotected grated doors and windows of barracks allow so much water inside, that inmates can be seen crouched against walls in a futile attempt to keep themselves dry. Floors of barracks and toilets are eroded and uneven, allowing water to collect. Drainage is poor and water outlets are clogged. The condition of sanitation and hygiene gets worse during rainy season. Stink is pervasive.

Segregation of various categories of inmates – young from adults, casual from habitual, sick from the healthy, sexually deprived from the innocent – is almost impossible under such conditions of overcrowding in decrepit buildings.

The only relieving aspect for the study team was that women sections of these prisons were not overcrowded to that extent of inhumanity. But even among them any kind of segregation on the basis of age, nature of crime, level of depravation, sickness, etc., is not possible because of lack of proper accommodation. Generally there is a single barrack for women inmates, but in some of the bigger prisons there are two – one for under-trials and the other for convicted prisoners.

Prison Hospitals in Madhya Pradesh are better equipped than in some of the other states. Funds for diagnostic and therapeutic management of prison inmates are sufficient; but there is a general complaint of lack of medical and paramedical staff for women prisoners.

It is a matter of extreme surprise and regret that during the entire period of more than 50 years of the country's political independence, a lady doctor has never been posted at any prison in the state of MP although the average number of women prisoners in the state remains at 650 with about 110 children (below the age of 6) with them. Even at prisons where the daily average number of women inmates is 70 or more, there has never been a regularly posted lady doctor. The administrative and clinical aspect of visiting lady doctors is also extremely unsatisfactory.

Most prisons in the state are awfully under-staffed. Available scanty staff at these institutions is so over-burdened with routine up-keep of the ever-swelling prison population that any suggestion of reformation, social service, protection of human rights, rehabilitation or humane approach to problems, looks alien and irritating to them. They strongly contend (and perhaps rightly so) that their entire day is spent in simply counting of prisoners, feeding them twice, securing them against escape, putting them in and out of the barracks and completing their records. Extra hours spent on these routine essentials leave them no time even for looking after their families back at home. Therefore, they argue, that there is no time or mental and physical energies left to attend to finer aspects of their job requirements. The situation of women staff, both for security and for administrative supervision, is all the more worse.

Posting of women staff at various prisons where women prisoners are lodged, is irrational. While at the Central Prison, Bhopal the number of security and supervisory lady-staff is 32 against the women-inmate population of 79, there are only 4 lady-warders at District Prison, Indore (whose services have been borrowed on attachment from other prisons) and there is no woman supervisor, even when the average number of women inmates is 60. At most of the prisons visited by the Study Team, the number of lady warders was so small that it was impossible to restrict their duty hours to the prescribed period of 8-hours a day. Some of them were working for 12 to 16 hours, which amounted to the violation of general

conditions of service as well as their human rights to personal health and family welfare.

The condition of women appointed to the post of Lady Warder on *extra-temporary* basis is indeed pitiable. Since they are appointed on a fixed salary only for a specific period of time (89 days) and are re-appointed in the same position after a break of service for a day or two, it denies them any vested right to claim substantive appointment, confirmation, promotion, or even a grade-increment. Under constant threat of termination from service without notice, they keep suffering the drudgery of long grinding hours of duty without any complaint and without any respite. Pressed by their poverty and the burden of keeping a family, they succumb to all kinds of pressures and work for extra-long hours for want of any reliever. 12 to 16 hours of duty per day is a common feature of the life of these extra-temporary employees. If they proceed on leave for even a day, they have to surrender a day's salary amounting to about Rs.155/-. The fact of the matter is that even on the days when their services are supposed to be broken, they attend their duty but are not shown to be so in the records. And some of them are working in this situation for the past almost 10 years. Is this not the violation of the rights of these law-abiding citizens - the violation of the rights of women in the age of "Women Empowerment".

Some of the 32 lady warders overstuffed at the Central Jail at Bhopal can perhaps be posted at such prisons to make the distribution of work more equitable and rational.

At most of the places, women prisons are only a separate section of a larger structure housing a jail for men offenders. There is no separate 'main gate' and women inmates have to be paraded through men's sections to and from their enclosures. It is desirable that women offenders be lodged in prisons that are physically separate from men's prisons and have an independent main gate, as is the case in Central Jail Gwalior.

Another facet that surprised the Study Team was that at no place in the state of MP do women prisoners have the facility of cooking their own meals. Even in prisons where the number of women inmates is around 70, their food is cooked and supplied by the main kitchen manned by male prisoners. It amounts to denial of the customary right of women to manage kitchens apart from leaving them no choice but to take their meals almost three hours after it is cooked. With several years of incarceration they would run the risk of losing their basic skills of kitchen management.

There are various provisions in the Prison Manual of Madhya Pradesh (MP) which apply specifically to women inmates for their security and upkeep. The state government has made changes in various rules governing probation, parole and temporary release of inmates to accommodate cases of women more liberally as compared to their men counterparts. Rules 401 to 409 of the Prison Manual refer specially to the conditions of confinement of women prisoners and their dependent children. Rule 409 prohibits the entry of single male persons, even if he

were an officer of the prison, in the women's enclosure. Some of the other main provisions related to women inmates are as follows :

Rule No.	Provision
594	Women inmates to be provided 125 grams of washing soap as compared to 90 grams for men.
531	Diet scale for women inmates in general
535	Diet for mothers with children confined along with them
536	Diet for women prisoners when pregnant
596	Scale of clothing to women inmates
598	Extra clothing to prisoners on medical grounds
671	Women inmates not to be subjected to hair cut; each inmate to be provided 30 grams of oil per week for use in hair. A mirror to be provided in each barrack for women prisoners.
Administrative instructions	5 grams of mustard oil, Bindi and Sindur to married women, comb and sanitary pads have also been allowed under a separate circular.

(for details please see **Annexure-6**)

Unfortunately Prison Medical Officers were unaware of special provisions of diet for pregnant women, breast-feeding mothers and children in prisons. Prison superintendents had to be asked to prepare charts for these diet scales and special provisions to be kept with doctors for convenience of reference on day to day basis.

The lack of educational, vocational, recreational and legal facilities specifically for women is conspicuous. The National Expert Committee on Women Prisoners headed by Mr. Justice V.R. Aiyer had recommended that a separate officer (of the level of DIG) should be appointed in the state headquarters, preferably from the prison services, to look after the work relating to women prisons, women prison staff and women prisoners (482.3); but this has not been done in most of the states as yet.

Some time back, a jail for the confinement of women convicted prisoners was specially constructed at Hoshangabad and such inmates were transferred to this institution from all over the state. But women belonging to far off districts found it extremely inconvenient as their family members faced great physical and financial difficulties to come from distant places to meet them. Therefore, (and after the intervention of the State Human Rights Commission) women prisoners were transferred to women sections of Central or District Prisons close to their hometowns. This practice continues to date.

Some important and progressive steps taken by the Government of Madhya Pradesh on the recommendations of the State Human Rights Commission for the welfare of women prisoners are as follows :

- Rule 358 (3) (b) of MP Prison Rules have been amended to provide for the consideration of women prisoners convicted of life imprisonment for premature release on completion of 7 years of actual imprisonment (or 10 years of imprisonment with remission) instead of 10 years of actual imprisonment (or 14 years of imprisonment with remission) in case of their male counterparts.
- Women convicted of an offence and sentenced to term of imprisonment other than life-term are, after due consideration and under suitable orders of the State Government, released from the prison on National occasions or on Women's Day if they have completed 5 years of imprisonment.
- The State Government has made MP Prisoners' Release on Probation Act 1954 and Rules 1964 effective for the conditional release of women prisoners on probation license.
- Under provisions of MP Prisoners Leave Rules, 1989 women prisoners are allowed to avail the facility of parole, emergency parole and subsequent leave during imprisonment.
- One Law Officer has been appointed at each of the 4 Central Prisons situated at districts where a Bench of MP High Court is established, so as to facilitate the process of providing free legal aid to women prisoners standing trial.

It is another matter that some of the women inmates, on the conditions of not disclosing their names, and with tongue in cheek, complained of rampant corruption in getting their cases prepared and approved for premature release or parole or temporary leave. They accused the Convict Overseers - COs - of being the agents of such corruption saying that money had to be paid from out of the wages earned if there was no possibility of getting it from the family outside.

Convicted women, like their male counterparts, get Rs.10/- and Rs.8/- per day as wages for skilled and unskilled labour per day as per the directives of the Supreme Court of India.

PROTECTIVE HOMES (for Women)

Rules for the upkeep of women in custodial institutions other than prisons, in the state of Madhya Pradesh, are not very clear or well-defined. At one of the protective homes the Study Team was shown rules made under the Prevention of Immoral Traffic (among women and girls) Act 1956, while at other the Superintendent produced the 'draft' of "rules for the upkeep of destitute women" drawn by the Directorate of Panchayat and Social Services and received by the Protective Home with the instructions that "for the time-being" the home may be run according to the provisions of these draft rules which were being sent to the Government for approval and adoption. These 'draft' rules dated as far back as 1965 and the Study Team was not able to lay hands on any approved or duly passed Rules of any subsequent date. But at the next Destitute Home visited by us

we found that the Commissioner, Women and Child Development of the undivided MP State had, in the year 1988, circulated a copy of 'Rules for Destitute Women's Home' approved by the Government. These rules, we understand are being applied for the management of all kinds of homes in the state. But there is still a lot of confusion among various superintendents of protective homes about the applicability of Acts or Rules for the admission of inmates and the management of homes.

As far as the Study Team could see, there are 4 types of protective homes for women in the State of Madhya Pradesh :

- Short Stay Homes (for stray women needing short term protection before being restored to their kin or otherwise rehabilitated in the society);
- Protective Homes for Women in moral danger (for those recovered or rescued from brothels or procurers under provisions of PITA and awaiting rehabilitation);
- Homes for Destitute Women (for those who have no support in the family or in the society and need a longer period of institutional support); and
- Home for Mentally Retarded or Schizophrenic (abandoned by family and relatives).

These "Homes" are variously called Alpavas Griha (Short Stay Homes), Mahila Uddhar Griha (Redemption Homes), Nirashrit Mahila Griha (Destitute Homes), or Nari Niketan (Women Homes), but the confinement of women of various categories is totally mixed up. Mentally retarded or severely sick mental patients abandoned by their family and relatives could be found in homes meant for other categories. Even women rescued from brothels or procurers could be seen in institutions for destitute women. At one of the Protective Homes for Women in Moral Danger even a supposed naxalite woman and her minor child were lodged. This needs to be examined by the Department of Women and Child Welfare for a suitable remedial action, on an urgent and priority basis.

It is surprising to note that Bhopal - the capital city of Madhya Pradesh where the Directorate of W&CD and its controlling administrative department in the Secretariat is located - has no protective home for women. The Study Team could not get a satisfactory explanation for this rather baffling phenomenon from any quarter.

Protective homes for women in the state are small, over-staffed, scattered and loosely run under make-shift arrangements in small rented or acquired buildings in crowded localities. Instead of getting any cooperation from the surroundings households, the management only receives uncalled for intrusion and reproach. For lack of understanding about the nature of social service that these homes are rendering, the staff and the inmates are looked down upon with scorn and despise by neighbours. They are sometimes subjected to undue pressure from anti-social elements and threats from disruptive individuals. The only solution is the construction of government's own buildings, specifically designed to house

targeted women, with facility of segregation of different categories of inmates and separate apartments for carrying out vocational training programs.

There is no staff accommodation attached to a majority of these institutions. There are no trained guards for watch and ward duties. At some places male (class iv) employees keep watch over homes for women during night hours.

During the visit of Study Team a single minor inmate confined in one of the institutions at Jabalpur complained of mis-behaviour by the male peon while he was alone in-charge of the Home. The superintendent of the Home immediately took action against him.

One of the major difficulties faced by the management of these homes was the inordinate delay in allotment of funds from the headquarters. Since, under these circumstances, some of the superintendents had to depend on the generosity of suppliers to keep the homes going with credit purchases, they could hardly exercise any control on the quality of goods. (*Beggars, one of them said, could not be choosers*). One other Superintendent of a Home informed that she was somehow managing the day-to-day affairs of the institution from her personal resources in the hope of getting her expenses reclaimed at a later date. Telephones are disconnected, vocational training programs suspended and treatments are delayed for want of funds. Inmates of some of these institutions are taken to the court for production by hired transport and the expenses are borne by institutional staff or by the escorting party from their own pockets.

One of the superintendents tersely remarked that the Directorate is primarily interested in the disbursement of funds to NGOs and to shady private parties running homes. They do not attend to the genuine needs of their own employees running government institutions. Letters of request, urgent telephonic calls, and personal visits to the headquarters, all fail to draw the attention of concerned authorities on the pitiable financial status of government institutions. Since personnel managing these Homes are afraid of disciplinary action against any mishap or mismanagement arising out of shortage of funds, they beg for supplies on credit from the contractors or spend money from their personal sources for as long as they can.

Medical facilities in these homes are poor and inadequate. There is no arrangement for regularly visiting lady medical officers either on full time or part time basis although rule 8(8) of Chapter 8 of Rules for Destitute Women's Home (Nirashrit Mahila Griha ke liye Niyamavali 1988) makes it mandatory for each such home to provide for a part-time medical officer. The rules also provide that the 'Advisory Committee', constituted under provisions of Chapter 4 of these Rules, should meet

at least 6 times in a year but, it appears, that this rule is not properly applied in most of the institutions.

In spite of several physical and financial difficulties in the management of these protective homes for women, one striking and soothing feature was the amiable and cordial relationship between the staff and inmates. Almost in each home the treatment meted out to inmates was amicable, protective and reformatory. There was harmony among workers and an atmosphere of mutual trust pervaded the institutions. Inmates were allowed to talk to the Study Team freely and they had no complaint against the management.

POLICE STATIONS FOR WOMEN (Mahila Thana)

Inadequacies and malpractices of the criminal justice system tend to affect women more adversely than men on account of the fact that women are still a marginal group in the custodial population. They are less vocal, less demanding and less aggressive in demonstrating their protest against custodial injustice. They are by nature diffident to seek structural recourse to settle disputes, to lodge legal complaints and to seek formal redress to their grievances. It is therefore necessary to carve out special channels in the CJS to allow women easy access to justice when there is sufficient ground to do so. Women Police Stations are an important step in that direction.

Police Stations exclusively for women complainants (Mahila Thana) is a relatively new idea in Madhya Pradesh, as elsewhere in the country. It has been a matter of debate even among women activists whether sensitivity towards fellow women sufferers can be guaranteed by posting only women staff on these police stations. Many of them contend that for times immemorial women have been at the root of the torture meted out to their gender and that therefore a properly trained and sensitized staff, even if it comprises men, would be a better proposition. But it is heartening to see that the Government of MP has been able to find some really devoted women police officers and constables to be posted at its all-women police stations.

Each Mahila Thana has one or more Paramarsh Kendra (Counseling Centre) attached to it. These Centres are a source of institutionalized community participation in the administration of social justice to women in distress, facing various kinds of violence either within their family surroundings or in the society at large. A woman complainant reaching Mahila Thana is directed to first report at the concerned Counseling Centre where a group of counselors study her case under a homely and amicable ambience. Women Counselors are appointed (by the Divisional Inspector General of Police on the recommendation of the concerned Inspector of Police) from amongst concerned citizens interested in social service. They are supposed to devote time by turn at the Centre that opens on all working days, and their primary duty is to hear the complainant, and then to advise her whether to adopt an informal social approach to resolve her difficulties or to enter into the structured process of criminal justice system for a formal legal redress.

It was reported that in a large number of cases, where harassment to the complainant does not constitute any major crime under the established law, a simple warning, threat or reprimand to the accused by the counselors helps in the resolution of the situation. But the counselors refrain from functioning as 'mediators' between the victim and the perpetrators of harassment or violence. When it is necessary to register a case, they immediately advise the victim to do so and ask the Police Station to take prompt legal action.

A large majority of cases registered and investigated by Mahila Thanas fall under sections 376, 363, 366, 498A, 323, 324, 325, 326, 354, and 406 of IPC; 3, 4, 5, 6 of Prevention of Immoral Traffic Act; and 3, 4 of Anti-dowry Act. The number of cases registered under section 438A of IPC far outnumber the total of cases registered under all the remaining sections.

During the years 2001-03 investigations were held in all the 125 FIRs registered at the Mahila Thana of Jabalpur. Of these 108 (86%) FIRs were under section 498A alone. A total number of 469 persons were arrested during the period under study, out of which the number of arrests in 108 cases of 498A were 429 (i.e.,91%).

The Study Team had the opportunity of visiting 4 Mahila Thanas at Bhopal, Indore, Jabalpur and Gwalior. With the exception of the police station at Indore, all other Mahila Thana are housed in specially constructed new buildings. The general living conditions for inmates in these Thanas were satisfactory, although no inmate was found to be confined in any of them on the day of visit by the Study Team. There was only one woman at Mahila Thana of Indore which is housed in an old, almost dilapidated building having insufficient accommodation for staff as well as inmates. The pattern of building approved for Mahila Thana by Police Head quarters generally meets the requirements of a police station meant specifically for women complainants. This pattern needs to be emulated at all places where Mahila Thanas are being contemplated.

INSTITUTION-WISE OBSERVATIONS AND RECOMMENDATIONS

(A) PRISONS

Central Prison, Bhopal

Date of Visit : 27,28 and 29 April, 2004)

The Study Team began its programme of institutional visits with the study of prison conditions at Central Prison, Bhopal, the capital city of Madhya Pradesh. Being the largest prison of the state and the most populous one as well, it took the team to see the whole prison in 3 days, from April 27 to 29, 2004.

Building : Central Prison, Bhopal, is housed in newly constructed premises at Karondh Road, some 8 Km away from the main city. It was handed over by the PWD for occupation to the Prisons Department in the year 1992. It is a well equipped, well administered, neat and clean unit, having well-designed living areas, proper kitchen, community hall, appropriate work-places, regular water supply and clean toilets. Should it suffice to say that for all its architectural designing, security arrangements, vocational training programs, medical facilities and procedural management of administrative and legal affairs, this prison has been awarded ISO 9002 certification, an achievement first of its kind in the country.

Prison population : In spite of the fact that the prison building was originally constructed to accommodate 1400 prison inmates of various categories, the management is handling a swelled up prison population of average 2800 inmates – two times its actual capacity. On April 28, 04 the actual prison population was as follows :

Category of inmates	Men	Women	Total
Convicted prisoners (rigorous imprisonment)	1811	26	1837
Convicted prisoners (simple imprisonment)	48	00	48
Under-trial prisoners	813	53	866
Civil prisoners	01	00	01
Detenués	01	00	01
Foreigners	02	00	02
Total	2676	79	2755

(17 children with women prisoners)

In order to accommodate over populated inmates 48 new barracks with a capacity of 20 inmates each are under construction within the existing compound.

Women's prison : Women's prison is a separate enclosure within the main walls of Central Prison, with a common main gate for both men and women. This enclosure is close to the main gate so that women inmates are not required to be paraded through the residential barracks of men prisoners. Although there are only 79 women inmates against the capacity of 86, an accommodation for 80 more inmates is being created to meet any future demand. 17 children below the age of 6 years stay in the prison with their mothers. Children who cross the age of 6 are sent to their relatives or children homes. Attempts are made to send them to SOS Village but that is not always possible because of shortage of accommodation there.

General conditions : General condition of cleanliness, sanitation and hygiene in women section of the prison is good, as at other enclosures, because of the newly laid down drains and water-supply lines. It however appears that the PWD did not take into consideration the level of ground while laying down drainage and therefore the sewage does not reach the oxidation pond and the septic tank. There is overflow at several points.

Women's section of the prison has sufficient and well-protected toilets and bathrooms. Apart from 16 toilets and bathrooms each in separate enclosures, there is one such facility each in every ward for meeting emergency needs after lock-up.

Prison personnel : The management of women section of the prison is in the hands of women staff. It surprised the Study Team that the ratio of woman-staff to woman-inmates in this prison was 1::2. For the management of 79 inmates there is a women-staff of 34 personnel as follows :

Deputy Jailors	2
Matron	1
Vocational teacher	1
Assistant teacher	1
Lady headwarder	1
Lady warders	28
Total	34

This strength includes several lady warders on deputation or attachment from other prisons as well.

It was only later that the Study Team found that women prison of Bhopal was over-staffed for various extraneous reasons, other than security needs. There is no equitable distribution of lady warders at different prisons of the state. The ratio of staff to prisoners at women section of Indore prison for example is 1::20 in comparison to that of 1::2 at Bhopal. More or less so is the case at other prisons also. Lady warders at all other prisons complained of acute shortage of security personnel and at most of these prisons they were forced to be on duty for 12 hours, or even more, a day, with no leave. They could not attend to their families or devote time for the education of their children. Sickness of one security guard could lead to 24 hour duties to the other one. The Jail Superintendents of some of the jails confessed that on some occasions the ladies section of the prison had to be left in the care of convicted lady prisoners - the CO. This situation needs to be examined for a remedial action by prison headquarters before problems assume an unruly and uncontrollable dimension.

There is no special training program for sensitizing this staff for the special needs of women prisoners. Since the Institute for training of subordinate staff forms part of this Central Prison, it was agreed that in future some special programs for gender-sensitization of personnel responsible for the management of women offenders shall be offered to trainees.

Medical facilities : There is no separate medical facility for women. The prison has a well-equipped hospital ward with 50 beds under the charge of 2 whole time Medical officers assisted by 1 pharmacist, 1 compounder and one laboratory technician - all men. The hospital has the facility of general medical tests and an x-ray machine. Women patients have to come to this part of the men's prison for taking treatment. Dr. RN Sahu, a renowned psychiatrist, visits the prison once in a week to attend to all mentally sick prisoners, including women. No lady medical officer is appointed exclusively for women inmates, even on part-time basis. Seriously sick or expectant women inmates are referred to Ladies Hospital outside prison and are sent there under proper escort. During the past 5 years only one women inmate (Ram Pyari w/o Chhote Lal) expired (on 26.05.99) due to cancer in the gall-bladder.

General amenities : Jail rules (531 to 535 of MP Jail Manual) contain scales of diet for various categories of women inmates and their dependent children; much of these facilities depend upon the recommendation of the medical officers, but they appeared to be unaware of these scales. If the Jail medical officers apply these rules

appropriately they can provide such diets as dalia (sweet), dal-dalia (salt), bread & milk, suji-milk, dal-chaval, fruit, etc., by rotation on 7 days of a week to pregnant mothers, feeding mothers and dependent children in the prison. This suggestion was taken positively, both by the prison management and the medical officers and a copy of the rules was made available to the doctors for future application.

The scales of diet, clothing and personal hygiene are neatly and correctly applied in the prison both for men and women. Kitchen conditions are excellent and the standard of cleanliness up to the mark. Newly constructed kitchen is well equipped with vats, cooking utensils, gas fuel lines, fly-proof nets on doors and windows, exhaust fans, etc. But the difficulties resulting from the preparation of food for an over- populous prison are inescapable. Catering to an inmate population of 2,800 prisoners from one kitchen is a stupendous task. There should be separate kitchens for every 800 inmates.

Although there is a separate kitchen for women, it is not fully functional. Women cook their own chapattis and tea, but rest of the cooked food – dal, vegetables, rice, etc – are supplied from the common kitchen where food is cooked for 2800 inmates. They are, thus, made to suffer the resultant agonies of a common kitchen : by the time food reaches them from the male-prisoners kitchen, it is cold, residuary and tasteless. Women have the traditional privilege of managing kitchens and they should not be deprived of this right even when they are sentenced to a term in prison. It is suggested that in all prisons that have an average daily population of 50 or more women inmates, there should be a fully functional separate kitchen for them and all women by turn should be engaged in the preparation of food. They should even be given the liberty to prepare a variety of meals within the food scales provided under rules.

The prison has an excellent facility of a canteen from where prisoners can (from the money earned by them as wages) purchase things like biscuits, confectionery, snacks, soap, oil etc., to supplement jail supplies. But women inmates cannot enjoy this facility as freely as their male counterparts can, because of the restriction on their movement outside their enclosure. They do have a black & white TV in each barrack and a coloured one in the common room that provides them both entertainment and touch with the world out-side during their leisure hours.

Legal Assistance : It was observed that the legal rights of prisoners – both men and women – were being given due recognition and proper application by the prison staff. Rules relating to remission of sentence, premature release, temporary leave and parole were being duly applied and its benefit accrued to women as much as men inmates. The system of interview with relatives and family members is however old and inappropriate. It is a fact that such large number of prisoners as in Bhopal jail can not be extended this facility for long durations daily and with ease by a limited staff, but a solution can be found by opening this facility on all days of the week. For women, however, the system is both easy and safe. They are interviewed by their relatives and family members in a more relaxed atmosphere.

The right to work and to receive vocational training had an obvious gender bias. There are various vocations open to men but almost none to women inmates except some hackneyed jobs. This needs the attention of policy makers in the government and departmental officers at headquarter level. Some rehabilitative works such as hosiery, knitting on machines, cloth printing, dress making, uniform tailoring, computing, etc., can be introduced in the women section of this prison and at other prisons where the number of women inmates is sufficiently large. As of now, women inmates of this prison are trained in doll-making and embroidery, and are paid Rs.10/- and 8/- for skilled and unskilled work respectively.

Under-trial prisoners : Bhopal prison had an under-trial population of 866 prisoners out of which 53 were women. None of the 53 women stayed in the prison for more than a year during investigation and trial - 12 of them stayed for less than a year and 41 for less than 6 months. There is sufficient space for the segregation of convicted prisoners from those in judicial custody awaiting trial. But 5 mentally sick women inmates in judicial custody for criminal offences had no separate accommodation. They were depressive but not violent and therefore adjusted with other inmates who took proper care of their welfare.

Inmates generally complained of not being produced before the trying magistrates on the date of hearing. At times police escorts fail to arrive or are in insufficient numbers. Even when these under-trial prisoners are taken to courts they await their turn in the lock-up for a personal hearing but their remand to judicial custody is extended without being effectively produced before the trying magistrate. This is a general complaint even at other jails and needs to be addressed jointly by prisons, police and the judiciary local level.

Free Legal Aid : Under-trial prisoners who cannot afford a private advocate are extended the facility of free legal aid with the cooperation of the District Legal Aid Committee. Bhopal prison has the services of a Law officer who facilitates inmates in this work and ensures that appeals against judgments of lower courts are submitted in time to appropriate higher courts. Prisoners who can draft their own applications or appeals are encouraged to do so by providing writing material. Others who cannot write are provided the facility of a petition writer from amongst educated inmates. The Law officer regularly visits the women section of prison to ascertain their needs and to help them in their legal matters. Women inmates did not seem to be satisfied with the kind of free legal aid that is provided to them through the DLA Committee. In their opinion the advocates assigned to them are very junior and new to the profession. They do not take interest in their work and have no interaction with them during the trial of the case. They seldom come to the prison to meet them. However, the statistical information provided to the Study Team was encouraging : During the period of one year beginning from April 1, 2003 and ending on March 31, 2004 a total number of 859 prison inmates (including 38 women) were provided free legal aid. Out of these 622 (including 33 women) were released on bail, while the cases of rest of them are pending decision in concerned courts.

Community Participation : There appears to be some aversion for NGOs among prison staff. Repetitive emphasis on the “uselessness” of social workers emanating from rank and file of prison administration and their rejection of NGO activities in prisons as needless interference in government work, sounded like tutored for the specific purpose of leaving an impression on the Study Team that all such welfare and human right activities are counterproductive. This tainted view point, sometimes in very aggressive (or rather offensive) language, was expressed so uniformly at various prisons in the state that it started sounding like a planned opposition of all community participation in correctional work either by non-government agencies (NGOs) or by non-official prison visitors (NOVs). This situation needs to be remedied through government intervention. Prison administration must understand that community participation in correctional work is only to supplement government efforts in reformation and rehabilitation. If utilized properly, it can open new channels for vocational training and assimilation of offenders in the society. Stray incidents of confrontation, such as the one that happened between workers of SUDHAR, an NGO, and the prison staff at Bhopal, should not be taken as a stance for sweeping generalizations on the nature and functions of NGOs or social workers. This does not reflect a mature view on the subject. Some very good work in the field of vocational training, recreation, education, employment and medical treatment of prisoners has been done at several places where prison administration has exhibited receptivity and cooperation with community workers.

Prison Visiting System : It is perhaps because of this negative attitude for community participation that the system of prison visitors, a mandatory provision of law, is not being implemented in its true spirit. There has been no appointment to the position of Non-official Visitors of prisons in the state for the past 6 months, ever since the appointment of previous incumbents was terminated with the change of government.

Staff-Inmate Relationship : To end these observations it would be appropriate to say a word on the prisoners and jail officials’ inter-personal relationship. Two lady members of the Study team stayed with women inmates of the prison for long hours on all the three days of visit and established some rapport with some of them, who, on the condition of not disclosing their names, confided that the staff, generally in touch with them, is not properly trained and lacks sensitivity to their needs arising out of incarceration. Some of the staff members, including one Dy. Jailor (who, after the first day of visit, suddenly proceeded on leave) were reported to be harsh and rough, and often resorted to insulting behaviour. Women inmates, though they had no idea of what non-official visitors are, cherish a desire that people from open community should keep coming to the prison and should do whatever they possibly can to ameliorate the sufferings of inmates. They wanted police officers and judicial officers to visit the prison more often so that they could understand the need for early investigations and disposal of their cases.

Recommendations

- Since a lot of expansion and construction work is contemplated in Central Prison Bhopal, it would be in the fitness of things to construct a new enclosure for women prisoners with a separate main entrance, so that it is physically segregated from men's prison.
- There should be a fully developed and functional work program for women. Some rehabilitative works such as hosiery, knitting on machines, cloth printing, dress making, uniform tailoring, computing, etc., can be introduced in the women section.
- Even under-trial women prisoners should be encouraged to engage themselves in productive activity in these vocations and be paid for their work.
- District Legal Aid Authority should be approached to hold legal awareness camps and lok-adalat in women section of the prison so that small cases could be decided expeditiously. If the D&SJ, the CJM and SDM could visit the prison together once a fortnight (as is done in District Jail Korba in Chhattisgarh) cases of poor prisoners languishing in jails for petty bailable offences or those under section 109 CrPC could be decided either under due process or under provisions of Probation of Offenders Act.
- Prison personnel must discard the stance of hostile suspicion and mistrust towards community workers and non-government agencies functioning for the welfare of prisoners. Rather, they should engage in establishing linkages with voluntary organizations and utilize their services effectively for educational & recreational activities, vocational training and rehabilitation of inmates.
- Lady warders attached to this prison from other jails (in excess of sanctioned strength) should be immediately posted at women jails where they are needed, and where security arrangements are suffering on account of shortage of staff.
- Appropriate training courses should be introduced in the Jail Training Institute attached to this prison for sensitization of prison personnel (both men and women) engaged in the management of women offenders. They must be trained in sympathetic understanding of the problems of women undergoing incarceration who need help (a) to maintain a continued emotional touch with their family and society outside (b) an appropriate developmental program during their stay in prison and (c) rehabilitation with self reliance and dignity after release.
- Prison Visiting System should be revived, regulated and made effective not only in Central Prison Bhopal but in the entire state. Persons with better standing in the society should be appointed as Non-official Visitors so that they may command respect among prison officials and be helpful in bringing about improvement in prison conditions.
- In order to keep watch over the implementation of free legal aid program the Law officer of the prison can play an important role by (a) keeping constant touch, both formal and informal, with the District Legal Aid

Committee (b) keeping a separate register for the interview of inmates with advocates assigned to them under the scheme and (c) keeping a close watch over the quality of services rendered to the inmates.

- A lady Medical Officer (whole-time or part-time) must be appointed at all jails where women inmates are kept and it should be ensured that she visits the women section of prison on a regular basis to attend to health problems of women inmates.
- With the cooperation of voluntary agencies some kind of counseling on psychological and spiritual aspects must be organized, specially for women, on a regular basis.
- Some other suggestions are as follows :
 - A fully functional separate kitchen be provided to women section of the prison;
 - Arrangements should be made for a separate interview shed for women so as to screen them away from the sight and hearing of their men counterparts;
 - A crèche with appropriate facilities should be developed for the upkeep of innocent children staying with their mothers in the prison. Arrangements should also be made for sending such of them to outside schools who have gained the age of proper schooling;
 - The care of personal hygiene of women inmates (nails, lice, sanitary napkins in times of need, parched skin, unwanted hair, oral hygiene, washing, combing and oiling of hair and so on) should be assigned to some specially trained women staff;
 - Water supply to toilets should be improved to remedy the problem of clogging and choking of sewer lines.

District Jail, Hoshangabad

(Date of visit : April 30, 2004)

The Study Team reached District Jail Hoshangabad at 09.25 hours on April 30, 2004 by road traveling 90 km south of Bhopal and met the Jail Superintendent Mr. Niranjan Sharan Singh Parihar who is assisted by two Jailors : Mr. SR Vinchurkar and Mr. Tiwari.

Building : District Jail Hoshangabad is housed in a very old and dilapidated building constructed in the year 1830. It has undergone several patchwork repairs and renovations with little consequence either to its safety or to space accommodation. Shabbily plastered walls or floors have added problems of sanitation and hygiene. Several barracks and apartments are condemned and abandoned being unserviceable. Proposals have been sent for repairs and new works, including an administrative block of two barracks for prisoners and RCC roof for a couple of existing barracks. But looking to the condition of basic structure of this 150-year old building it would perhaps be more economical in the long run if the entire prison population is shifted to the new prison building which has been constructed in the past some years, instead of attempting patch-work renovations in the old one.

Prison population : Formerly, Harda (now a new District) was a part of Hoshangabad and therefore the present institution was a combined prison for the non-bifurcated district. The situation of overcrowding in prison has eased after the separation of Harda and subsequent construction of a new prison for offenders of that district - both under-trial and convicted. The present capacity of this jail is to house 214 male and 16 women prisoners. As against this, on April 30, 04 the actual prison population was as follows :

Category of inmates	Men	Women	Total
Convicted prisoners (rigorous imprisonment)	15	-	15
Convicted prisoners (simple imprisonment)	-	-	-
Under-trial prisoners	183	11	194
Civil prisoners	01	00	01
Detenuess	-	-	-
Foreigners	-	-	-
Total	199	11	210

(2 girl children aged 2 and 3½ years with 1 women prisoner)

Women's prison : Women's section of this prison is a separate enclosure within the main walls having a common entrance for both men and women. With a living accommodation for 16 inmates it is sufficient for the present women prisoners population of 11 with 2 children. From the point of view of privacy and

segregation from male section it is a secure place, but lacks space for other activities such as exercise and recreation.

Of the 11 women inmates, all are under-trial and there is only 1 whose stay in prison during investigation and trial exceeds 3 years because she is charged under section 302 IPC and the trial proceedings are long. From the point of view of period of detention, 7 women are in prison for less than 6 months, 2 for less than an year, one for more than an year and one other for more than 3 years. 6 out of 11 inmates are accused of murder (section 302 IPC). Some of the inmates reported that they were not being produced before the trying magistrates on due dates of hearing. At times police escorts fail to arrive or are in insufficient numbers. Even when these under-trial prisoners are taken to courts they await their turn in the lock-up for a personal hearing but their remand to judicial custody is extended without being effectively produced before the trying magistrate.

During the past 5 years there has not been any un-natural death or an un-usual incident in the prison.

General conditions : General conditions of cleanliness, sanitation and hygiene in women section, as in other parts of the prison are not good, because of damaged drains and defective flush system in toilets. In spite of sufficient water-supply, the crusted uneven floors of barracks and toilets prevent proper sanitary conditions. There are 3 toilets in a separate enclosure for use by women during day and 1 for use at night. A common platform, properly screened from men prisoners, is used by women inmates for taking bath within their enclosure.

Loose hanging electric wires all over the prison may lead to accidental or willful electrocution – it is better to take immediate remedial action without waiting for a mishap to occur.

Prison personnel : The Superintendent of District Jail and the Jailors (all men) are over-all in-charge of the women section also. But there is double lock system in this enclosure and 4 lady warders (2 on regular strength of staff and 2 other on attachment from other jails) keep watch on inmates from inside. There is no lady supervisor over these warders and none of them has any special training dealing with special needs of women prisoners.

Medical facilities : One doctor (Dr. AK Dwivedi, MBBS) is attached to the prison on part-time basis from the District General Hospital of Hoshangabad. He visits the prison daily and on calls, if an emergency arises. He is supposed to attend to the medical needs of both men as well as women prisoners. A lady doctor or a nurse has never been posted even on part-time basis. Cases of sick women are referred to lady doctors at the General Hospital.

On admission of women in the jail, their general medical check-up is done by the part-time doctor; but for gynecological examination they are sent to the general

hospital. On the day of visit there was no TB patient or seriously sick woman in the jail.

General amenities : Jail rules (531 to 535) contain scales of diet for various categories of women inmates and their dependent children; much of these facilities depend upon the recommendation of the medical officers, but the doctor appeared to be unaware of these scales. A copy of the rules was made available to the doctors for future application.

The scales of diet and personal hygiene are correctly applied in the prison both for men and women. Kitchen conditions are satisfactory and the standard of cleanliness up to the mark looking to the deteriorating conditions of the building. Women prisoners, being small in number, are supplied cooked food from the general kitchen. They try to break the monotony of repetitive kind of food by supplementing some edibles received from their friends and family. But for diabetic and anemic patients some food supplements are provided on the advice of the doctor.

Being under-trial prisoners, women inmates are not supplied any wearing apparel at government cost. They have their own clothes; but blankets, bed-sheets and utensils are provided by the prison according to the prescribed scale. It is, however, desirable to keep some sets of dresses for women who cannot afford to have them from their private sources.

They have a small black & white TV in the barrack that provides them both entertainment and some knowledge of the world out-side during their leisure hours. But the two children are deprived of any social contacts.

Drinking water, supplied through prison tube well and municipal water taps, is stored by inmates in pitchers that are properly covered.

The system of interview with relatives and family members is old and inappropriate. There is no separate shed for interview of women with their relatives or legal aids. But the prison management extends proper cooperation when advocates want to discuss legal matters with their client in prison. Interview with relatives are granted freely, with the special permission of the superintendent.

Free Legal Aid : Under-trial prisoners (both men and women) have no awareness of free legal aid available. The District Free Legal Services Committee has never held any awareness camp or constituted a legal aid cell in the prison. According to prison management no one ever asked for these services, but when the jailor in charge finds that an inmate has no lawyer of his/her own, he fills up the required form and sends it to 'the court' for providing legal aid.

Community Participation : SUDHAR, an NGO from Bhopal (HIG A/11, MPSRTC Bldg., Complex, Jawahar Chowk City Depot., Bhopal - phone 0755-5221405) has

been working with women inmates of this prison for the past some years. It renders social and legal services, but the response of prisoners is not very encouraging. They have high hopes from community workers in the form of interventions in legal process, which cannot be met in the present legal framework. However, the NGO has provided a tailoring machine and its workers come every Monday and Friday to engage inmates in some tailoring and embroidery work.

Prison Visiting System : There has been no appointment to the position of Non-official Visitors of prisons in the state for the past 6 months, ever since the appointment of previous incumbents was terminated with the change of government. Former appointees, Mr. CR Dubey, a retired Dy. Collector, and Mr. Anil Bastarwar, a political worker, visited the prison at least once a month during the tenure of their appointment. However, a Board of Visitors has never been constituted. Women inmates, though they had no idea of what non-official visitors are, cherish a desire that people from open community should keep coming to the prison and should do whatever they possibly can to ameliorate the sufferings of inmates.

Staff-Inmate Relationship : Inmates (both men and women) had no complaints against the staff. The dealings of prison personnel with inmates were friendly and they extended all cooperation for meeting their lawful demands.

Recommendations :

- The new prison building constructed in Hoshangabad in the recent past is not being fully utilized because it is too small to house the entire prison population. It should be reinforced with some more barracks, an interview sheds and an enclosure for women so that the entire prison population may be shifted from the old dilapidated prison.
- District Legal Aid Authority should be approached to hold legal awareness camps in the prison where women inmates should also be contacted for their legal needs.
- Prison personnel (both men and women) engaged in the management of women offenders should be trained and sensitized in sympathetic understanding of the problems of women undergoing incarceration.
- Prison Visiting System should be revived, regulated and made effective so as to be helpful in bringing about improvement in prison conditions.
- A part-time lady Medical Officer must be appointed to visit women section of prison at least twice a week.
- Even under-trial women prisoners should be encouraged to engage themselves in some kind of productive activity and be paid for their work.
- Cooperation of some voluntary agencies should be sought for some kind of counseling on psychological and spiritual aspects, specially for women.
- Some other suggestions are as follows :

- Arrangements should be made for a separate interview shed for women so as to screen them away from the sight and hearing of their men counterparts;
- With the help of some voluntary organization an arrangement should be made for primary education of children staying with women inmates;
- The care of personal hygiene of women inmates (nails, lice, sanitary napkins in times of need, parched skin, unwanted hair, oral hygiene, washing, combing and oiling of hair and so on) should be specially assigned to one of the lady warders;
- Water supply to toilets should be improved to remedy the problem of clogging and choking of sewer lines.

District Jail and Borstal Institution, Narsinghpur (Date of visit : May 1, 2004)

Narsinghpur is situated about 250 km east of Bhopal. A stretch of dense forests and hilly terrain lies between these two cities of Madhya Pradesh and it takes about 5 hours to reach Narsinghpur from Bhopal by road. The Study Team reached Borstal Institution, Narsinghpur at 11.25 hours on May 1, 2004 by road and met the young, energetic and upright Jail Superintendent, Mr. Sanjaya Pandey, who is assisted by a Jailor.

The Borstal Institution (for youthful offenders) at Narsinghpur enjoys the status of a District Jail and has a Sub-jail (officially known as Navin Zila Jail) attached to it. All women prisoners are lodged in a separate enclosure within this sub-jail.

Building : The Institution is housed in a building constructed more than a 100 years ago, in the year 1890. It is however strong enough and has undergone several repairs and renovations. In order to provide appropriate accommodation to male prisoners beyond its capacity, one factory shed has been recently converted into living barrack. Now it has the capacity to lodge 102 young offenders. The sub-jail attached to it is an additional enclosure constructed in the year 1938 and can accommodate 8 women inmates.

There is a proposal to combine both, the Borstal Institution and the Sub-jail, into one unit and to upgrade the jail into a Central Prison for which sufficient land is available. This would ease the situation of overcrowding. But the present pattern of a separate main entrance for women's enclosure should not be discarded. It should rather be emulated in other prison buildings as well.

Prison population : The problem of overcrowding in prison has to some extent been solved after the construction of a new barrack in the Borstal section of the prison building. But the prison population, even after this new accommodation, is almost 2-times its capacity. As against the present capacity of this jail to house 102 male and 8 women prisoners the actual prison population on May 1, 2004 was as follows :

Category of inmates	Men	Women	Total
Convicted prisoners (rigorous imprisonment)	24	-	24
Convicted prisoners (simple imprisonment)	5	-	5
Under-trial prisoners	153	6	159
Civil prisoners	-	-	-
Detenués	-	-	-
Foreigners	-	-	-
Total	182	6	188

(No accompanying child with any women prisoner)

Women's prison : Women's section - a sub-jail attached to this prison - is a separate enclosure within the main walls having a separate entrance. With a living accommodation for 8 inmates it is sufficient for women prisoners' average population of 6. From the point of view of privacy and segregation from male section it is a secure place, but lacks space for other activities such as exercise and recreation. Even segregation of habitual offenders from casuals and sick from the healthy is not possible due to lack of separate barracks.

Of the 6 women inmates, all are under-trial and there is none whose stay in prison during investigation and trial exceeds 1 year. From the point of view of period of detention, 5 women are in prison for less than 6 months and 1 for less than a year. The record of the jail shows that a list of under-trial prisoners is sent every month to the D&SJ for review of their cases. Once in a while there are cases when women inmates are granted bail by the court, but they cannot be released because there is no one to stand surety. Sachchidanand Ashram, an NGO comes to the rescue of such women. It does not only offer bail for them but also provides after-care services for their short stay until they are socially and economically rehabilitated. In case when, for some reason, no family member comes to receive a released women prisoner, she is escorted to her native place by lady warders of the prison.

Some of the inmates reported that they were not being physically produced before the court on due dates of hearing, and still their remand to judicial custody is extended by trying magistrates. Since the number of under-trial women prisoners is very small there is no problem getting lady police escort for taking them to courts or to hospital for treatment.

During the past 5 years there has not been any un-natural death or an un-usual incident in the prison.

General conditions : General conditions of cleanliness, sanitation and hygiene in women section, as in other parts of the prison are satisfactory. In spite of the building being old, drainage and sewerage in the prison is good because of sufficient water-supply and appropriate care of the administration. There are 2 toilets in women's section for use during day and 1 for use at night. A common platform, properly screened from men prisoners, is used by women inmates for taking bath within their enclosure. Supply of coconut oil, washing and bathing soap, comb, a mirror on wall, and sanitary napkins (purchased from the market) add to the proper upkeep of these inmates.

Prison personnel : The Superintendent of Borstal Institution and the Jailors (all men) are over-all in-charge of the women section also. But there is double lock system in this enclosure and no man can enter the women section unless the lady warder inside the enclosure is satisfied about his identity. 3 lady warders (all appointed on *extra temporary* basis) keep watch on inmates from inside by rotation

of duty shift. There is no lady supervisor over these warders and none of them has any special training dealing with special needs of women prisoners.

Extra-temporary warders are appointed for a period of 89 days, on a fixed salary, and can be reappointed after break of service for one day, so that they do not acquire any legal right either for permanent employment or for grade-increment in salary. They run the risk of being terminated from service at any time without notice and therefore are totally at the mercy of the employer. At jails where there are only two such warders, they work for 12 hours a day on 7 days a week, without any holiday. Even when the number of warders is 3, they cannot exercise the right of leave or rest on Sundays.

Medical facilities : One doctor (Dr. JP Nema, MBBS) is attached to the prison on part-time basis from the District General Hospital of Narsinghpur. He visits the prison once in a week and on calls if an emergency arises. A lady doctor (Dr. Indumati Vishwakarma) also visits the women section with the same periodicity. Cases of seriously sick women are referred to lady doctors at the General Hospital.

The general medical check-up of women on admission in the jail, is done by the part-time doctor; but for gynecological examination they are sent to the general hospital. On the day of visit there was no TB patient or seriously sick woman in the jail. If a woman, admitted on criminal charges, requires psychiatric treatment, she is referred to the Psychiatrist at General Hospital. There is no provision for a para-medical staff visiting the prison even on part-time basis. But, this is the only jail where the Study team found a wheel-chair for carrying physically handicapped inmates, if any.

General amenities : The scales of diet, clothing, and articles of personal hygiene are correctly applied in the prison both for men and women. Kitchen conditions are satisfactory and the standard of cleanliness up to the mark. Women prisoners, being small in number, are supplied cooked food from the general kitchen. They are allowed to receive food supplements from their friends and family.

Being under-trial, women inmates are not supplied any wearing apparel at government cost. They have their own clothes; but blankets, bed-sheets and utensils are provided by the prison according to the prescribed scale. It is, however, desirable to keep some sets of dresses for women who cannot afford to have them from their private sources. The superintendent told that several voluntary organizations come for the help of destitute inmates and provide them clothes and other amenities when such occasion arises.

Drinking water is supplied through prison tube-well having an attached motor-pump and distributing taps. It is stored by inmates in steel drums and earthen

pitchers that are properly covered. The quality of food on the day of visit was reasonably good and according to scales.

There is no separate shed for interview of women with their relatives or legal aids. But the prison management extends proper cooperation when advocates want to discuss legal matters with their client in prison. Interview with relatives are allowed once in a week under rules but such meetings are granted freely, with the special permission of the superintendent.

The Zila Saksharta Mission has provided some reading and writing material to one literate under-trial prisoner who takes literacy classes for the rest of them during leisure time. Newspapers and books are available in the Library of Borstal Institution and these can be obtained by women prisoners on demand.

Grievances Redress System : The prison Superintendent is easily accessible to all inmates for any kind of complaint, including against the prison itself. Apart from the complaint box in which prisoners could post their suggestions or grievances, the Superintendent meets every inmate on regular Monday rounds and on surprise visits. The Jail Manual is available to inmates on demand, and any one, including inmates can get a copy of relevant rules under RTI. In the recent past Two complaints of sexual harassment of women at the Police Station were reported to the jail Superintendent, and both were forwarded to the SP for enquiry and action.

Rules for interview and other privileges of inmates have been prominently displayed at the wall both outside the main wall of the prison as well as inside for the knowledge of public and the prisoners. A cassette has also been prepared on this aspect, and is periodically played on the public address system available in each barrack.

Free Legal Aid : The District Legal Services Officer visits the prison every week and provides legal assistance to the needy. The quality of services are poor because advocates offering empanelment in FLA lack experience and insight into legal complexities. More over they do not devote as much time to matters assigned to them under this system as to other matters coming to them through private parties. A Vidhik Saksharta Shivir (legal awareness camp) was of course held in the prison by the District Legal Aid Committee.

Community Participation : With the personal efforts of the prison Superintendent some very good NGOs and clubs have associated themselves with welfare work in the Borstal Institution and the sub-jail for women. For one, the Sachchidanand Ashram is doing remarkable work by offering bail for those women inmates who have no one to support and to extend them the facility of after care. Brahma Kumari Ashram is engaged in spiritual programs and meditation for inmates. The Rotary Club, and Lions Club renders some social and legal services, and the response of prisoners is also very encouraging.

Prison Visiting System : Former appointees to the position of Non-Official Prison Visitors, Mr. Prabhat Mahajan (an established local businessman), and Mrs. Vimla Parochi (a Known political worker), visited the sub-jail for women almost once in two months during the tenure of their appointment. So did Shri Riyazuddin, Shrimati Sandhya Chawkse and Sudhir Singhai for the Borstal Institution. Dr Singhai, being a good homeopath, looked after sick inmates and distributed free medicines. However, NOVs had no idea of their actual functions as prescribed under relevant rules and a Board of Visitors had never been constituted. The level of visiting notes in the Visitors Book was also of a general and routine nature.

Women inmates, though they had no idea of what non-official visitors are, cherish a desire that people from open community should keep coming to the prison and should do whatever they possibly can to ameliorate the sufferings of inmates. There has been no appointment to the position of Non-official Visitors of prisons in the state for the past 6 months, ever since the appointment of previous incumbents was terminated with the change of government.

Staff-Inmate Relationship : Inmates (both men and women) were contented with the work and behaviour of the staff and had no complaint against them. The dealings of prison personnel with inmates were friendly. Evidently the impact of the professional attitude of head of the institution percolated to ranks and file of the workforce.

Recommendations

- District Legal Aid Authority should be approached to hold periodic legal clinics in the prison and women inmates should also be asked about their legal needs in such camps.
- Prison personnel (both men and women) engaged in the management of women offenders should be trained and sensitized in sympathetic understanding of the problems of women undergoing incarceration.
- Prison Visiting System should be revived, regulated and made effective so as to be helpful in bringing about improvement in prison conditions.
- Part-time lady Medical Officer must visit women section of prison at least twice a week.
- Under-trial women prisoners should be encouraged to engage themselves in some kind of productive activity and be paid for their work.
- Cooperation of voluntary agencies should be sought for some kind of counseling on psychological and spiritual aspects, specially for women.
- Some other suggestions are as follows :
 - Arrangements should be made for a separate interview shed for women so as to screen them away from the sight and hearing of their men counterparts;
 - The care of personal hygiene of women inmates (nails, lice, sanitary napkins in times of need, parched skin, unwanted hair, oral hygiene, washing, combing and oiling of hair and so on) should be specially assigned to one of the lady warders.

District Prison, Indore

(Date of visit : May 19, 2004)

Indore district of Madhya Pradesh has the distinction of having 2 big prison institutions – the Central Prison, housed in a more or less recently constructed building and the old District Prison, situated in the heart of the city, formerly known as the Central India Prison, where there is a separate section for women prisoners as well. Women prisoners, convicted or under-trial, are not lodged in the Central Prison, and therefore the Study Team visited only the District Prison which is under the charge of Superintendent, Shri Suresh Haribhan Deshmukh.

Building : District Prison, Indore, is housed in an old, badly maintained building originally constructed in the year 1839 in the Residency Area of the City. The building is a picture of neglect both by the PWD and the Prison administration. Although some patch-work repairs have been undertaken and some additional buildings constructed, it all appears to be a waste in view of the fact that the basic structure of the building is dilapidated. There appears to be no administrative or technical control of the prison department over the work executed by the PWD and whatever goes in the name of repairs or additions to the building is accepted without any technical examination. The new enclosures under construction now and nearing completion must be technically examined by the prison department before the PWD or its contractors hand it over for use.

In order to accommodate some of the over populated inmates, new barracks with a total capacity of 80 inmates are under construction in an enclosure out side the main wall but within the existing jail compound. Since this enclosure has an independent main entrance, a separate kitchen and sufficient space for vocational activities, it can be suitably used as a separate prison for women. The government should provide sufficient funds and an appropriate staff to manage this enclosure as a women's jail.

Prison population : District Prison Indore is severely over crowded. Against the present capacity to accommodate 261 male and 36 women prisoners, it is housing a prison population more than double of its capacity. On May 19, 04 the actual prison population was as follows :

Category of inmates	Men	Women	Total
Convicted prisoners (rigorous imprisonment)	200	29	229
Convicted prisoners (simple imprisonment)	-	-	-
Under-trial prisoners	377	24	401
Civil prisoners	06	00	06
Detenuess	00	00	00
Foreigners			
Eunuchs	00	02	02

Total	583	55	638
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(12 children with women prisoners)

3 boys and 3 girls out of 12 children staying with their mothers have attained the age when they must start going to school for formal education. Rest of them are less than 4 years.

Women's prison : The existing Women's prison is a separate enclosure outside the main walls of District Prison, with a separate entrance. This enclosure is independent but close to the main gate of the District Prison for men and women inmates, while going to their enclosure, are not required to pass through the residential barracks of men prisoners. There are 55 women inmates (including 2 eunuchs) against the capacity of 36.

Since there are only two barracks the question of segregation of habitual from the casual, young from the old, drug addicts from the rest, even eunuchs from female, is out of question. Prison population on the date of visit was an assorted lot from a cross sections of the society - a young lecturer, a graduate, 2 eunuchs, women from remote tribal areas, drug peddlers, vagrants and 12 children below the age of 6 years staying in the prison with their mothers. A prison population so varied and so much in need of legal and psychological assistance was looking askance for an administrative support in the absence of even an assistant jailor or a lady head-warder to answer their queries.

The two lady members of the Study Team were told by women inmates that one of the eunuchs, who was admitted to the prison first, was forced by the lady warder to strip in the presence of some of the convicted prisoners, as she wanted to confirm whether she was really a eunuch. Another such incident happened with a young inmate who was stripped on her first day in the prison by one of the convicts as a protest against her wearing jeans and short tops, and this, she complained, was done in the presence of a lady warder who ironically didn't object to the act. In case a senior lady officer is posted at the prison as required under rules, she might exercise better supervision to avert such incidents.

General conditions : General condition of cleanliness, sanitation and hygiene in women section of the prison are poor, as in other enclosures. This is so because of old clogging drains and water-seepage at several places. Even routine cleaning of drains and toilets is not going to help because the system is old and has become dysfunctional. In addition to 5 old toilets that have almost outlived their utility, 4 new ones have been recently constructed, making the situation somewhat easy.

Crusted floors, leaking roofs and falling plasters on the wall present a poor picture of maintenance. The ceiling fan of one of the barracks recently fell down, creating a

panic; but for the grace of God, no one was injured as the inmates were out to receive their meals.

The only solace is that this women section of prison is administratively secure from the point of view of possible escape, and is screened from male prison population. It has a double lock system so that a male member of prison staff cannot enter this women's enclosure without disclosing his identity to the women guard inside.

Prison personnel : The management of women section of the prison is in the hands of male staff. The Superintendent and Jailors posted at the District Jail for men are also responsible for the management of the women's prison attached to it. A lady teacher attached to this section of the prison from the Central Prison of Indore was supposed to substitute for a lady Assistant Jailor. But she was too busy with her new-born babe and her family problems, and was reported to be habitually neglecting her duties. It surprised the Study Team that the ratio of woman-staff to woman-inmates in this prison was 1::30. For the management of 55 inmates there were only 4 warders, of which 2 were on long leave. As a result the entire women's prison was, at all times, at the mercy of one warder who was supposed to perform guarding duties for 12 to 16 hours a day, for 7 days in a week, without a holiday or a day of rest!

As against this picture of utter neglect, the Central Prison of Bhopal is over-staffed with 34 women workers including 28 lady warders to manage 79 women inmates. If for securing a USO 9002 certificate for Bhopal, the only one such prison in the state, all other prisons have to suffer neglect, the situation cannot be said to be fair. The Study Team would suggest a more equitable and rational distribution of existing staff so that human material at several other institutions is not made to suffer for the sake of one 'show-window' prison.

The observations recorded by one of the lady members of the Study Team deserve being recorded here : "The administration is left entirely to the mercy of (male) Jailors because the present incumbent to the post of Superintendent is due to retire on June 30, 04. In the absence of proper inspection or surprise checks, the prison is a breeding ground for corruption. Male convicts do most of clerical and legal work in the jailor section...Two lady warders are on duty, working for 16 hours a day, since leave on valid grounds was sanctioned to the other two and no other arrangement was made to give relief to the over-burdened staff. The lady teacher on attachment from other institution was strictly forbidden to bring her infant child with her to the prison and therefore she neglected her duties for the sake of the child..."

Existing prison staff (men or women) have no special training for the management of women prisoners. Even the Welfare Officer posted at main (men's) prison is not visiting the women section regularly and therefore legal matters of women inmates are not being attended to properly. In the absence of a lady jailor it is difficult to ensure the real extent of this neglect.

It was, however, reported that the search of women inmates on admission, is conducted by lady warders only.

Medical facilities : There is no separate medical facility for women. A male Doctor is posted on deputation from the Medical Department, but in his own estimation it was not possible for one doctor to cater to the needs of 638 inmates single handed when all the 3 posts of male nurses were lying vacant. One lady nurse recruited by the Prison Department, and on attachment from Central Prison Indore, assisted the doctor on duty, but a large part of her time was spent on dispensing medicines to men prisoners. Women inmates were generally neglected. It was reported that in the absence of the regular Doctor, who had proceeded on leave for 7 months, this lady nurse was the sole incharge of all medical activities at this prison. The doctor has recently joined after availing leave.

The Doctor on duty, Dr Shakeel Ahemad, MBBS, DOMS, quite a senior person, was sore about the conduct and activities of the nurse. Even women inmates with whom lady members of the study team spent several hours, complained about the neglect with which the nurse dealt with them in the absence of a lady medical officer. They told that the Nurse never examined them for any disease and simply gave 'nuvit' and 'hydrochloride' tablets for all ailments. There was a general complaint that the purchase of prescribed medicines from the market by this nurse was not fair; and it needed thorough examination. Even the Doctor reluctantly spoke about this but said that he had to approve and sign the bills to avoid any 'misadventure' with the lady who was on the strength of prison department and enjoyed the support of departmental officers. He disclosed that since no one in the administration was interested in improving these working conditions, he proceeded on long leave anticipating a change of posting but it did not happen and he is here again.

Medical examination of each women prisoner is done by the Jail Medical Officer at the time of admission. They are sent to the gynecological ward of Government Hospital for pregnancy tests. A lady doctor has never been posted at the jail even on part-time basis.

Referral of patients to government hospital outside the prison is also difficult in view of the fact that police guard arrives at the prison either on Saturday, Sunday or a holiday when doctors are not available. Even on other working days the guard arrives at or after 11.00 am and by the time prisoners reach the hospital, the OPD is closed. There is no indoor patients facility for women prisoners at the Jail.

There is only one mentally sick woman prisoner standing trial in a criminal case. She was apprehensive, talkative and incoherent in her expressions, but she was neither violent nor insane. She was being looked after well by her fellow prisoners for her personal hygiene.

The ambulance provided at this jail for carrying patients to hospital has been called back by prison headquarters. No one was sure whether it would be restored to this prison or not.

General amenities : Jail Medical officer has never been told about Jail rules (531 to 535) which contain scales of diet for various categories of women inmates and their dependent children. Much of these facilities depend upon the recommendation of the medical officers, but they appeared to be unaware of these scales. On examination of the milk and special diet distribution register it was found that the entries were correct. But women inmates did not find any distinction between the diet of ordinary prisoners and that of other special categories. With a bit of proper understanding and management the diet of children, pregnant mothers and lactating mothers can be made more distinguishable and attractive without any cost escalation. If the Jail medical officers apply these rules appropriately they can provide such diets as dalia (sweet), dal-dalia (salt), bread & milk, suji-milk, dal-chawal, fruit, etc., by rotation on 7 days of a week to pregnant mothers, feeding mothers and dependent children in the prison. The only thing is that the doctor has to exercise his discretion and the prison superintendent has to be more vigilant. The study team asked the superintendent to supply a copy of relevant rules to the doctors for future application.

There is a common kitchen for both men and women prisoners. Cooked food is supplied from the common kitchen where food is prepared for an average number of 650 inmates. By the time food reaches the women enclosure, it is cold and tasteless. It is suggested that in all prisons that have an average population of 50 or more women inmates, there should be a fully functional separate kitchen for them and all women by turn should be engaged in the preparation of food. They should even be given the liberty to prepare changing meals within the food scales provided under rules. The superintendent informed that a proposal for providing a fully functional kitchen to women wing of the prison has been moved to the government vide letter No.1098 on 07.08.03 and a reply is awaited.

The scales of diet, clothing and personal hygiene are being correctly followed. Kitchen conditions are fairly good. Water, both for drinking and other works, is supplied in sufficient quantity from prison tube-well and municipal Narbada

water supply system. Women are allowed to store drinking water in properly covered earthen pitchers. 4 new bath-rooms have been recently constructed. This is in addition to a bathing platform with open water storage and a 6 feet screen wall that can be used for common bath.

Inmates get bathing and washing soap (manufactured at Central Prisons of Bhopal and Indore), and 30 grams of coconut hair oil, as per rules. A common comb and a mirror on the wall of each barrack is also available. Use of Bindi and Kumkum is allowed at the cost of inmates themselves.

There is no work program or vocational training either for convicted or for under-trial inmates. All convicted women prisoners get Rs.8/- each for unskilled works such as sweeping the floor, cleaning grain and maintenance of wards and barracks. The Lady Teacher some times engages inmates for hobby works such as embroidery, Rakhi-making, greeting-card painting, etc., but that is only once in a blue moon.

Inmates can seek interview with their relatives or write a letter to them once in a fortnight as per rules; but with the permission of the prison superintendent this facility can be availed more frequently. There is a TV (B&W) in each barrack for keeping the inmates in touch with news and recreation.

There is a library in the male section of the prison but books and newspapers are not used by women because of lack of warders and supervisory staff to care for this aspect. A look at the library revealed that the books were age-old, torn and useless.

It is claimed in the statistics supplied to the study team that 21 women inmates were made literate during the past 2 years and that they passed the examination conducted by Rashtra Bhasha Prachar Samiti, Vardha in September, 2002 and February, 2003. A couple of educated women inmates help the administration in this work.

Legal Assistance : Cases of convicted women prisoners have in the past years been considered for parole and temporary release. During the years 2002-03 and 2003-04, the benefit of temporary conditional release was given to 2 and 5 such inmates respectively and they were released for 10 days each. One convicted woman (Shahbai w/o Durgia) was released by the Probation Board under provisions of MP Prisoners Release on Probation Rules on September 30, 2003.

The role of Advocates in the dispensation of justice to the inmates seems to be under shadow in Indore. An advocate, who had procured release of an inmate (Lohadi Bai) on bail as a result of admission of her appeal in the High Court, was withholding the release order obtained by him by hand from the High Court. This he was doing for the reason that his fees had not been paid. He was contacted by the Study Team to be questioned if that was lawful and then he immediately deposited the bail order with the Jail office. Sister Mariola, a lady member of the

Study Team, who spent some time with the women inmates in the absence of prison staff writes in her observations as follows :

With the exception of one or two inmates, the rest of them are all from the rural background. Hence they do not understand the criminal justice system. Lawyers exploit them to the hilt. Ninety-nine percent of women inmates have private lawyers. Most of them are not aware of the provisions of free legal aid. Those who availed of this facility lost faith in this system as the lawyers very rarely, or never visit the prison to contact them. Some women (out of ignorance and lack of proper guidance with regard to procedures) have a government (free) lawyer as well as a private (paid) one that results into a mess, because nothing really happens as far as their cases are concerned. They get poorer, doling out exorbitant amounts, often borrowed, and the period of incarceration just prolongs. Lawyers on the free legal aid panel are not committed as they are paid a paltry sum. Rampant illiteracy and dismal legal awareness is a breeding environment for extortion to the lawyers. In the rural areas, this becomes a lucrative business. There seems to be an 'unholy nexus' between the prison staff and the lawyers. A feeling of sheer helplessness and 'voiceless-ness' is evident on the faces of these women inmates.

Special needs of sexual minorities such as the 2 eunuchs presently confined in the women section, or even the possible dangers of perversion among young ladies confined in the same barrack with them, are just ignored.

It was however encouraging to see that cases of prison inmates who fail to procure and produce a surety for securing bail, are moved to the court after a certain period for their release on personal bond. During the preceding one year 24 such cases were moved, but a ready statistics was not available as to how many of them got the advantage.

As for the system of receipt and disposal of complaints and grievances there is a complaint box to be opened by the district administration as per directions of the apex court. But the most prevalent method is to report to the Jail Superintendent at the time of Monday Parade when he is accompanied by all section in charges of the prison. In case of a complaint made to any authority other than the prison superintendent, the written application is forwarded to the concerned officer with the remarks of the superintendent.

The procedure adopted for the release of women inmates is good. Convicted women are provided a post card to inform their relations to come and escort them. If this does not happen, the woman is transferred to the nearest jail so that she can call some one to take her home. When no one turns up, a released woman (whether convict or under-trial) is escorted by a lady warder or a home-guard to the place of her residence.

Under-trial prisoners : District prison Indore had an under-trial population of 401 prisoners out of which 24 were women and 2 eunuchs. As on 19.05.04, none of them had spent more than two years in the prison during investigation and trial – 19 of them had spent less than 6 months, 5 of them a year and the other 2, more than an year but less then 2 years. Inmates generally complained of not being produced before the trying magistrates on the date of hearing although police guard is available in sufficient number whenever a requisition is sent.

Children accompanying their mothers are allowed to be kept in the prison till they attain the age of 6 years, after which they are either sent to their guardians outside or are transferred to institutions run by the Department of Women and Child Development. Two children (Radhabai and Krishna) are presently residing in Rajkiya Bal Sanrakshan Ashram and they are allowed to come and meet their mothers once in a month, or more frequently if necessary.

Free Legal Aid : The District Legal Aid Office conducts legal aid awareness camps in the prison in which under-trial prisoners (both men and women) are asked to fill up forms for free legal aid in case they are not in a position to hire a private lawyer. The last such camp was held on 15.12.03 in which 12 inmates (including 3 women) filled up the prescribed form for free legal aid. It is advisable that the Law officer or the Prison Welfare officer does this work on a day-to-day basis instead of waiting for the DLAO to hold a camp for this purpose.

The Study Team later met the District Legal Aid Officer, Mrs. Shiv Laxmi Upmanyu, in her office in the District Courts, and discussed several issues related to legal matters of women prisoners. She was sympathetic and promised better services in times to come. Since Ms. Shiela Kanna, the Chairperson of District Legal Services Committee was on leave, the Study Team wrote a letter to her to organize legal aware camps and provide free legal aid as a campaign to women inmates of Indore prison.

Community Participation : The same aversion for NGOs that pervaded prison staff at Central Prison Bhopal surfaced at this prison as well – the same repetitive emphasis on the “uselessness” of social workers and the rejection of NGO activities in prisons as needless interference in government work. No effort seems to have emanated from the prison staff to network community participation for correctional activities. In spite of this callous attitude of prison personnel, some Sisters of the Catholic Church come to meet women and children for counseling, prayers and education of children.

This organization (named as Prison Ministry India of the Catholic Church) had distributed 'sarees' to women inmates and dresses to children accompanying them, and at the time of visit by the Study Team they were wearing these dresses.

Prison Visiting System : There has been no appointment to the position of Non-official Visitors of prisons in the state for the past 6 months, ever since the appointment of previous incumbents was terminated with the change of government. Even otherwise the system is not viewed by prison officers in the right perspective. Looking to this negative attitude of the staff none of the 6 NOVs previously appointed paid any visit to the prison during their tenure.

Women inmates, though they had no idea of what non-official visitors are, cherish a desire that people from open community should keep coming to the prison and should do whatever they possibly can to ameliorate the sufferings of inmates. They wanted police officers and judicial officers to visit the prison more often so that they could understand the need for early investigations and disposal of their cases.

Staff-Inmate Relationship : Educated women inmates of the prison opined that it is no use talking about staff-inmate relationship when there is no staff at all. Day and night they see the faces of only two lady guards whose presence among 55 women is just insignificant. These two warders only count heads of prisoners while opening and closing of barracks, and have nothing to contribute to the welfare of inmates as they just mark their presence to earn their day's salary.

Recommendations

- This prison is a picture of neglect and needs immediate attention of higher ups at prison headquarters. A special team should be constituted by the government to study the administrative and correctional problems of this prison and to prepare a phased program for its improvement before things worsen beyond correction.
- Being in the heart of the city, this old and dilapidated prison campus, if sold out, can perhaps fetch such handsome amount which would be sufficient for the construction of a new prison building at a more suitable place. The possibility of such change must be examined by the government by constituting a special committee for the purpose. Sooner or later this has to be done in view of the present deplorable state of maintenance of the prison.
- It is immediately necessary to post women staff of appropriate level and in sufficient number to manage the swelling prison population of women offenders. A lady Dy. Jailor, a regular teacher, a vocational instructor, at least two lady head-warders and 4 more warders are imminently required to give the institution the shape of a correctional institution instead of an enclosure, as at present, where offenders are herded.

- The proposal for providing a fully functional kitchen to women wing of the prison sent by the superintendent to the government vide letter No.1098 on 07.08.03 should be accepted and funds be provided for the same.
- There should be a fully developed and functional work program for women. Some rehabilitative works such as hosiery, knitting on machines, cloth printing, dress making, uniform tailoring, computing, etc., can be introduced in the women section.
- Even under-trial women prisoners should be encouraged to engage themselves in productive activity in these vocations and be paid for their work.
- District Legal Aid Authority should be approached to hold legal awareness camps and lok-adalat in women section of the prison so that small cases could be decided expeditiously. If the D&SJ, the CJM and SDM could visit the prison together once a fortnight (as is done in District Jail Korba in Chhattisgarh) cases of poor prisoners languishing in jails for petty bailable offences or those under section 109 CrPC could be decided either under due process or under provisions of Probation of Offenders Act.
- Prison personnel must discard their suspicion and mistrust towards community workers and non-government agencies functioning for the welfare of prisoners. Rather, they should actively engage in establishing linkages with voluntary organizations and utilize their services effectively for educational & recreational activities, vocational training and rehabilitation of inmates.
- Staff should be trained in sympathetic understanding of the problems of women undergoing incarceration.
- The official conduct of the Nurse posted at the prison should be enquired into by some senior officer of prison headquarters and it should be ensured that prison inmates get medicines in the quantity and of the quality prescribed. It is necessary to ask the Medical Department to fill up the posts of 3 male nurses so that the medical officer can devote more time to patients and render better services.
- Prison Visiting System should be revived, regulated and made effective. Persons with better standing in the society should be appointed as Non-official Visitors so that they may command respect among prison officials and be helpful in bringing about improvement in prison conditions.
- The Prison Welfare officer should (a) keep constant touch, both formal and informal, with the District Legal Aid Committee (b) keep a separate register for the interview of inmates with advocates assigned to them under the scheme and (c) ensure legal assistance for under-trial prisoners on a day-to-day basis instead of waiting for the DLAC to organize a camp at the prison.
- A lady part-time Medical Officer must be appointed and it should be ensured that she visits the women section of the prison on a regular basis to attend to health problems of women inmates.
- With the cooperation of voluntary agencies some kind of counseling on psychological and spiritual aspects must be organized on a regular basis.
- Some other suggestions are as follows :

- Arrangements should be made for a separate interview shed for women so as to screen them away from the sight and hearing of their men counterparts;
- A crèche with appropriate facilities should be developed for the upkeep of innocent children staying with their mothers in the prison. Arrangements should also be made for sending such of them to outside schools who have gained the age of proper schooling;
- The care of personal hygiene of women inmates (nails, lice, sanitary napkins in times of need, parched skin, unwanted hair, oral hygiene, washing, combing and oiling of hair and so on) should be assigned to some specially trained women staff.

Central Prison, Ujjain

(Date of Visit : May 24-25, 2004)

The Central Prison of Ujjain, the Holy City of Madhya Pradesh, is situated at a famous mythologically important fortress of Bhairugarh on the banks of river Narmada, and is better known as Bhairugarh Jail. According to a stone engraving done by Sindhia Rulers and now preserved at the main gate of the prison as an archeological object, the building of this jail was originally constructed in the 15th Century by Mahamood Khilji as a cantonment for his loyal soldiers and was later abandoned. The premises were taken over for the purposes of a prison by the British Rulers and given the status of a District Jail. With rise in crime and increase in prison population, this institution was raised to the status of a Central Prison in the year 1998. Presently it is under charge of Central Jail Superintendent, Dr Suhel Ahemad, who was on leave during the days of visit by the Study Team.

Building : Bhairugarh Central Prison, Ujjain, as stated above, is housed in an aged-old building that was not constructed specifically to meet the needs of a correctional institution. It has undergone several repairs, renovations, additions and alterations according to the exigencies arising from time to time. New barracks have been constructed and some old ones repaired but prison population has always outnumbered the accommodation available. The building is presently undergoing a major extension with the construction of 12 blocks of 4 barracks having 20 berths each. When completed this will provide accommodation for (12x4x20) 960 prisoners and will ease the problem of overcrowding.

As at other places there appears to be no administrative or technical control of the prison department over the work executed by the PWD and whatever goes in the name of repairs or additions to the building is accepted without any technical examination. The new enclosures, which are under construction at present and are nearing completion, must be technically examined by the prison department before the PWD or its contractors hand it over for use.

Prison population : Central Prison Ujjain is severely over-crowded. Against the present capacity to accommodate 420 male and 60 women prisoners, it is housing a prison population almost 4-times its capacity. On May 24, 04 the actual prison population was as follows :

Male prisoners (both convicts and under-trials)	1851
Women prisoners (both convicts and under-trials)	47
Total Prison Population	1898

The number of children accompanying women inmates is 4. They are less than six years of age. Two other children who were earlier staying with their mothers have been transferred to the SOS Children's Village because they had crossed the age of 6 years. Women's section of the prison is not overcrowded; but the condition of men's section is deplorable. Each barrack with a capacity of 20 berths is housing as

many as 65 prisoners. Inmates who wield power occupy better barracks and raised berths, some others occupy the floor between berths, and the poor, unassuming lot are littered all over the walkways, corners and areas around emergency toilets.

Some positive aspects of the prison building are that : the drainage and sewer system, in spite of being old, is well laid and well maintained; there is sufficient space for inmates to move and to exercise within their wards; barracks are well ventilated; the hospital block is separate, nicely equipped and properly maintained; and a very hygienic enclosure is in place for shaving and hair-cutting of male prisoners.

The entire new block of 920 additional berths is being constructed on a stretch of land outside the main wall of the existing prison. As a result, the security of the institution is not adversely affected during the process of construction. Once the block is complete with its surrounding walls, it shall be joined to the present building by puncturing its main wall to provide a gate to the newly constructed enclosure.

Women's prison : The existing Women's prison is an independent unit outside the main-wall of men' prison and has a separate entrance. It is close to the main gate of men's unit but women inmates, on arrival and release, are not required to pass through the residential barracks of men prisoners.

Against the capacity of 60 inmates in this unit, there are 47 women prisoners - 37 convicted and the rest 10 under trial. None of the under-trial prisoners is lodged in the prison pending investigation and trial for more than 2 years. According to the period of stay their classification is as follows :

Less than 6 months	6
More than 6 months upto 12 months	2
More than 12 months upto 2 years	2
Total	10

The classification of 37 convicted women prisoners according to the term of their sentence is as follows :

Since there are only two barracks the question of segregation of habitual from the casual, young from the old, drug edicts from the rest, even TB patients from others, is out of question. Positive cases of TB are transferred to segregation wards of the general hospital outside. Those that are negative for infection are sent back to the prison. 3 such patients stay in the women's common barracks and continue to receive their treatment.

Prison inmates are invariably from the lower strata of the society. Most of the convicted women are booked under the Narcotic Drugs and Psychotropic Substances Act (NDPS). Illiteracy, ignorance of the seriousness and far-reaching destructive effects of drug-peddling, the lure of a fast buck, rampant

unemployment, irresponsible husbands who are victims to alcoholic addiction, are some of the reasons for women being trapped in the drug circuit. Organized habitual offenders and drug mafia often escape arrests on account of their money power and greedy, irresponsible officials. Their trade goes unabated while unsuspecting innocent women are often made the scapegoats. Once imprisoned their families are ruined and their minor unprotected children, back at home, are abused morally and physically by gangsters. One inmate had a heart-rending account to share of how she was denied being sent on parole to attend her husband's funeral. Drugs and sex make a deadly combination, as most of the women drug peddlers are into illicit relationship with drug agents and gangsters.

There is no women convicted prisoner sentenced to life imprisonment who has completed 10 years in prison and whose case is due for being considered for premature release.

General conditions : Condition of cleanliness, sanitation and hygiene in women section of the prison are fairly good. Used water is drained out for horticultural purposes into grounds where prisoners grow vegetables and flower plants. There are sufficient number of toilets (12 in a separate enclosure out of which 6 are in use and 1 each in 3 barracks for use at night) and 6 bathrooms together with a platform for common bath - all screened from male view.

Courts are 14 km away from the prison, but there is facility of conveyance to carry under-trial prisoners for production before the trying magistrates. General complaint made to the lady members of the Study Team by women under-trial prisoners was that after being taken to court premises they are made to wait for long and then asked to put their thumb impression on a paper - that being the end of their hearing, they neither see the lawyer nor the judge.

During the past five years 38 prisoners died their natural death, of which one was a women. The only case of un-natural death, a suicide, was that of a male prisoner.

Prison personnel : The women section of Central Prison Ujjain, although structurally separate from the main jail for men, is basically under the charge of men staff. The superintendent, jailors and prison welfare officer, all are men. One Lady Deputy Jailor, Ms Reeta Chaturvedi, is on an indefinite long leave (without pay) and is said to be preparing and appearing for various examinations in search of a 'better' job. There is no lady head warder. There is only one lady warder on the sanctioned strength of the prison; but to prevent security arrangements from a total collapse, a lady warder has been attached from another prison and 3 lady warders have been appointed on (the ill-reputed) extra-temporary basis. The situation needs immediate and serious consideration of prison headquarters.

Existing prison staff (men or women) have no special training for the management of women prisoners. Even the Welfare Officer posted at main (men's) prison is not visiting the women section regularly and therefore legal matters of women inmates are suffering. In the absence of a lady jailor it is difficult to ensure which

legal or reformative matters of so many inmates are lying unattended. The search of women inmates on admission, however, is conducted by lady warders only.

Medical facilities : There is no separate medical facility for women. A male Doctor (Dr. A.L. Agrawal, MD) is posted on deputation from the Medical Department. He is assisted by two para-medical staff, both of them male. There has never been a lady doctor or a lady nurse either on whole time or part time basis to look-after the health of women prisoners. As such the general medical examination of women prisoners at the time of their admission, is done at the prison hospital while for gynecological examination they are sent to the District General Hospital. Prison hospital is equipped with an x-ray machine and conventional testing facilities.

Apart from his daily work of examining the sick and prescribing them medicines, the prison medical officer engages himself meticulously in drug de-addiction, counseling, inoculation of children staying with women inmates, and periodic general medical check-up of prisoners both male and female.

The doctor said, he found his job very challenging. A majority of inmates reporting to him suffered from gastro-enteritis, tuberculosis and malaria. These illnesses can be traced to overcrowding, unhealthy living conditions, poor hygiene, undernourishment and malnutrition.

Within the women section of the prison there is room with two beds earmarked as a facility for indoor patients and is used when some seriously sick woman has to be segregated. An ambulance is provided for carrying patients to hospital. But shortage of women police guards makes it difficult to ensure timely treatment because sick women prisoners cannot be sent to general hospital without proper escort.

General amenities : There is a common kitchen for both men and women prisoners. Cooked food is supplied from the common kitchen which caters to an average number of 1900 inmates. It takes about 2 to 3 hours before cooked food is carried from the main prison to the women section and therefore, by that time, it is cold and tasteless. It is suggested that in all prisons that have an average population of 50 or more women inmates, there should be a fully functional separate kitchen for them and all women by turn should be engaged in the preparation of food. They should even be given the liberty to prepare variety of meals within the food scales provided under rules.

As at other prisons of the state, the Jail Medical officer here has also not been told about Jail rules (531 to 535) which contain scales of diet for various categories of women inmates and their dependent children. The study team asked the superintendent to supply a copy of relevant rules to the doctors for future application.

The scales of diet, clothing and personal hygiene are correctly applied. Kitchen conditions are fairly good. Water, both for drinking and other works, is supplied in sufficient quantity from prison tube well. Women are allowed to store drinking water in properly covered earthen pitchers. There seems to be no common pattern of sarees for convicted women prisoners. At District Prison Indore there were three blue stripes on white saree, in Bhopal prison a single stripe and here at Ujjain it was broad blue border on lemon yellow saree. Under-trial women are allowed to wear their own clothes. The supply of bedding to both convicts and under-trials is according to scale prescribed.

Inmates get bathing and washing soap (manufactured at Central Prisons of Bhopal and Indore), and 30 grams of coconut hair oil, as per rules. A common comb and a mirror on the wall of each barrack is also available. Use of Bindi and Kumkum is allowed at the cost of inmates themselves.

There is no worthwhile work program or vocational training either for convicted or for under-trial inmates. Sporadic exercises at making 'pattal-dona' (eating plate and bowl of green leaves), or training imparted by an NGO in the art of manufacturing incense sticks (agarbatti) are only for name sake. Even tailoring, for which some machines are available, is not a whole-time vocation for these women.

The Prison Ministry India (PMI), a Catholic church NGO, has been rendering voluntary services to women inmates and their children since January 2000. The nuns (Sisters Dipti and Daya) visit the prison and teach children. For some time they ran an income generating program of manufacturing incense-stick that are in great demand in this city of temples. Some hard working women inmates earned about Rs.150/- per month during the program period.

Convicted women prisoners, when engaged in vocations get Rs.10/- each for skilled work and Rs.8/- for unskilled work. Others engaged in menial jail services such as sweeping the floor, cleaning grain and maintenance of wards and barracks also get Rs.8/- per day as unskilled workers. There is no systematic training in any vocation from the side of the administration. A responsive and responsible prison administration can network the services of good and willing NGOs for training of women in vocations that may help them in their economic rehabilitation after their release from the prison. But this will need some appropriate supervisory lady staff to share this responsibility with a missionary spirit.

Women prisoners, like their male counterparts, can seek interview with their relatives or write a letter to them once in a fortnight as per rules. With the permission of the Superintendent this facility can be availed more frequently. There is no restriction on advocates meeting their clients in the prison but there is no separate register to record the frequency of visits by private lawyers or by those appointed under the free legal aid program. Inmates reported that the courts are

so far off from the prison (about 14 km) that advocates seldom come to meet and discuss the case with them.

There is a library in the male section with about 1700 books, most of them donated by religious organizations. But hardly any one used this facility in the women section. The Prison Welfare Officer informed that, under the literacy program, 75 inmates (male and female) studied and appeared for various examinations conducted by Rashtra Bhasha Prachar Samiti, Vardha during the session 2003-04, of which 54 of passed their examinations. In the absence of appropriate staff committed to the cause of literacy it is difficult to say what real work is being done in this direction.

A TV (B&W) in each barrack keeps inmates in touch with news and some recreation. Women inmates engage themselves in self-generated recreational activities such as occasional songs, dance or games without any support either from the administration or by NGOs. Occasionally some religious leaders of Brahma Kumaris or Jains come to deliver spiritual discourses.

Legal Assistance : Cases of convicted women prisoners have in the past years been considered for parole and temporary release. During the years 2002-03 and again in 2003-04, the benefit of temporary conditional release was given to 3 inmates (Indira, Kamal kanta and Shahnaz) and they were released for 21 days each year. The case of a convicted woman (Indirabai) was pending with the Collector of Mandsaur for his opinion and report. On receipt of the report this case shall be considered for release by the Probation Board under provisions of MP Prisoners Release on Probation Rules.

There is no delay in the drafting and filing of jail appeals on behalf of convicted inmates except when they are not able to make up their mind whether they want to file an appeal privately from out side or through the prison. A total number of 140 jail appeals (for both male and female prisoners) were filed during the past session.

As for the system of receipt and disposal of complaints and grievances there is a complaint box to be opened by the district administration as per directions of the apex court. But the most prevalent method is to report to the Jail Superintendent at the time of Monday Parade when he is accompanied by all section in-charges of the prison. In case of a complaint made to any authority other than the prison superintendent, the written application is forwarded to the concerned officer with the remarks of the superintendent.

Convicted women are provided a post card to inform their relations to come and escort them from the prison at the time of their release. If no one turns up, a released woman (whether convict or under-trial) is escorted by a lady warder or home guard to the place of her residence. In case a women prisoner has no support from her family, she is transferred to Nari Niketan, Ujjain, a protective home run by the Department of WCD.

Under-trial prisoners : On May 24, 2004 the number of women under-trial prisoners at Central Prison Ujjain was only 10, and none of them had spent more than two years in the prison – 6 of them had spent less than 6 months, 2 of them an year and the other 2, more than an year but less then 2 years. For the first time at this prison inmates did not complain of not being produced before the trying magistrates on the date of hearing.

Children accompanying their mothers are allowed to be kept in the prison till they attain the age of 6 years, after which they are either sent to their guardians outside or are transferred to institutions run by NGOs or the Department of Women and Child Development. Two children are presently residing at SOS Balagram and they keep writing to their mothers. They seldom come to meet, but there is no restriction on their coming and meeting their mothers. Prison medical officer attends to their health and dietary needs.

Free Legal Aid : Services of the District Legal Aid Office were found to be very efficient at Ujjain. Under the leadership of an extremely devoted Chairperson (Mr. SM Srivastave, D&SJ) and an equally committed DLS Officer (Mr. Lokendra Singh Thakur), with whom the Study Team had detailed discussions, free legal services in the form of legal awareness camps, lok adalats and free legal aid to deserving persons was being regularly provided. During the session 2003-04, the DFLSA of Ujjain provided legal assistance to 478 poor persons out of which 197 were prison inmates. It is because of the personal and professional touch of the office bearers of DLSA that the level of advocates on the panel of free legal aid also was much higher than at other places.

Cases of 207 prison inmates who failed to procure and produce a surety for securing bail, were moved to the court for their release on personal bond during the preceding one year, but a ready statistics was not available as to how many of them got the advantage.

Community Participation : No effort seems to have emanated from the prison staff to network community participation for correctional activities. In spite of this apathy of prison personnel, some Sisters of the Catholic Church (Prison Ministry India, an NGO) come to meet women and children for counseling, prayers and education of children. They generally come on Thursdays and occasionally bring children of their school to perform cultural activities for women prisoners. They also provide some vocational guidance to inmates in making incense-sticks on commercial basis. Members of Brahma Kumari, a religious organization and Lions Club, Ujjain have also been visiting the jail for philanthropic purposes.

Prison Visiting System : There has been no appointment to the position of Non-official Visitors of prisons in the state for the past 6 months, ever since the appointment of previous incumbents was terminated with the change of government. Even otherwise, the system is not viewed by prison officers in the

right perspective. Looking to this negative attitude of the staff none of the 5 NOVs previously appointed paid any visit to the prison during their tenure.

But it is not only the prison staff that is to blame for the failure of Prison Visiting System. The social status of Non-official visitors appointed by the government is often so low that they do not command any respect from prison officials. It was reported that one Mr. Gaffar Pahalwan appointed at this prison as an NOV, had been an under-trial prisoner at this jail in several cases. If, therefore, there is no scrutiny at appropriate level before the appointment of NOVs and if persons of credible social status are not appointed, the prison visiting system shall fail to produce desired results.

Staff-Inmate Relationship : Since there is no senior women staff in the prison, women inmates are in touch only with lady warders who are neither trained nor otherwise entrusted with any correctional activity. Therefore the question of any interpersonal professional relationship between staff and inmates does not arise. For want of whole-time occupation or vocational training this gathering of about 50 souls just spends its long days and restless nights in dull monotonous routines.

Recommendations

- The Department should post appropriate staff to manage women section of the prison : A lady Dy jailor, at least 2 lady head-warders, 5 permanent lady warders, a teacher and a vocational instructor need to be posted so that women's prison can be managed as a correctional institution.
- All new construction work (here as well as at other prisons) should be technically supervised by officials specially deputed for this purpose so that priorities and quality of construction could be controlled.
- There should be a fully developed and functional work program for women. In case the government has financial strains to take up such programs, some NGOs or organizations such as the Rotary or Lion's Club can be networked to start rehabilitative works such as hosiery, knitting on machines, cloth printing, dress making, uniform tailoring, computing, etc.
- Even under-trial women prisoners should be encouraged to engage themselves in productive activity in these vocations and be paid for their work.
- Arrangements should be made for providing the services of a part-time lady doctor to visit the women's prison at least twice a week.
- Sufficient number of women constables or women home-guards should be made available at appropriate times to escort sick women prisoners to the hospital. Denial of this essential requirement or a delay in deployment defeats the purpose.
- The jailor section should maintain a separate register for the meetings of advocates with their clients in the prison. It should indicate whether the services of the advocate are privately procured by the inmate or are provided under free legal aid scheme.

- There should be a fully functional separate kitchen for women prisoners. Their number is large enough to deserve this facility.
- Prison personnel must seek support of voluntary organizations and utilize their services effectively for educational, recreational and vocational activities aimed at the ultimate rehabilitation of inmates.

District Prison, Ratlam

(Date of visit : May 26, 2004)

The Study Team reached District Jail Ratlam at 11.25 hours on May 26, 2004 by road traveling about 90 km east of Ujjain and met the Jail Superintendent, Mr. Suresh Singh Chauhan.

Building : District Jail Ratlam is housed in a 75 years old, but partly reconstructed, building. Additional barracks were constructed about 15 years back. The prison is surrounded by densely populated residential localities. The main entrance to the prison is congested and difficult to manage. It has undergone several repairs with little consequence either to its safety or to accommodation of an ever swelling prison population. The proposed addition of two barracks with a total capacity of 40 inmates is ridiculously insufficient and hardly any solace for a prison needing space for more than 325 souls above its capacity. Shabbily plastered walls are crumbling at places. Floors are uneven, adding problems of sanitation and hygiene. Maintenance of the building by PWD is extremely poor.

Prison population : The prison is severely overcrowded. The present capacity of this jail is to house 160 male and 5 women prisoners. As against this, on May 26, 04 the actual prison population was almost 3-times (470 male and 17 women inmates), whose classification was as follows :

Category of inmates	Men	Women	Total
Convicted prisoners (rigorous imprisonment)	27	-	27
Convicted prisoners (simple imprisonment)	02	-	02
Under-trial prisoners	441	17	458
Civil prisoners	-	-	-
Total	470	17	487

(1 girl child aged 1 yr with 1 women prisoner)

In a situation like this it is impossible to think of segregation of offenders on the basis of the nature of crime, or age, or susceptibility to victimization by habitual offenders and gangsters. The only segregation possible, with great inconvenience, was that of convicted male prisoners from under-trials.

Women's prison : Women's section of this prison is a separate enclosure within the main walls of men's jail, having a common entrance for both men and women. It has 18 feet high surrounding walls with a double lock system. With a living accommodation for only 5 inmates in a single room it is suffocating for 17 women and a child to accommodate. However, from the point of view of privacy and segregation from male section it is a secure place, although it lacks space for any other activities such as exercise and recreation.

Of the 17 women inmates, all are under-trial. There is only 1 (Mumtaz) whose stay in prison during investigation and trial exceeds 3 years. From the point of view of period of detention, 4 women are in prison for less than 6 months, 9 for less than an year, 2 for more than an year and one each for more than 2 and 3 years respectively. On conviction, women prisoners are sent to Central Prison Ujjain.

This jail is in the heart of an opium growing belt of Mandsaur, Nemuch, Pratapgarh, Jawra and Ratlam. People in the rural areas are wealthy and they accept imprisonment as an occupational risk with no stigma attached to it. Quite a good number of persons (both men and women) are inducted into the trade by offering easy and sumptuous money. For some, generally used as carriers, poverty is the driving force, while for some others - often young and unemployed - there is an imaginary richness showing ahead.

Ratlam being the center of drug trade between three states (Rajasthan, MP and Gujrat) the number of women accused under NDPS Act is 12 out of 17. Some of these inmates are young and innocent, driven into drug-peddling out of their poverty for paltry sums. 6 of these are Hindus and the other 6 Muslims, all complaining that the gang leaders had secured their own release from the prison, but they never turn up to help these women out. For women caught under the NDPS Act, it is a long wait for a decision to come from the court, and there is no bail.

On examination of the history tickets of women inmates it was found that an accused in whose case the Indore Bench of High Court had ordered on 29.10.02 that the final hearing in her appeal should be done within 2 weeks, was still in prison although 2 years had elapsed after that order. The Jail Superintendent was asked to refer this case immediately to the Registrar of HC Bench Indore for necessary orders and a copy of the letter was sent to the Secretary, NCW (No.151/warrant/04) on the same day, i.e., May 26, 04.

General conditions : General conditions of cleanliness, sanitation and hygiene in women section, as in other parts of the prison, are not good, because of heavy overcrowding. Damaged drains and defective flush system in toilets adds to the problem. Sewer lines are clogged and blocked. In spite of sufficient water-supply the crusted uneven floors of barracks and toilets prevent proper sanitary conditions. There are 2 toilets in a separate enclosure for use during day and 1 for use at night. One bathroom and a common platform, properly screened from men prisoners are used by women inmates for taking bath within their enclosure.

Prison personnel : The Superintendent of District Jail, the Jailor and the Dy. Jailor (all men) are over-all in-charge of the women section also. There is double lock system in this enclosure and 4 lady warders (1 on regular strength of staff and 3 other appointed on extra-temporary basis for 89 days at a time) keep watch on inmates from inside. There is no lady supervisor over these warders and none of them has any special training of dealing with special needs of women prisoners.

The prison is badly under-staffed. The ratio of security staff to prisoners is 1::20 whereas, according to prescribed standards it should be 1::8. This acute shortage leaves no scope for leave reserves or training reserves or for any correctional activity. In the absence of any clerical staff, some of the security personnel are engaged in office work as well. Under these over-worked conditions, Supervisory staff complain that there is no time left for sophistications like legal awareness, prisoners welfare, community networking for corrections and so on, when there is no time left from simple routines of the prison even to think of their own families.

Medical facilities : One doctor and one compounder are attached to the prison on part-time basis from the District General Hospital of Ratlam. The compounder visits the prison daily and the doctor on call, if an emergency arises. They are supposed to attend to the medical needs of both men as well as women prisoners. A lady doctor is expected to visit the prison every Monday, but she has never paid a visit. Cases of sick women or those with gynecological problems are referred to lady doctors at the General Hospital, but it is difficult to find lady police escort on time for taking them out for treatment.

There is no indoor patients facility in the prison either for men or for women even when the average prison population is around 500. According to general standards of prison amenities, a prison having such large inmate population should have the services of a full time medical officer and an indoor facility for 2% of the average population.

Under an order (No. Est./2001/5553-59) issued on December 11, 2001, by the Civil Surgeon and Asstt Chief Superintendent of Hospital, Ratlam four specialists (a surgeon, a gynecologist, an orthopedician and a medical specialist) were deputed to visit the prison at 09.00 hrs on every Monday, but this has never been implemented.

Ironically, part-time medical officer and compounder are paid Rs.100/- and Rs.50/- per month respectively. It is natural that they ridicule this offer and treat it as an insult to their profession. For them to visit the prison daily is an unrewarding physical and financial burden, because more than this amount is spent daily on propulsion charges of their vehicles. This aspect should be considered by the government on and urgent and priority basis.

Women prisoners suffering from any infectious or contagious disease are not kept at the prison because there is no place for their segregation. They are transferred to appropriate wards of the District General Hospital. As of now there is no patient of TB among women. Of the 13 prisoners that died a natural death in this prison during the past 5 years, none was a woman.

General amenities : The scales of diet and personal hygiene are correctly applied in the prison both for men and women. Kitchen conditions are satisfactory and the standard of cleanliness up to the mark looking to the deteriorating conditions of the building. Women prisoners, being small in number, are supplied cooked food from the general kitchen. They try to break the monotony of repetitive kind of food by supplementing some edibles received from their friends and family.

Water, both for drinking and for general use, is supplied through one tube-well, 2 wells and municipal water taps. Drinking water is stored by inmates in earthen pitchers that are properly covered. General items of toiletry (washing soap, bathing soap, oil) are supplied at government cost as per rules, but prisoners supplement them from their private sources also.

Being under-trial, women inmates are not supplied any wearing apparel at government cost. They have their own clothes; but blankets, bed-sheets and utensils are provided by the prison according to the prescribed scale. It is, however, desirable to keep some sets of dresses for women who cannot afford to have them from their private sources.

They have a small black & white TV in the barrack that provides them both entertainment and some knowledge of the world out-side during their leisure hours. But the child is deprived of any social contacts.

The system of interview with relatives and family members is old and inappropriate. There is no separate shed for interview of women with their relatives or legal aids. But the prison management extends proper cooperation when advocates want to discuss legal matters with their client in prison. Interview with relatives are granted freely, with the special permission of the superintendent.

Some important rules of the prison are displayed prominently on walls out-side the main-gate as a part of citizens' charter. Prisoners are not aware of their rights and duties; no one tells them about it. However, any one willing to obtain a copy of any rule(s) from the Jail Manual, can do so by applying under the RTI.

Released women prisoners are escorted to their homes by women guards and are provided journey expenses in the form of railway warrants to their native place.

Free Legal Aid : Under-trial prisoners (both men and women) have no awareness about the system of free legal aid. The District Free Legal Services Committee has never held any awareness camp or constituted a legal aid cell in the prison. According to prison management no one ever asks for these services, but when the jailor in charge finds that an inmate has no lawyer of his/her own, he fills up the required form and sends it to District Legal Aid Officer for providing legal assistance. During the past one year 22 under-trial prisoners (including women) have been benefited under the scheme. Cases of 36 inmates in whose case a bail order was passed but who were not in a position to produce a surety, were also forwarded to concerned courts for consideration of their release only on personal bond. Mr. KK Bilgaiyan, the District Vidhic Sahayata Adhikari (DLSO) came to the prison during the visit of the Study Team.

Community Participation : There seems to be no initiative on the part of prison personnel to muster the cooperation and support of the community in the correctional process. They wait for philanthropic organizations to come to the

prison and to offer help. Some of such organizations have, of course, donated ceiling fans and Television sets for prisoners. But an active endeavour on the part of prison officials can bring about better results in the field of adult education, medical check-ups, recreation, and so on. Religious bodies such as the Brahmakumaris, Catholic Church, Sanskrit Bhartiya do come occasionally to deliver spiritual discourses but the impact is not lasting. They would do better if their representatives could hold regular literacy classes, or support some of the inmates with books and fees for appearing at examinations, or conduct medical check-up, or distribute spectacles to those who need and yet cannot afford in the prison. Prison administration should keep track of such organizations and network their support.

Prison Visiting System : There has been no appointment to the position of Non-official Visitors of prisons in the state for the past 6 months. Former appointees also had no idea of the real purpose of this system and therefore their visits were few and their visiting notes routine and ineffective. A Board of Visitors has never been constituted. Women inmates, though they had no idea of what non-official visitors are, cherish a desire that people from open community should keep coming to the prison and should do whatever they possibly can to ameliorate the sufferings of inmates.

Staff-Inmate Relationship : Inmates (both men and women) had no complaints against the staff. The dealings of prison personnel with inmates were friendly and they extended all cooperation for meeting their lawful demands. Some women inmates however protested against the greed of a couple of lady warders, who expected undue favours for grant of such common facilities as interviews or receipt of edible supplements from out side.

Recommendations

- The prison building should be reinforced with more barracks, interview sheds and an extended enclosure for women with at least 2 barracks with some open space to meet the menace of severe overcrowding.
- Prison Visiting System should be revived, regulated and made effective so as to be helpful in bringing about improvement in prison conditions.
- A part-time lady Medical Officer must be appointed and her visits to women section of prison at least twice a week should be ensured.
- Even under-trial women prisoners should be encouraged to engage themselves in some kind of productive activity and be paid for their work.
- Cooperation of some voluntary agencies should be sought for organizing welfare activities both for men and women prisoners.
- District Legal Service Authority should make a status study of all women inmates in the prison, particularly those confined under NDPS Act, and think of ways to sort out the innocent from real culprits and then to find ways of their early release in consultation with the police and the judiciary.

Central Prison, Jabalpur

(Date of Visit : June 14-15, 2004)

Central Prison, Jabalpur, with its "Gora Ward" used formerly for British and European prisoners (and where Netaji Subhash Chandra Bose was also incarcerated for a short period), is about 130 years old institution, and is the second largest prison after the Central Prison of Bhopal. On the dates of visit by the Study Team it was under the charge of Mr. Mansha Ram Patel, a young and enthusiastic Superintendent.

Building : It is housed in a building originally constructed in the year 1874 and has undergone several repairs and renovations. It is an old but well equipped, well administered, neat and clean unit, having well-ventilated living areas, a proper kitchen, community hall, appropriate work-places, regular water supply and comparatively clean toilets. 4 new barracks with a capacity of 20 inmates each are under construction. The prison capacity of the existing building is to accommodate 1481 men and 219 women (total 1700) inmates.

Prison population : As against its present capacity to house 1700 inmates, the prison population on June 15, 2004, the day of visit, was 2398 men and 100 women (total 2498) prisoners. 9 children below the age of 6 years stay in the prison with their mothers. While the men's section of the prison was heavily overcrowded, there was respite in the women's section. Of the 100 women inmates 66 are convicted and the rest 34 are under trial.

Women's prison : Women's prison is a separate enclosure within the main walls of Central Prison, Jabalpur. The institution has a common main gate for both men and women. Women's enclosure is quite distant from the main gate and women inmates have to pass through passages frequented by men prisoners. There are only 100 women inmates against the capacity of 219, and therefore there is sufficient space for segregation of different categories of offenders. There is also sufficient space for exercise and recreation, and for free movement of 9 children accompanying their mothers. The enclosure has a double lock system to prevent men from entering without proper identification.

General conditions : Women's section of the prison is a double storeyed building having living accommodation for women in barracks on both levels. It has a separate room running education classes and a hall for work programs (which is also at times used for recreation, meditation, and cultural activities). A separate portion of the building is used as an indoor patients facility and women inmates required to be segregated on medical considerations are lodged here.

It has sufficient and well-screened toilets and bath-rooms. Apart from a block of 16 toilets in separate enclosures, there is one such facility in each ward for meeting emergency needs after lock-up. There is a common platform for bath properly protected by 6 feet high screen wall.

It is difficult to maintain good standards of cleanliness, sanitation and hygiene in the jail because of damaged drainage and sewer system that was laid almost a century ago. It now requires being re-laid. One septic tank and a soak pit is under repair, but the greatest difficulty is the narrow main gate of the prison through which the municipal tanker used for emptying sewer tanks cannot pass. It is therefore suggested that, while laying down new system, a sufficiently large sewer tank, suited to the average prison population, should be constructed outside the main walls of the prison and the entire sewer lines with fiber or PVC pipes should be connected to it. This can be periodically vacated by municipal tankers used for the purpose. As an alternative, the main gate of the prison should be reconstructed to allow large vehicles to pass through it. Both the alternatives will cost a considerable amount of money; but this expenditure is necessary to solve an important day-to-day problem of this large institution which is affecting the lives of hundreds of people.

Prison personnel : The over-all management and supervision of women section of the prison is in the hands of male staff. The Superintendent, Jailors, Deputy Jailor, vocational instructors and the doctors, all are men. There is no lady Jailor or lady Deputy Jailor to supervise women's section. Only one Matron, directly recruited on the post, and not possessing any specialized training to handle correctional activities, is posted at the prison. This is an isolated post in the cadre with no channel of promotion upto retirement. There are two lady teachers who take up educational activities for both, women inmates as well as their accompanying children. Security staff of this section consists of only 3 warders, which is tragically insufficient. Lady warders in this short strength cannot avail their rightful rest even on Sundays and holidays, and have to perform unduly long hours of duty if one of them falls sick.

It is worth mentioning that there are 28 lady warders for the security of 79 women in Central Prison Bhopal; while at Jabalpur there are only 3 for the security of 100 inmates. This is highly unjustified and needs correction. There is no special training program for sensitizing this staff for the special needs of women prisoners.

Residential quarters of prison personnel are in a deplorable condition. They present a picture of absolute neglect both by the prison department and the PWD. Although 75 I-type quarters for warder staff are under construction at present, but attention needs to be paid to the higher staff as well. There is no use wasting money on repairs because the basic structure of these quarters is a century old and dilapidated. These shall be gradually replaced by new ones in a phased manner.

Medical facilities : Medical facilities at this jail are upto the mark. Although there is no separate medical facility for women, but a regular (lady) nurse is attached to the medical team consisting of 3 doctors, 3 male nurse and 2 compounders. Medical team being sufficient to manage the (male) prisoners' hospital, the lady nurse has time to visit women section of the prison daily. She examines women

prisoners complaining of ailment and calls the doctor, if necessary. She also looks after indoor patients segregated in the enclosed facility.

The prison hospital has the facility of general medical tests and an x-ray machine. Women patients have to come to this part of the men's prison for taking treatment. Dr. Joel, a renowned psychiatrist, visits the prison once in a week to treat all mentally sick prisoners, including women. One lady medical officer (Dr Neeraja Dubey) is appointed on part-time basis to visit women section of the prison once in a week and on call. Seriously sick or expectant women inmates are referred to Ladies Hospital outside prison and are sent there under proper escort. During the past 5 years, 6 prisoners died their natural death and one committed suicide, but none of them was a women.

There are two cells for the segregation of women prisoners suffering from contagious or infectious disease, but the number of such inmates was nil on the day of visit.

General amenities : There are appropriate facilities for expectant and lactating mothers among prisoners. Jail rules (531 to 535) contain scales of diet for various categories of women inmates and their dependent children; and these facilities are being provided on the recommendation of the medical officers.

The scales of diet, clothing and personal hygiene for general inmates are neatly and correctly applied in the prison both for men and women. Kitchen conditions are excellent and the standard of cleanliness up to the mark. But the difficulties resulting from the preparation of food for an over-populous prison are inescapable. By the time food reaches women's ward from the male-prisoners kitchen, it is cold, residuary and tasteless. Catering to an inmate population of 2,500 prisoners from one kitchen is a stupendous task. There should be a separate kitchens for women inmates.

Water for drinking and for other purposes is drawn from jail wells and municipal water supply system and is stored by inmates in properly covered earthen pitchers. Bathing soap (150 grams per month), washing soap (detergent powder 50 grams and soap 90 grams per week), and oil (35 grams per week) is provided to each inmate as per prescribed rules. Women can have their own supplements such as bindi, sindur, hair oil and tooth paste. They have a common mirror and a comb in each barrack.

Inmates have a black & white TV in each barrack and a coloured one in the common room that provides them both entertainment and touch with the world out-side during their leisure hours. They enjoy the facility of a carom-board, some indoor games, and musical instruments for singing and dance. One lady (Mrs. Sarin) from the Art of Living organization teaches yoga to inmates, and those who have picked up, keep others engaged in yogic exercises on a regular basis. Children of inmates have a good sports garden with swings and a round-about donated by some philanthropic organization.

There is a primary school within the jail compound (outside the main jail) where children of prison staff receive early education. Children of women prisoners also go to this school. Such school going children of prisoners get uniform from prison sources. Sometimes dresses for these children are received in donation from philanthropic organizations also.

Under-trial women prisoners can have interview with their relatives and acquaintances once in a week or more with the permission of the superintendent. The frequency of interviews allowed to convicted prisoners is once in a fortnight. They can brief their lawyers as and when required and can write a post card to their relations in times of need.

A regular class room operates in the women section of the prison. 2 teachers are engaged in educational activities for women inmates as well as their children. Over a thousand (1095) women admitted to the prison as under-trials or convicts during the past two years were made literate, while 11 women have passed their 1st to 5th standard during this year. Women inmates also borrow books from the library in men's section through matron and teachers.

System of receipt and disposal of complaints and grievances is operational in the prison. There are complaint/suggestion boxes in each ward which are opened by representatives of District administration as per directives of the apex court. Prisoners, both men and women, can make complaints to the superintendent of jail during his weekly visits or to the octagonal officer present in his office each day. In case a prisoner wants to make a representation to an authority outside the prison, such complaints are forwarded to the addressee with the remarks of the jail superintendent. A citizens' charter is inscribed at prominent place outside the main gate of the prison as well as on the wall of central octagonal tower.

Released women prisoners whose relatives do not turn up at the time of release inspite of information, are escorted to their home place with women guards, and all are paid railway or bus fare. In case the woman is homeless, she is sent to the Home run by the Department of WCD.

Work programmes : Work programmes at this jail have a definite gender-bias. It is worth mentioning that for men convicted prisoners there are a number of work programmes, such as durrie making, carpentry, printing press, cloth weaving, tailoring, agriculture and horticulture, dairy, iron-smithy, soap making and spices grinding and packaging; but women inmates are engaged only in grain cleaning and vegetable dressing for everyday meals. Some of the women casually do the work of tailoring also, but this is not a vocation imparted for rehabilitative purposes. The department has to think on more constructive lines to introduce some really rehabilitative vocations in a prison where the average daily population of women offenders is about 100. Even under-trial inmates can be provided option for work and be paid for it. For the present most of the women engaged in cleaning of food-grain, dressing of daily vegetables, sweeping floors, drawing

water or doing other menial works are paid Rs.8/- per day for unskilled work. A skilled worker can earn Rs.10/- per day.

Legal Assistance and Free Legal Aid: Rules relating to remission of sentence, premature release, temporary leave and parole were being duly applied and its benefit accrued to women as much as men inmates. During the past two years 5 women prisoners have been temporarily released on first parole of 10 days and then subsequent parole of 21 days. 3 women were released prematurely under the probation rules by the government.

One Law Officer is posted at this jail for looking after all legal matters of prisoners, both men and women. Apart from drafting appeals and petitions for prisoners, he is in constant touch with the free legal aid services in the district. The Study Team had the occasion of meeting the District Legal Aid Officer (Mr. SK Srivastava) and Secretary, Legal Aid Committee (Mr. C.S. Vishan, Judicial Magistrate). It is worth mentioning that three of these officers are looking after the interests of deserving poor inmates who cannot afford a private lawyer, in providing them free legal assistance.

They would do better if they could undertake a status-study of under-trial prisoners periodically to ensure that none of the stays in the prison for an unduly long period and that timely assistance is provided to them in all their legal matters.

Under-trial prisoners : Jabalpur Central Prison had an under-trial population of 34 under-trial prisoners. None of them stayed in the prison for more than 2 years during investigation and trial - 3 of them stayed for less than 2 years and 2 for less than one year and 29 for less than 6 months. There is sufficient space for the segregation of convicted prisoners from those in judicial custody awaiting trial.

Prison staff informed that police guard are available easily for escorting inmates to local courts; but there was lot of difficulty in getting appropriate escort, particularly for women, who had to attend dates of hearing in courts outside the city. The law officer and the Jail Superintendent should discuss this problem with district administration and the district superintendent of Police to find some permanent solution.

Inmates complained of not being produced before the trying magistrates on several dates of hearing. At times police escorts fail to arrive in time or are in insufficient numbers. Even when these under-trial prisoners are taken to courts they await their turn in the lock-up for a personal hearing but their remand to judicial custody is extended without being effectively produced before the trying magistrate. This needs to be addressed jointly by prisons, police and the judiciary at local level.

Two women inmates (Shanta and Sunita) were granted bail but they were not able to produce surety because no one turned up to help them. These cases were

brought to the notice of Law Officer for drafting their applications to relevant courts for consideration of their release on personal bond.

Community Participation : Some of the non-government organizations that have been visiting the prison for the past some years to render various recreational, educational and spiritual services to inmates are : Digambar Jain Mahila Parishad, Brahmakumari Vishwavidyalaya, Francis Joseph Nirmal, Vipashyana Trust, Rasni Durgavati Vishwavidyalaya Teachers Association, Maharishi Mahesh Yogi Vedic Vidya Mandir and the City cable people.

Prison Visiting System : The system of prison visitors, a mandatory provision of law, is not being implemented in its true spirit. There has been no appointment to the position of Non-official Visitors of prisons in the state for the past 6 months, ever since the appointment of previous incumbents was terminated with the change of government.

Staff-Inmate Relationship : No complaints emanated from the prisoners about the staff. Prison personnel are generally amicable to inmates.

Recommendations

- Appropriate supervisory and security staff is the primary need of a correctional institution. Immediate steps should be taken to appoint at least one Lady Dy. Jailer, one crafts instructor, two lady head-warders and 5 additional lady warders so that a correctional programme could be contemplated for women prisoners.
- Since the average daily population of women offenders at this jail is quite large, it would be in the fitness of things to construct a new enclosure for women prisoners with a separate main entrance, so that it is physically segregated from men's prison.
- There should be a fully developed and functional work program for women. Some rehabilitative works such as hosiery, food preservation, pickles, dress-making, uniform tailoring, computing, etc., can be introduced in the women section.
- Even under-trial women prisoners should be encouraged to engage themselves in productive activity in these vocations and be paid for their work.
- District Legal Aid Authority should be approached to hold legal awareness camps and lok-adalat in women section of the prison so that small cases could be decided expeditiously. D&SJ, the CJM and SDM should visit the prison together once in a fortnight to review cases of under-trial prisoners, including women, to examine if they are unduly detained and to see if cases of some of them could be processed under provisions of Probation of Offenders Act.
- Prison personnel must encourage good NGOs to give their services effectively for educational & recreational activities, vocational training and rehabilitation of inmates.

- Prison staff (both male and female) responsible for the management of women's prison must be trained in sympathetic understanding of the problems of women undergoing incarceration.
- Prison Visiting System should be revived, regulated and made effective. Persons with better standing in the society should be appointed as Non-official Visitors so that they may command respect among prison officials and be helpful in bringing about improvement in prison conditions.
- Law officer of the prison should approach the District Legal Aid Committee to hold legal awareness camps and legal clinics at the women's section of prison. He must persuade the Chairperson and the DLA Officer to depute at least one lady judicial officer with the team coming to the prison for this purpose.
- With the cooperation of voluntary agencies some kind of counseling on psychological and spiritual aspects must be organized, specially for women, on a regular basis.
- Some other suggestions are as follows :
 - A fully functional separate kitchen be provided to women section of the prison;
 - Arrangements should be made for a separate interview shed for women so as to screen them away from the sight and hearing of their men counterparts;
 - A crèche with appropriate facilities should be developed for the upkeep of innocent children staying with their mothers in the prison. Arrangements should also be made for sending such of them to outside schools who have gained the age of proper schooling;
 - The care of personal hygiene of women inmates (nails, lice, sanitary napkins in times of need, parched skin, unwanted hair, oral hygiene, washing, combing and oiling of hair and so on) should be assigned to some specially trained women staff;
 - Water supply to toilets should be improved to remedy the problem of clogging and choking of sewer lines.

Sub-Jail, Mandla

(Date of visit : June 16, 2004)

District Mandla is about 100 km south-east of Jabalpur, a 2½ hours drive by road. It has a sub-jail under the charge of the Sub-Divisional Magistrate, who is designated as part-time Superintendent. The over-all in-charge of the sub-jail is a whole-time Jailor and the present incumbent is Mr. Phool Singh Paraste, residing within the jail campus.

The entire district is hit by extreme poverty because of near total lack of irrigation facilities and rocky plains. People are generally illiterate, innocent and unassuming. So is the position in the prison - deriving from the docile prison population the institution is nick-named as place of "peace posting" in the department.

Building : Sub-Jail Mandla is housed in a building originally constructed in the year 1880. In spite of its age the building is good enough and the condition of barracks better than at other prisons. Surprisingly, the 3 barracks (with 20 berths each) raised by the PWD in the year 1986-88 are lying unoccupied and condemned, because the material used was so poor that the structure could not withstand the impact of 1992-earthquake. The 100-year old buildings with their surrounding walls stood undamaged and are at present serving the purpose of housing the prison population.

Prison population : The present capacity of this jail is to house 135 male and 8 women prisoners. As against this, on June 16, 04 the actual prison population was as follows :

Category of inmates	Men	Women	Total
Convicted prisoners	17	-	17
Under-trial prisoners	158	11	169
Civil prisoners	01	00	01
Detenues	-	-	-
Total	176	11	187

(1 boy aged 2 years with 1 women prisoner)

The sub-jail is overcrowded, but not to the extent other prisons are. Only 44 prisoners are above its actual capacity. The intake capacity of women's enclosure is 8 but the present population is 11 and one of the women (grand-mother) has a 2 year old male child of her daughter-in-law in connection of whose death (304B of IPC) she is in the prison. There is sufficient space in the women's ward for the construction of one more barrack with a capacity of 8 inmates and this should be done to avoid severe over crowding in future.

Women's prison : Women's section of this prison is a separate enclosure within the main walls having a common entrance for both men and women. From the point

of view of privacy and segregation from male section it is a secure place, but lacks space for other activities such as exercise and recreation.

Of the 11 women inmates, all are under-trial. Convicted women are transferred to the Central Prison at Jabalpur. From the point of view of period of detention, 7 women are in prison for less than 6 months, 1 for less than an year, and 3 for more than an year but less than 2 years. A majority of these 11 inmates (8) are accused of offences under section 498A and 304B of the IPC. Offenders remanded to judicial custody by courts of Dindhori (104 km from here) are also confined in this sub-jail because there is no arrangement in sub-jail Dindhori for the confinement of women prisoners. Police escort to take such prisoners (whether men or women) to the courts of Dindhori is easily available and there is no problem on that account.

Some of the inmates reported that their remand to judicial custody is extended without being effectively produced before the trying magistrates. They also complained that the advocates were not paying proper attention to their cases and did not come to the prison to meet and to tell them about the state of proceedings. Even on the date of hearing it was difficult to meet the lawyers or to speak to trying magistrates in the court. That gave them a feeling of suspense and insecurity.

General conditions : General conditions of cleanliness, sanitation and hygiene in women section, as in other parts of the prison are not good, because of damaged drains and defective flush system in toilets. Sewer tanks are either sinking or overflowing. Municipal tankers used for vacating sewer tanks cannot enter the narrow main gate of the prison. A sewer tank connected to all toilets with proper sewer lines, needs to be constructed outside the main wall of the prison.

There are 2 toilets in a separate enclosure for use during day and 1 for use at night. A common platform, properly screened from men prisoners, is used by women inmates for taking bath within their enclosure.

Prison personnel : Part-time Superintendent of Sub-Jail and the Jailor (both men) are over-all in-charge of the women section also. But there is double lock system in this enclosure and 2 lady warders (1 on regular strength of staff sub-jail Patan and attached to this sub-jail and the other appointed on extra-temporary basis) keep watch on inmates from inside. There is no lady supervisor over these warders and none of them has any special training dealing with special needs of women prisoners.

Security staff of 2 lady warders is too small to be justified. Each one of them has to be on duty for 12 hours, 7 days a week if the women ward is to be guarded round the clock. None of them can avail even a Sunday without forcing the other to be on duty for 24 hours. The very idea of expecting any correctional activity in such understaffed institution is ridiculous.

Medical facilities : Medical facilities at this sub-jail are extremely poor for both men and women inmates. A lady doctor or a nurse has never been posted even on part-time basis. Cases of sick women are referred to lady doctors at the General Hospital. A part-time male doctor (Dr. Mahendra Teja) and a part-time compounder (Mr. Lakhan Yadav) are attached from the Government Hospital, but it is only the compounder who attends his duties daily. The doctor is called only when the compounder is not able to handle a case. It was reported that an ophthalmologist visits the prison once in a month.

On admission of women in the jail, their general medical check-up is done by the part-time doctor; but for gynecological examination they are sent to the general hospital. On the day of visit there was no TB patient or seriously sick woman in the jail. Maternity cases or cases needing segregation are referred to and admitted in the general hospital.

General amenities : Prison personnel as well as the medical staff is unaware of the provisions of Jail rules (531 to 535) that contain scales of diet for various categories of women inmates and their dependent children. The Jailor was asked to provide the medical staff a copy of the rules for future application.

Articles of food and personal hygiene are supplied to both men and women prisoners in accordance with rules. Kitchen conditions are satisfactory and the standard of cleanliness up to the mark looking to the deteriorating conditions of the building. Women prisoners, being small in number, are supplied cooked food from the general kitchen. They try to break the monotony of repetitive kind of food by supplementing some edibles received from their friends and family.

Women inmates, being under-trial, are not supplied any wearing apparel at government cost. They have their own clothes; but blankets, bed-sheets and utensils are provided by the prison according to the prescribed scale. It is, however, desirable for the administration to keep some sets of dresses for women who cannot afford to have them from their private sources.

Some musical instruments (harmonium, dholak, jhanjh, manjeera) donated by people from outside provide inmates some active participation in entertainment. Women have a small black & white TV in the barrack that provides them both entertainment and some knowledge of the world out-side during their leisure hours. But the child is deprived of any social contacts.

Drinking water, supplied through prison tube well and municipal water taps, is stored by inmates in pitchers that are properly covered.

The system of interview with relatives and family members is old and inappropriate. There is no separate shed for interview of women with their relatives or legal aids. But the prison management extends proper cooperation when advocates want to discuss legal matters with their client in prison. Interview with relatives are granted freely, with the special permission of the

superintendent. They are also allowed to write a post card to their relatives when needed.

All women inmates are illiterate and the post of teacher is lying vacant since 31.10.1997. No one is interested in education and there is no one to prompt them into educational activities, at least as an engagement during their free time. The days of inmates are spent in dull routines and the fruitless exercise of contemplating their past.

Since all women are under-trial, there is no work program and therefore no wages. Women attend to small menial works such as sweeping and cleaning of barracks and the ward themselves. Some of them do a bit of kitchen gardening during their spare time.

Free Legal Aid : Application forms of prisoners needing free legal aid are sent to the District Legal Aid Officer. 2 women and 32 men prisoners have benefited from this facility during the past one year. Citizens' charter is prominently displayed at the main gate outside the jail. Released women prisoners are escorted to their home if no one comes to receive them from the prison. Such women and the lady guard escorting them get railway or bus fare for this journey.

Community Participation : Satya Sai Samiti of Mandla and Brahma Kumaris send their representatives to the prison for spiritual discourses. Women are allowed to participate in the events.

Prison Visiting System : Non-official Visitors of prisons, like in other parts of the state, have not been appointed for the past 6 months. Former appointees (Ms. Grany Thomas and Mr. Mohammed Yoosuf Asal) are said to be holding a good social status. They visited the prison at least once a month during the tenure of their appointment. However, a Board of Visitors has never been constituted. Prison inmates, though they had no idea of what non-official visitors are, want this system to continue and to be effective.

Catholic nun Advocate Sister Gracy Thomas of Nirmala Convent, Mandla has been appointed as a NOV to Mandla Jail. She regularly visits the jail, but her entries in the visitor's book are of routine nature and ineffective. An interview with her revealed she takes up the cases of the poor free of cost, but she seems to have faith in the criminal justice system. She is totally committed to the cause of the voiceless tribals, particularly women.

Staff-Inmate Relationship : Inmates (both men and women) had no complaints against the staff. The dealings of prison personnel with inmates were friendly and they extended all cooperation for meeting their lawful demands.

Recommendations

- New barracks constructed by the PWD, and now lying useless because of the damage suffered during 1992-earth quake should be repaired so that the large amount of money spent on them may not go as a total waste.
- District Legal Aid Authority should be approached to hold legal awareness camps in the prison and women inmates should also be contacted for their legal needs.
- Prison personnel (both men and women) engaged in the management of women offenders should be trained and sensitized in sympathetic understanding of the problems of women undergoing incarceration.
- Prison Visiting System should be revived, regulated and made effective so as be helpful in bringing about improvement in prison conditions.
- A part-time lady Medical Officer must be appointed to visit women section of prison at least twice a week.
- Even under-trial women prisoners should be encouraged to engage themselves in some kind of productive activity and be paid for their work. At least some literary programs should be immediately introduced with the help of district adult education office or a voluntary organization.
- The care of personal hygiene of women inmates (nails, lice, sanitary napkins in times of need, parched skin, unwanted hair, oral hygiene, washing, combing and oiling of hair and so on) should be specially assigned to one of the lady warders;

District Prison, Damoh

(Date of visit : June 17, 2004)

Damoh is perhaps the most difficult place to reach by road from Jabalpur. A short 107 km of road travel took 5½ hours to reach the destination. On a day frequented by rain and storm it was difficult to distinguish the road from pits and marshes all along the journey. The nearest Bench of MP High Court being located at Jabalpur, the 'road' to higher justice for the common man of the area must really be inaccessible. Even officers responsible for the supervision of various institutions of the criminal justice mechanism, it seems, have neither time nor 'courage' to traverse this terrain to inspect institutions in this forgotten city.

District Prison, Damoh, is a picture of neglect by all agencies of the criminal justice system as also by the PWD and the medical department. With almost total lack of resources there is no cooperation either from the public works department or the municipal board to carry out even essential activities of sanitation and hygiene. On a day soaked by continuous heavy rains the Study Team visited this prison which is presently under the charge of Superintendent, Shri MM Maravi, who on that day was on leave (?) and, therefore, Shri CK Mishra, Jailor, was looking after his work.

Building : District Prison, Damoh, is housed in a century-old, badly maintained building that seems to have been ignored by the PWD and the Prison administration for several years. The basic structure of the building is decaying. Roofs in almost each barrack are leaking, plaster on walls cracking and the floor rough, uneven and crusted. There is no protection for prison inmates from rain and showers even in their barracks which are heavily overcrowded. Prisoners can be seen crouching and seeking shelter against pillars and narrow strips of walls separating grated windows. It is difficult to imagine how they would rest at night in their beddings and blankets that were almost soaked in water due to continuous rains.

Prison population : Against the present capacity to accommodate 166 male and 14 women (total 180) prisoners, the barracks of this decrepit building are housing a prison population almost double its capacity. On June 17, 2004 the actual prison population was as follows :

Category of inmates	Men	Women	Total
Convicted prisoners	17	00	17
Under-trial prisoners	231	18	249
Detenuess	00	00	00
Foreigners	00	00	00
Total	248	18	266

(14 children with women prisoners)

Quite a large number of children aged less than 6 years are accompanying their mothers who are in judicial custody. Some of these children have attained the age when they must start going to school for formal education. Rest of them are less than 4 years.

Women's prison : The existing Women's prison is an enclosure within the main walls of District Prison, with a common main gate for both men and women inmates. For all purposes of admission, release, transfer to hospital or interview with relatives and lawyers, they are required to pass through areas frequented by men prisoners. Against the capacity of 14 inmates, there are 18 women prisoners (with their 14 children, of which 6 are with 2 women confined in the same case). 15 feet high walls separate this enclosure from the men's section of prison while its double lock system makes it safe from any kind of male intrusion.

Since there is only one barrack the question of segregation of habitual from the casual, young from the old, drug addicts from the rest, even sick from the rest, is out of question. Young children, of course, stay with their mothers in the same barrack which has an uneven and crusty floor.

General conditions : As in other enclosures, general conditions of cleanliness, sanitation and hygiene in women section of the prison are poor. Even routine cleaning of drains and toilets is not going to help because the system is old and has become dysfunctional.

Prison personnel : The management of women section of the prison is in the hands of male staff. The Superintendent and the Jailor posted at this Jail are responsible for the overall management of the women's section as well. There are only 2 lady warders on the strength of this jail and they are supposed to guard women inmates 24 hours a day on all 7 days of the week from inside the enclosure. If one of them goes on leave for unavoidable circumstances, the other has to perform 24-hour duties. Women prisoners cannot be left without a guard for even half an hour, because, if an untoward incident happens during that period, who will be responsible for it. So, for these 2 (*government employees!*) there is no holiday, no sick leave, no emergency at home, no respite, and that in an age when we are talking so much about women empowerment.

The jailor was confronted with some simple questions : what happens when there is a single warder on duty for 24 hours - how does she attend to her nature calls and procure her two time meals; does she not go to her place to meet her children and family even once during the day? The jailor conceded that she is relieved from the prison for two hours during the day. If that is so, the double lock system is violated - either a prisoner locks the door of the women's enclosure from inside, or else, it is not locked at all. In the first situation the women's prison is in the hands of prisoners themselves, at least for *that* period of time, and is a gross violation of rules; and in the second, women prisoners are accessible to male members of the staff at will.

On being questioned whether this situation is in the knowledge of higher officers of the department and the government, an irate and totally frustrated jailor remarked that it was useless working for the improvement of the prison because higher authorities and concerned departments turn a deaf ear on all requests. With no money and no personnel how can the situation be improved. He had written several letters to higher authorities, the PWD and the municipal office but with no avail. Prison walls at places, he said sarcastically, can be fractured with one kick, and if that happens and a prisoner escapes, the jailor will be suspended but the wall will not be repaired.

Two serious escapes have already occurred from the jail – one on 28.08.01 when 3 male prisoners working as cooks, scaled the low parameter wall, and the other on 20.09.03 when 2 prisoners broke open the rusted and damaged iron bars of an old barrack and then scaled the same low parameter wall of the jail. The security staff is so short that only one warder can be posted on duty inside the prison at night. There is no supervisory staff inside the prison at any time of the day or night. The post of Deputy Jailor has not been filled up for the past 2 years.

In October 2003 a warder, Ramesh Chawrasia, was stabbed in the lines by a gang of ex-prisoners. He got no relief – legal, financial or moral – from the department. The whole security force, it is said, is completely demoralized.

Existing prison staff (men or women) have no special training for the management of women prisoners. In the absence of a lady jailor or a lady head-warder it is difficult to ensure which legal or reformative matters of so many inmates are lying unattended. The search of women inmates on admission, however, is conducted by lady warders only.

Medical facilities : There is no separate medical facility for women. A male full time Doctor (Dr. Shailendra Nikhar) is posted on deputation from the Medical Department; but in his own estimation it was not possible for one doctor to cater to the medical requirements of inmates single-handed when the post of a male nurse was lying vacant for the past 2 years. Medical needs of women prisoners were generally neglected. There has never been a lady medical officer even on part time basis.

Commenting ironically at the 'airy orders of the government', the Jailor came up with an order (No.521) issued on 09.02.2004 by the Civil Surgeon and Addl. Superintendent of Government Hospital Damoh, which said that in compliance of instructions from the Director of Medical and Health Services, Bhopal, six medical officers of the Hospital (a specialist each in medicine, surgery, paediatrics, gynecology, ophthalmology, and a DGO), of which 3 were lady doctors, were deputed to visit the prison, one each on six days of the week by turn, to cater to the medical needs of prisoners. But in 4 months that had elapsed after the issue of the order, not a single doctor had visited the prison, and there was no one to ask why !

Medical examination of women prisoners is done by the (male) Jail Medical Officer at the time of admission. They are sent to the gynecological ward of Government Hospital for pregnancy tests. Even referring of women patients to government hospital outside the prison is difficult in view of the fact that appropriate police guard is not available at the required time. There is no ambulance at the jail and no indoor patients facility for women prisoners at the Jail. The 6-bedded indoor facility for male prisoners was lying unutilized. It is impossible to run without proper staff - at least two compounders on a permanent basis. One post of a male nurse is lying vacant for the past 10 years and, surprisingly, the teacher posted at the jail was assisting the MO in the dispensing of medicines !

Some of the male prisoners said in a very subdued language but eloquent gesticulations that there was a lot of corruption in the matter of prescribing good medicines and in the purchase of medicines from the local market.

General amenities : At this jail also, the Jail Medical officer has not been told about Jail rules (531 to 535) which contain scales of diet for various categories of women inmates and their dependent children. These facilities depend upon the recommendation of the medical officer and if he is unaware of these scales, prisoners and their dependent children are deprived of this small privilege. The study team asked the superintendent to supply a copy of relevant rules to the doctors for future application. Two of the women prisoners were pregnant at the time of admission to prison.

There is a common kitchen for both men and women prisoners. Cooked food is supplied from the common kitchen to the women's ward.

There was no complaint about the application of scales of diet, clothing and personal hygiene. Kitchen conditions are fairly good, looking to the condition of

the entire prison building. Water, both for drinking and other works, is supplied from prison well fitted with a pumping set. Since this supply is not sufficient for the entire prison population, it is supplemented with purchase of water through tankers (at the rate of Rs.250/- per tanker) whenever it is necessary to do so. Women are allowed to store drinking water in properly covered earthen pitchers.

There are 2 toilets for use of women during the day and one for the night. There is a bathing platform with open water storage (called a *Tanka*) in the center, that is used for common bath. The woman section of the prison, together with its facilities, is properly screened from male prison population.

Inmates get bathing and washing soap (manufactured at Central Prisons of Bhopal and Indore), and 30 grams of coconut hair oil, as per rules. There is a common comb and a mirror on the wall of the barrack. Use of Bindi and Kumkum is allowed at the cost of inmates themselves. Rags of old cloth serve the purpose of sanitary napkins.

There is no work program or vocational training because all inmates are under-trial. Prisoners have to perform all menial duties such as cleaning the floor, sweeping barracks, and so on, by turn among themselves.

Inmates can seek one interview with their relatives in a week or write a letter to them once in a fortnight as per rules. There is a TV (B&W) in each barrack for keeping the inmates in touch with news and recreation. Children are without any social contacts; they just keep confined to the women's enclosure. The male teacher has no access to this section.

There is a library in the male section of the prison but books and newspapers are not used by women because they are all illiterate.

Legal Assistance : The role of Advocates in the dispensation of justice is a matter of suspicion and complaint at every jail. Here also, both male and female prisoners had a grudge that their advocates were not paying proper attention to the disposal of cases. They never came to the prison to take briefs or to discuss the case at any stage. The advocates, when contacted by the study team, curtly retorted that they are not supposed to go to the prison to meet their clients; they had several other important works to do.

The services of a law officer or a prison welfare officer are not available to district jail, Damoh, because it is a 'small' institution. The study team feels that every prison with an average inmate population of 100 or more must have a prison welfare officer on its strength to look-after the legal matters of prisoners.

Under-trial prisoners : On June 17, 2004 District prison Damoh had an under-trial population of 249 prisoners out of which 18 were women. None of them had spent more than two years in the prison during investigation and trial - 11 of them had spent less than 6 months, 4 of them less than an year and the other 3, more than an

year but less than 2 years. Inmates generally complained of not being produced before the trying magistrates on the date of hearing, a general trend throughout the state.

The prison population of this jail was an example of how the provisions of section 498A are being indiscreetly interpreted or even misused by the criminal justice system. 14 out of the 18 under-trial women here were incarcerated under this section. It appears that there is no discernment at the level of apprehending and investigating agencies about real culprits, and the entire family is remanded to judicial custody pending investigation. Even at the level of judiciary, it appears, no judicious discretion is used in the grant of bail to some of the accused whose connection to the crime is remote or far-fetched, and who have such deep roots in the society that they would never jump bail.

The Study team came across a case in which six (6) innocent children of the age below five years, belonging to a single joint family, are lodged in the prison because all the five adult members of that family are remanded to judicial custody, and there is no one outside to look-after these children. The family belongs to Aharwar (Harijan) community and is financially wrecked. It appears to the Study team that at the time of asking for judicial remand, only five accused adults were produced before the trial magistrate and the accompanying six children were not taken to the court room, otherwise the presiding judge, in his own judicial prudence, would have questioned the propriety of sending such large number of innocent children to prison, even if that was permitted under jail rules. CHRI has brought this case to the notice of High Court of Madhya Pradesh with the hope that their intervention might bring relief to these children from the ill effects of unwanted incarceration that they are suffering. A copy of the letter addressed to the Hon'ble Chief Justice is enclosed as **Annexure-7**.

Free Legal Aid : People lodged in the prison are generally illiterate, humble, poor and ignorant about their residuary rights. They have no idea of what free legal aid system is and private lawyers generally discourage the accused from obtaining free legal assistance, saying this is not going to help them. Some of the inmates (men as well as women) who got free legal assistance with the intervention of presiding judicial magistrate of the court, complained that even these lawyers are not as "free" as intended by law; they do not take interest in the case unless paid privately by the clients over and above their fees from the District Legal Service Committee. The truth of the matter needs to be investigated by the district or the state legal services authority.

Community Participation : The prison management believes that community participation in correctional work is confined only to calling some representatives of religious bodies to deliver spiritual discourses to the 'sinners' confined in the prison so that their 'souls' are purged for a deliverance in life hereafter. They have neither time nor guts to network community support for adult education, medical help, vocational guidance, social rehabilitation, and legal assistance to the prisoners.

Gayatri Shakti Peeth, Damoh, had a regular program of “Yoga and Sadhana” in the prison and quite a large number of inmates, particularly the young ones, took active part in the ‘havan’ organised by the organization.

Prison Visiting System : There has been no appointment to the position of Non-official Visitors of prisons in the state for the past 6 months. The visiting notes recorded by prison visitors in the past show that they have not been told about their functions and duties. Their remarks are confined only to ‘food’ and ‘water’ arrangements in the prison. Legal, correctional, educational, rehabilitative and such other important matters have never been touched by them.

Staff-Inmate Relationship : It is no use talking about staff-inmate relationship when there is no staff in the women section of the prison. The two warders have nothing to contribute to the welfare of inmates as they just mark their presence to earn their day’s salary.

Recommendations

- This prison is a picture of neglect and needs immediate attention of higher ups at prison headquarters. A special team should be constituted by the government to study the administrative and correctional problems of this prison and to prepare a phased program for its improvement before things worsen beyond correction.
- This old and dilapidated prison campus, if sold out, can perhaps fetch an amount sufficient for the construction of a new prison building at a more suitable place. The possibility of such change must be examined by the government by constituting a special committee for the purpose. Sooner or later this has to be done in view of the present deplorable state of maintenance of the prison.
- A bore-well with an overhead tank needs to be constructed to meet immediate requirements of prison inmates.
- It is immediately necessary to post at least one lady head-warder and 2 more lady warders to ease the situation of security of women’s section.
- Even under-trial women prisoners should be encouraged to engage themselves in some kind of productive activity. Some NGO of good reputation can be networked for this purpose.
- District Legal Aid Authority should be approached to hold legal awareness camps and lok-adalat in women section of the prison so that small cases could be decided expeditiously. If the D&SJ, the CJM and SDM could visit the prison together once a fortnight (as is done in District Jail Korba in Chhattisgarh) cases of poor prisoners languishing in jails for petty bailable offences or those under section 109 CrPC could be decided either under due process or under provisions of Probation of Offenders Act.
- Staff should be trained in sympathetic understanding of the problems of women undergoing incarceration.

- It is necessary to ask the Medical Department to fill up the post of 1 male nurse so that the medical officer can devote more time to patients and render better services.
- Prison Visiting System should be revived, regulated and made effective. Persons with better standing in the society should be appointed as Non-official Visitors so that they may command respect among prison officials and be helpful in bringing about improvement in prison conditions.
- The Prison Welfare officer should (a) keep constant touch, both formal and informal, with the District Legal Aid Committee (b) keep a separate register for the interview of inmates with advocates assigned to them under the scheme and (c) ensure legal assistance for under-trial prisoners on a day-to-day basis instead of waiting for the DLAC to organize a camp at the prison.
- A lady part-time Medical Officer must be appointed and it should be ensured that she visits the women section of the prison on a regular basis to attend to health problems of women inmates.
- The care of personal hygiene of women inmates (nails, lice, sanitary napkins in times of need, parched skin, unwanted hair, oral hygiene, washing, combing and oiling of hair and so on) should be assigned to some specially trained women staff.

Central Prison, Gwalior

(Date of visit : June 29, 2004)

Central Prison Gwalior is the circle jail of a division that includes dacoit infested areas of Bhind, Morena, Datia, Shivpuri and Chambal ravines. As such it is known for housing arrested and surrendered dacoits apart from common offenders convicted or remanded to judicial custody. It does not only maintain a separate count of them as against common criminals, but also a separate enclosure to keep watch over them. Women dacoits are however confined in the women's ward in a separate barrack. Shri Gopal Prasad Tamrakar, Superintendent, was the overall in-charge of the prison on the date of visit by the Study Team.

Building : Central Prison, Gwalior, is housed in a 125-year old building, originally constructed in the year 1879. It has undergone several alterations, renovations and additions over the years. In spite of it being old, it is a well equipped and well administered. Renovations have resulted in some neat and clean units, well-designed living areas, proper kitchen, community hall, and appropriate work-places.

Prison population : The present capacity of the prison is to hold 1150 inmates. This capacity has not been classified in accordance with the category of inmates. Since it is a heavily overcrowded prison, it is not possible to earmark living accommodation according to prisoners' category such as convicts and under-trials. Wards and barracks are allotted to inmates according to exigencies of day-to-day situations. As against this capacity, the prison population on June 29, 2004 was more than two times, as follows :

Category of inmates	Men	Women	Total
Convicted prisoners	1493	21	1514
Under-trial prisoners	914	50	964
Mentally sick criminal under-trial prisoners	05	03	08
Mentally sick criminal convicted prisoners	17	00	17
Surrendered Dacoits	16	01	17
Civil prisoners	01	00	01
Detenues	03	00	03
Foreigners	00	00	00
Total	2449	75	2524

(10 children with women prisoners)

A proposal for the construction of 50 new barracks with a capacity of 20 inmates each has been accepted under the centrally sponsored scheme of new buildings, of which 3 barracks are under construction. As compared to men's prison, the enclosure for women is less overcrowded. Against the capacity of 60 inmates it houses 75 women offenders.

Women's prison : Women's prison is ideally situated in a separate enclosure outside the main walls of Central Prison, with a separate main gate. It is a relatively new construction having an office for the lady jailor, double gate, three barracks, toilet block and a bathing platform with a central water storage. There is ample space within the enclosure for games, exercise and free movement of prisoners. While two barracks are used for common prisoners, both convicted and under-trial, the third barrack is meant for the confinement of surrendered women dacoits. Since there is only one such women dacoit, she is kept in association with 2 other convicted women prisoners.

Of 75 women prisoners (as on the day of visit) 22 are convicts and 53 under-trials. 10 children below the age of 6 years stay in the prison with their mothers. Children who cross the age of 6 are sent to their relatives or to children homes run by the Department of Child and Women Development. 3 of the 10 children staying in prison have attained the age when they should be sent to school for proper socialization. Other 7 are less than 3 years.

Under-trial prisoners : 1 out of 53 under-trial women prisoners had stayed in the prison for more than 4 years. She is accused of killing her husband and is mentally so sick that she cannot stand trial in the court of law. 40 of them stayed for less than six months, 8 for an year, 2 for more than an year and 2 for more than two years. 3 mentally sick women inmates in judicial custody for criminal offences had no separate accommodation. They were depressive but not violent and therefore adjusted with other inmates who took proper care of their welfare.

Inmates generally accused of not being produced before the trying magistrates on the date of hearing. At times police escorts fail to arrive or are in insufficient numbers. In such cases only warrants are sent to the court for extension of the period of remand. Even when these under-trial prisoners are taken to courts, they await their turn in the lock-up for a personal hearing but their remand to judicial custody is extended without being effectively produced before the trying magistrate. This is a general complaint even at other jails and needs to be addressed jointly by prisons, police and the judiciary local level.

Two issues (1) the unending wait of mentally sick criminal prisoners for the beginning of their trial in the court of law, and (2) the blatant denial of under-trial prisoners' right to be physically present before the presiding judicial magistrate for extension of the period of remand as provided under proviso (b) to section 167(2) of the CrPC, deserve to be raised in higher judiciary as a PIL for uniform directions to be followed by all agencies of the criminal justice system.

General conditions : General condition of cleanliness, sanitation and hygiene in women section of the prison are good, but not so in the main prison for men, because drains and sewer lines are old and blocked at several places.

Women's section of the prison has sufficient and well-protected toilets and bathrooms. Apart from 12 toilets and bathrooms each in separate enclosures, there is one such facility each in every ward for meeting emergency needs after lock-up.

Prison personnel : Under the over-all control of the Superintendent and Jailors (all men), the management of women section of the prison is in the hands of women staff. For the management of an average daily population of 80 women inmates there is a women-staff of 18 as follows :

Deputy Jailors	1
Matron	1
Vocational teacher	nil
Assistant teacher	1
Lady headwarder	nil
Lady warders	6
Total	9

Training of security and supervisory staff is conducted at facilities attached to Central prisons of Sagar and Bhopal, but, due to shortage of staff to spare for training, these programs are severely hampered. Most of the staff is just new and untrained. The Matron is a direct recruit and has no opening for promotion as it is an isolated post.

Medical facilities : There is no separate medical facility in women's jail; but the main (men's) prison has a well-equipped hospital ward with 34-bed indoor facility, under the charge of 3 whole time Medical officers assisted by paramedical staff - all men. However, under instructions from the Minister in-charge of Prisons, the Civil Surgeon & Assistant Superintendent of Government Hospital Gwalior issued an order on 10.05.2002 in compliance of which 2 lady medical officers (Dr. Uma Shri and Dr. Veena Bansal) have been visiting women's prison alternately on every Monday and Saturday.

Mentally ill prisoners are transferred to this prison from all over the state to receive psychiatric treatment. They are confined in a separate ward. A psychiatrist of the Mental Hospital located close to the prison, visits the prison hospital once in a week.

On admission, women prisoners are medically examined by the jail medical officers. They are referred to the gynecological ward of government hospital for tests of pregnancy. Children accompanying their mothers in the prison have not been inoculated against various diseases. After the intervention of the study team, doctors have been instructed to do so now. They have also been apprised of the provisions of rules 531 to 535 relating to diet scales of various categories of women inmates and their children for future application.

The hospital has the facility of general medical tests and an x-ray machine. Women patients have to come to this part of the men's prison for taking treatment.

Seriously sick or expectant women inmates are referred to Government Hospital outside the prison. There is an ambulance for the transfer of prisoners to other hospitals. The budget allocated for providing medicines to prisoners is sufficient to meet the demand. During the past 1 year, no inmate has died in the prison.

General amenities : Food articles, clothing, bedding, toiletry and oil for use by women are all supplied according to scales prescribed in rules. The quality of food articles is generally good but the storage facilities require repairs. Kitchen conditions are excellent and the standard of cleanliness up to the mark. But the difficulties resulting from the preparation of food for an over-populous prison are inescapable. Catering to an inmate population of 2,500 prisoners from one kitchen is a stupendous task. There should be separate kitchens for every 800 inmates.

Even when the women's prison in Gwalior is a physically separate structure outside the main jail, and the average population of women inmates is 80, there is no separate kitchen for them. Food is prepared in the common kitchen and, in the process of distribution, when it reaches them almost 3 hours after it is prepared, it is cold, residuary and tasteless. In our country, women have the traditional privilege of managing kitchens and they should not be deprived of this right even when they are sentenced to a term of imprisonment. It is suggested that in all prisons that have an average population of 50 or more women inmates, there should be a fully functional separate kitchen for them and all women by turn should be engaged in the preparation of food. They should even be given the liberty to prepare a variety of meals within the food scales provided under rules.

The prison has an excellent facility of a canteen from where prisoners can (from the money earned by them as wages or deposited in their account from private sources) purchase things like biscuits, confectionery, snacks, soap, oil etc., to supplement jail supplies. But women inmates cannot enjoy this facility as freely as their male counterparts can, because of the restriction on their movement outside their enclosure.

Water supply to both men and women inmates is abundant. There is a well, a tube well and the municipal water supply system with the facility of an overhead tank for storage and distribution to wards. Drinking water is stored by inmates in properly covered earthen pitchers.

Each women inmate gets bathing soap (150 grams per month), washing soap (detergent powder 50 grams and soap 90 grams per week), and oil (35 grams per week) as prescribed under rules. Women can have their own supplements such as bindi, sindur, hair oil and tooth paste. They have a common mirror and a comb in each barrack. The toilets and bathrooms provided within their enclosure are sufficient (1 for every 6 inmates) and are fairly clean.

They have a black & white TV in each barrack that provides them both entertainment and touch with the world out-side during their leisure hours. Convicted prisoners can avail the facility of interview with their family members

once in a fortnight while under-trials, once in a week. They can also write a post card to their relations with the same periodicity.

Work Programs : In spite of the fact that the average number of convicted women prisoners is 25, work programs are conspicuous by their total absence in the women section of prison. If the management can encourage under-trial prisoners to work, they can get as many as 75 women to work daily in prison industries. Undoubtedly, the department will have to construct work-shed for the purpose but the money spent will be worth it, if it can provide gainful engagement to such a large number of women and help them in their socio-economic rehabilitation.

For the present the only engagement for these 75 women is cleaning their own place, sweeping floors and barracks and sometimes dressing vegetables for the common kitchen. Convicted women engaged in this kind of unskilled work get Rs.8/- per day.

Thus the right to work and to receive vocational training has an obvious gender bias. There are various vocations open to men but none to women inmates. Work programs for male prisoners include computer work, painting, handlooms, power-looms, soap factory, Spices grinding and packing, printing, durrie weaving, type-writing, dairy-development, blanket weaving, and so on. Women prisoners are left only with menial works. This needs the attention of policy makers in the government and departmental officers at headquarter level. Some rehabilitative works such as hosiery, knitting on machines, cloth printing, dress making, uniform tailoring, computing, etc., can be introduced in the women section of this prison and at other prisons where the number of women inmates is sufficiently large. Even under-trial prisoners should be allowed to work and be paid for it.

Legal Assistance and correctional activities : Rules relating to remission of sentence, premature release, temporary leave and parole are being duly applied and women get this benefit as much as their men counterparts. During the preceding year 3 women convicts were allowed a parole of 21 days each. The cases of another 3 women, who were ordered by the court to be released on bail but who failed to produce a surety, were moved to the appropriate courts for consideration of their cases for release on personal bond.

A full time lady Teacher (Ms. Manju) has been appointed for the education of women and their accompanying children. She informed that women inmates are largely illiterate and are generally not interested in any kind of educational activity or examinations. They are however prompted to learn at least some basics during their leisure time. With much coaxing, 9 women passed their first grade and 2 their second grade examination. Another 5 are presently preparing for the first grade.

Free Legal Aid : Under-trial prisoners who cannot afford a private advocate are extended the facility of free legal aid with the cooperation of the District Legal Aid Committee. But women inmates do not seem to be satisfied with the kind of free legal aid that is provided to them. In their opinion the advocates assigned to them

are very junior and new to the profession. They do not take interest in their work and have no interaction with them during the trial of the case. They seldom come to the prison to meet them.

The D&SJ Gwalior, CJM and District Prosecution Officer held one "Lok Adalat" at the prison on December 14, 2003 in which 9 cases were decided.

Community Participation : For reasons best known to the senior staff posted at prisons, there is a general aversion among them for community involvement in correctional activities in prisons. It appears that they want to discourage NGOs participation in reformatory activities as their mutually agreed agenda. They take it as needless interference in government work, and feel that all welfare and human right activities are counterproductive to prison discipline.

This situation needs to be remedied through government intervention. Prison administration must understand that community participation in correctional work is only to supplement government efforts in reformation and rehabilitation. Some very good work in the field of vocational training, recreation, education, employment and medical treatment of prisoners has been done at several places where prison administration has exhibited receptivity and cooperation with community workers.

At the Central Prison Gwalior, in an eye camp organized by a philanthropic organization, 15 women prisoners were provided spectacles free of cost. In another altruistic gesture, a donor constructed a waiting-shed for visitors outside the main gate of the prison.

One of the "major" contributions of the community in the improvement of prisoners in Gwalior Central Jail, as indicated in the annual report, was the work of their "spiritual enlightenment" by some representatives of organizations such as Art of Living and Prem Prakash Seva Samiti. It has been mentioned in the document depicting "achievements" of Gwalior prison during the preceding year that the inmates of this jail have written "Om Namah Shivaya" and "Ram-nam" 10 million times each and the papers so scribed were "released" by the Minister for Jails at a function !

Prison Visiting System : Non-official Visitors of prisons in the state have not been appointed for the past 6 months. During the previous tenure, on the other hand, 11 persons (instead of 6 as per rules) were appointed as non-official prison visitors because some more party workers had to be accommodated. Out of these 7 were non-official visitors and the other 4, "special invitee members", a position non-existent in rules. However, only 4 of them visited the prison 1-time each. No prisoner made any request to them and their remarks in the Visitors book were general and casual. The women's section of the prison was never visited.

Women inmates, though they had no idea of what non-official visitors are, want that people from open community should keep coming to the prison and should

do whatever they possibly can to ameliorate the sufferings of inmates. They wanted police officers and judicial officers to visit the prison more often so that they could understand the need for early investigations and disposal of their cases.

Staff-Inmate Relationship : There is paucity of staff at Central Prison Gwalior. Out of 3 posts of Jailors and 9 posts of Deputy Jailors, the post of 1 jailor and 7 Deputy jailors are lying vacant. The sanctioned set up of the prison dates back to 1970 when the average number of prisoners was 600. The same staff (vacancies apart) continues to be the sanctioned strength today when the average prison population has gone up 4-times and has touched 2500.

In such an under-staffed and over crowded prison, it is difficult to talk of staff-inmate relations, because the entire time of the workers is spent in routine works of counting heads, putting inmates in and out of barracks, distributing food and preventing escapes. That perhaps is also the reason why correctional and welfare activities have receded into the background. All contact points of staff with the inmates touch routine aspects of prisons life and not the finer aspects of inmates' betterment. Therefore, inmates both men and women prefer to keep silent on this issue and have nothing to say except that "*sab thik hai*" (everything is fine).

Recommendations

- The new enclosures which are under construction at present and are nearing completion, must be technically examined by the prison department before the PWD or its contractors hand it over for use.
- Since the women's section of this prison is ideally segregated from the men's prison, it should also be provided with a separate and fully functional kitchen where women inmates shall prepare their own meals.
- There should be a fully developed and functional work program for women. Some rehabilitative works such as hosiery, knitting on machines, cloth printing, dress making, uniform tailoring, computing, etc., can be introduced in the women section.
- Even under-trial women prisoners should be encouraged to engage themselves in productive activity in these vocations and be paid for their work.
- District Legal Aid Authority should be approached to hold legal awareness camps and lok-adalat in women section of the prison so that small cases could be decided expeditiously. If the D&SJ, the CJM and SDM could visit the prison together once a fortnight (as is done in District Jail Korba in Chhattisgarh) cases of poor prisoners languishing in jails for petty bailable offences or those under section 109 CrPC could be decided either under due process or under provisions of Probation of Offenders Act.
- Prison personnel must discard their attitude of suspicion and mistrust towards community workers and non-government agencies functioning for the welfare of prisoners. Rather, they should actively engage in establishing linkages with voluntary organizations and utilize their services effectively

for educational & recreational activities, vocational training and rehabilitation of inmates.

- Not only that the posts of Jailor, Dy. Jailors and male nurses lying vacant at the prison should be immediately filled up by suitable candidates, but the entire set up should be revised in the light of increasing number of prisoners.
- Prison personnel (both men and women) engaged in the management of women offenders must be trained in sympathetic understanding of the problems of women undergoing incarceration.
- Prison Visiting System should be revived, regulated and made effective not only in Central Prison Gwalior but in the entire state.
- It is the duty of Prison Welfare/Probation officer to keep watch over effective implementation of free legal aid program. He must play this important role by (a) keeping constant touch, both formal and informal, with the District Legal Aid Committee (b) keeping a separate register for the interview of inmates with advocates assigned to them under the scheme and (c) keeping a close watch over the quality of services rendered to the inmates.
- The fact of denial of under-trial prisoners' right to be physically present before the presiding judicial magistrate for extension of the period of remand as provided under proviso (b) to section 167(2) of the CrPC, deserves to be brought to the notice of the D&SJ for immediate remedial measures.
- With the cooperation of voluntary agencies some kind of counseling on psychological and spiritual aspects must be organized, specially for women, on a regular basis.
- Some other suggestions are as follows :
- A crèche with appropriate facilities should be developed for the upkeep of innocent children staying with their mothers in the prison. Arrangements should also be made for sending such of them to out-side schools who have gained the age of proper schooling;
- The care of personal hygiene of women inmates (nails, lice, sanitary napkins in times of need, parched skin, unwanted hair, oral hygiene, washing, combing and oiling of hair and so on) should be assigned to some specially trained women staff;

District Prison, Datia

(Date of visit : July 2, 2004)

Datia is a small district within Gwalior administrative division. It is about 85 km south-east of Gwalior, a 2 hours drive by road. It has a District Prison, which on the day of visit by the Study Team, was under the charge of Superintendent, Shri K.P. Srivastava, assisted by Jailor, Shri ON Sharma, residing within the jail campus.

Building : District Prison, Datia is housed in a building originally constructed in the year 1923. Since it has not been properly maintained by the PWD, the condition of its units appears to be much older than it really is. Each barrack deserves to be extensively repaired. So much so that one of its barracks that has continued to be shown in the statistical figures of its capacity to accommodate inmates, is actually condemned and no prisoner can be allowed to stay in it. Proposals for extensive repairs and for construction of new barracks to accommodate 200 prisoners have been sent to Prison Headquarters for consideration and approval.

Prison population : The present capacity of this jail (including one condemned barrack) recorded in departmental statistics, is to house 201 male and 7 women prisoners. As against this, on July 2, 2004 the actual prison population was as follows :

Category of inmates	Men	Women	Total
Convicted prisoners	64	-	64
Under-trial prisoners	230	3	233
Civil prisoners	-	-	-
Detenues	-	-	-
Total	294	3	297

(1 girl child 1½ years old with a women prisoner)

The sub-jail is overcrowded, but not to the extent other prisons are. Only about 100 prisoners are above its actual capacity. The intake capacity of women's enclosure is 7 but the present population is 3 and one of the women has a 1½ year old girl child.

Women's prison : Women's section of this prison is a separate enclosure within the main walls having a common entrance for both men and women. From the point of view of privacy and segregation from male section it is a secure place. It has one barrack surrounded by high parameter walls having a gate with double lock system. But it lacks space for other activities such as exercise and recreation.

Of the 3 women inmates, all are under-trials - 2 facing trial for alleged 'murder' and 1 for abduction of a girl. When convicted, women are transferred to the Central Prison at Gwalior. From the point of view of period of detention, 2 women

facing trial for murder are in prison for less than 6 months, and the other one for less than an year.

General conditions : General conditions of cleanliness, sanitation and hygiene in women section, as in other parts of the prison are not good, because of damaged drains and defective flush system in toilets. An estimate of Rs. 50,000 has been sent to prison headquarters for improvement in drainage and sewer lines in entire prison including women's section. An approval is awaited.

There is 1 toilet in a separate enclosure for use during day and 1 for use at night. A common platform, properly screened from men prisoners, is used by women inmates for taking bath within their enclosure.

Prison personnel : Superintendent and the Jailor (both men) of this District Jail, are over-all in-charge of the women section also. But for the security of women inmates there are 4 lady warders (2 on regular strength of staff, 1 on attachment and 1 other appointed on extra-temporary basis). There is no lady supervisor over these warders and none of them has any special training dealing with special needs of women prisoners.

Medical facilities : Medical facilities at this sub-jail are extremely poor for both men and women inmates. A lady doctor or a nurse has never been posted even on part-time basis. Cases of sick women are referred to lady doctors at the General Hospital. A part-time male doctor (Dr. P.K.Sharma) is attached from the Government Hospital, who visits the prison once in a week or on calls. It was reported that an ophthalmologist and an orthopedic surgeon visited the prison in the month of May for general check up. But this is not a regular feature.

On admission of women in the jail, their general medical check-up is done by the part-time doctor; but for gynecological examination they are sent to the general hospital. On the day of visit there was no TB patient or seriously sick woman in the jail. Maternity cases or cases needing segregation are referred to and admitted in the general hospital. It was reported that there was lot of difficulty in getting proper lady police guards to escort women prisoners to hospital, particularly when they had to be admitted there for sometime during their treatment as indoor patients.

General amenities : Articles of food and personal hygiene are supplied to both men and women prisoners in accordance with rules. Kitchen conditions are satisfactory and the standard of cleanliness up to the mark looking to the deteriorating conditions of the building. Women prisoners, being small in number, are supplied cooked food from the general kitchen. They try to break the monotony of repetitive kind of food by supplementing some edibles received from their friends and family.

Women inmates, being under-trial, are not supplied any wearing apparel at government cost. They have their own clothes; but blankets, bed-sheets and

utensils are provided by the prison according to the prescribed scale. Drinking water, supplied through prison tube well and municipal water taps, is stored by inmates in pitchers that are properly covered.

A small black & white TV lying in the barrack is out of order. For these three women there is no other source of entertainment or of contact with the world outside. The child is deprived of any social contacts.

There is no separate shed for interview of women with their relatives or legal aids. But the prison management extends cooperation when advocates want to discuss legal matters with their client in prison. Interview with relatives are granted freely, with the special permission of the superintendent. They are also allowed to write a post card to their relatives when needed.

All women inmates are illiterate. There is provision for a part-time teacher who is to be paid a ridiculous salary of Rs.30/- per month. That someone will come and teach illiterate women prisoners at this salary, is beyond comprehension. If the department is not interested in keeping a teacher, this meaningless provision should be scrapped. Otherwise remuneration should be appropriately increased to attract a lady part-time teacher to come daily for the purpose.

Since all women are under-trial, there is no work program and therefore no wages. Women attend to small menial works such as sweeping and cleaning of barracks and the ward themselves. They get items of personal hygiene such as bathing soap, washing soap and oil as per rules. Sanitary napkins are made out of worn-out uniforms or bedsheets.

Free Legal Aid : Application forms of prisoners needing free legal aid are sent to the District Legal Aid Officer. 15 men prisoners have benefited from this facility during the past one year. Women inmates have their own advocates. Citizens' charter is prominently displayed at the main gate outside the jail. Released women prisoners are escorted to their home if no one comes to receive them from the prison. Such women and the lady guard escorting them get railway or bus fare for this journey.

Community Participation : The meager staff available at the prison is so pre-occupied with essential routine duties day and night that they have no time to think of such sophistications of correctional work. Since there is no initiative from prison management to network community support for the welfare of prisoners, it is totally absent.

Prison Visiting System : Non-official Visitors of prisons, like in other parts of the state, have not been appointed for the past 6 months. Former 3 appointees (including one lady) visited the prison 5 times by turn, during their tenure

Staff-Inmate Relationship : Inmates (both men and women) had no complaints against the staff. The dealings of prison personnel with inmates were friendly.

Recommendations

- Proposals sent by the Superintendent for the construction of new barracks and repair of old building and drainage system should be accepted and the work executed without undue delay, if further deterioration of the building and conditions of overcrowding are to be checked.
- Proper control and supervision of prison department should be exercised on all new constructions and maintenance work executed by the PWD or its contractors.
- District Legal Aid Authority should be approached to hold legal awareness camps in the prison and women inmates should also be contacted for their legal needs.
- Prison management should contact some local NGO or philanthropic organization for providing the services of a lady who could engage women prisoners in some kind of useful activity – formal education, craft, embroidery, knitting, crochet work, etc. – that could help them overcome their dull monotony and waste of time during incarceration.
- Prison Visiting System should be revived, regulated and made effective so as be helpful in bringing about improvement in prison conditions.
- A part-time lady Medical Officer must be appointed to visit women section of prison at least twice a week.
- The care of personal hygiene of women inmates (nails, lice, sanitary napkins in times of need, parched skin, unwanted hair, oral hygiene, washing, combing and oiling of hair and so on) should be specially assigned to one of the lady warders.

(B) PROTECTIVE HOMES FOR WOMEN

Mahila Uddhar Griha,
29/3, Old Palasia, Indore - 452 001

(Date of visit : May 21, 2004)

Mahila Uddhar Griha, Indore was established in the year 1960 under provisions of the (then) Suppression of Immoral Traffic (in women and girls) Act 1956 and was transferred to the present government building in June 1967. This institution was initiated with a view to train and rehabilitate women and girls rescued from brothels and procurers. They are admitted under orders passed by judicial magistrates under section 16 of PITA.

There is no age prescribed for admitting a girl nor a maximum period prescribed for retaining her in the institution. The sanctioned capacity of the institution is to house upto 50 inmates.

Building : The building is large enough with 5 halls used as living apartments for inmates, a class room, a kitchen, dining place, stores, common room, recreation hall and space for vocational training. Although spacious, the building is old and poorly maintained. It needs immediate repairs. Its uneven floors and crusting walls prevent proper cleanliness in spite of best efforts. Toilets, too, require immediate attention for renovation.

There is sufficient space in the quadrangle within the building for movement, exercise and indoor games of inmates.

Composition of Inmates : On May 21, 2004 there were 16 inmates of which 10 were mental patients suffering from all degrees of aberrations - retardation, depression, mania, schizophrenia. One of them was seriously sick and bed-ridden. 6 were rescued from situations of moral danger. All these young girls were honest in the admission of their antecedents - their version matched with that on record. One of them had a 15-day old child. The rescued 6 inmates are aged between 18-20 years, while all mentally sick inmates are above 24 years

It was surprising that in a home meant for girls rescued under PITA, more than half the inmates should be mentally sick women picked from the roads. It was reported that these women were transferred to this institution from some other home; but, it appeared, there was no reception order from any legal authority under any law for these women to be kept in this Home. At least the Study Team was not able to find any on record.

In the absence of properly trained staff to handle mentally sick women, they create a mess in the institution - defecating in bed, in clothes, on floors and pathways, screaming, weeping or laughing, biting and bodily harming fellow inmates, and

creating all kinds of disturbances in the daily routine of rescued inmates undergoing training and education. Almost none of them stands any chance of recovery. Their presence in this Home leaves several questions unanswered : Under what law and with whose authority are these inmates here? If none, does this not amount to their illegal detention in the Home? Is this Home an “asylum” for women suffering from incorrigible mental abnormalities? Can they be sheltered here for the rest of their life? If yes, why do we not have properly trained and sufficient number of medical staff (Psychiatrists, para-medical support and attendants) attached to it? If this is not an asylum, then why are they here and what plan does the department have for their future?

The presence of mentally sick inmates in this Home is a disturbing factor and deserves serious attention of the Department of WCD.

Staff and Management : It was a pleasure for the study team to meet a host of extremely devoted and sensitive staff in Mahila Uddhar Griha at Indore. The Home is functioning under the management and guidance of a dedicated Superintendent, Shrimati Anju Shah, who is committed to the cause of redemption of girls rescued from difficult circumstances. She is supported by an equally dedicated staff consisting of a vocational instructor (Ms Indu Pandey), two teachers (Mrs. Pramila Paneri and Mrs. Gangu Tamse), a part-time doctor (Dr. Anita Rewal), an accountant (Mrs. Baikunthi Sharma) and some clerical and helper staff. There was an atmosphere of personal understanding and mutual trust among various workers and their dealings with inmates were appreciably amicable. Such ambience naturally generates accountability and transparency.

The total number of sanctioned staff in the Home is 13 and there is no vacancy. All new entrants to the Home are medically examined by the part-time medical officer. Those who, on admission test pregnant, are admitted to M.Y. General Hospital at the time of delivery. 3 such inmates of the Home delivered a healthy girl child each during the preceding one year.

General Amenities : The Home suffers from acute shortage of water supply. The tube well within the premises of the institution is not functioning and supply of water from municipal taps is both uncertain and short. It has to be frequently supplemented by tankers on payment.

Food articles and clothes are provide to inmates in accordance with the provisions of rules 22 and 23 respectively of MP PIT(w&g) Rules 1983, a copy of which is enclosed as Annexure-7. The material is both sufficient and of reasonably good quality. There was no complaint either about its quality or its quantity. This food is supplemented by other nutrients on the advice of medical officer.

A Montessori trained lady teacher engages young inmates in educational activities in which the girls appeared to be genuinely interested. There is sufficient space for office, doctor’s consultation, place for prayers, and indoor games. The home has a

TV, a tape-player, carom-board, badminton equipment, and some other indoor game devices.

Interview of inmates with their relatives or acquaintances are allowed only on the written permission of the concerned magistrate as provided in rule 31 of MP PIT Rules.

Vocational Training and Rehabilitation : Inmates (other than mentally sick) are trained in various arts of embroidery, toy-making, knitting and tailoring. There is no great opportunity of choosing a vocation of ones interest because of lack of resources and the small number of inmates. But if an inmate wants to pursue a vocation of her choice through her own resources, she is allowed to do so.

Efforts are made to rehabilitate rescued girls through (a) marriage (b) restoration to families (c) employment in some organization and (d) self employment. The records of Home showed that during the period of preceding three years (2001- 04) 79 girls were restored to their families while 2 were rehabilitated through marriage. According to rules, articles of utility worth Rs.2500/- are given to the girl who gets married. Sometimes goods received in donation from philanthropic institutions and individuals far exceed the financial assistance of the government.

Two NGOs - Vama Club, and Prerna Club, Indore - are actively involved in supporting inmates of this institution both morally and materially. These organizations donated 30 sarees, 24 maxis and 20 petticoats to inmates during the past one year.

Recommendations :

- Repair works in the building deserve to be undertaken on priority basis. Department of WCD should sanction necessary funds to execute this work so that the building is prevented from further damage.
- It shall be in the fitness of things to provide this building (owned by the government) with a motor-fitted tube well with overhead storage capacity to facilitate proper water supply both for drinking and for other purposes.
- All mentally sick women should be immediately transferred to the Mental Hospital at Gwalior, where, it is said, there is facility to keep such patients. As an alternative they can also be shifted under proper instructions to Homes run by voluntary organizations such as Mother Teresa Ashram, Nanakheda, Swati Nagar, Ujjain; Mother Teresa Ashram, Navlakha, AB Road, Indore or Mercy Home for Mentally Retarded Women, Morar, Gwalior, where they shall be taken care of by trained workers.
- Funds for the management of this Home should be allotted in time. There is no reason why an organization that deals in the upkeep of sensitive human material should be kept awaiting for funds even for essential expenditure.

Nari Niketan,
Gopal Sadan, Dewas Road, Ujjain

(Date of visit : May 27, 2004)

Nari Niketan, Ujjain, is a Home established in the year 1964 for orphans, unmarried mothers, destitute girls, divorcees and women in moral danger. These inmates are kept in the Home under provisions of "Nirashrit Mahila Griha ke liye Niyamavali" (Rules for the management of Destitute Home), a *draft* of which was provided to the Study Team (**Annexure-8**). The covering letter to this draft directs the superintendent to manage the Home 'for the time being' in accordance with the provisions of these rules.

These rules authorize the Home to keep orphaned girls and unmarried mothers *above* the age of 16, and widows, divorcee girls and other girls *upto* the age of 16 who, the government feels, are in moral danger and deserve protection and support. There is no upper age prescribed but according to the Superintendent (Mrs. Nishi Singh) no woman has ever been kept here beyond the age of 45 years. The sanctioned capacity of the institution is to house 50 inmates.

According to rule 5 of the rules a destitute girl shall be admitted to this institution only when she produces a certificate to that effect from a sarpanch, an MLA, MP, a gazetted officer or head of a registered NGO. The superintendent can temporarily admit a girl on her request without such certificate, but this action has to be approved by the Advisory Committee within 7 days of admission.

Building : The Home is housed in a rented double storeyed building located in a residential area. It was reported that the rent of the house has not been paid for the last 2 years because of lack of funds! The building is large enough with 8 rooms, a kitchen, dining place, stores, common room, and space for vocational training. The building is old and poorly maintained. The rooms are suffocating and dark. The whole building together with its kitchen and facilities require immediate repair and white-wash. All windows and ventilators facing "Police Mess" have been closed with masonry to prevent nuisance.

It was reported that police recruits frequenting the mess create lot of problems with the inmates of the Home. There have been instances of exchange of letters and objectionable gesticulations through windows and ventilators of the building. One of the inmates of the Home is said to have attempted escape through these openings, following some clandestine pact with one of the police recruits. Therefore, all the windows and ventilators facing the Police Mess have been closed with masonry.

The office of the Superintendent and staff of the Home is located in an adjacent building. A male helper keeps guard of the Home.

There is no open space for movement or exercise of inmates.

Composition of Inmates : On May 27, 2004 there were 8 inmates aged between 20-24 years. Two of them had stayed there for about 3 years, three for one year and the rest three for about 6 months. All these girls were destitute, having no support either in family or in the society. They were all transferred here from other orphanages. Depending upon their level of education and skill, these children were grouped in batches of 4 and allocated different rooms in the Home.

During the year 2002-03 a total number of 44 girls were admitted in the Home out of which 27 were rehabilitated in marriage, 6 in employment and the rest 11 restored to their guardians by the court. Similarly, out of 52 girls admitted in the year 2003-04, 12 were rehabilitated in marriage, 3 in employment and 27 restored to their guardians by the court.

Staff and Management : Chapter 4 of the Rules make it mandatory for the Commissioner WCD to constitute an advisory committee in consultation with the district Collector for advising the Superintendent of a home with regard to its day-to-day management including admission, release and rehabilitation of inmates. This committee consists of 11 members - the Collector (Chairperson), Superintendent Home (Member-secretary), 4 official members and 5 non-official members. This committee has been formed at Nari Niketan, Ujjain.

For the management of this Home for Destitute girls, where the average daily inmate population is 10, there is a staff consisting of 10 workers, including Superintendent (Mrs. Nishi Singh), General Assistant (Mrs. Madhubala Vyas), 2 instructors (Mrs. Vijaya Ghanekar and Mrs. Chandra Kanta Acharya), a male Assistant (Mr. Vivek Pasalkar) and 5 other helps. There is no vacancy against sanctioned staff. The behaviour of staff with inmates is cordial and constructive.

Looking to the average number of inmates at the Home in Ujjain and the Home at Indore, the government should consider merging these two institutions. The Department of WCD can perhaps save half the amount spent on work-force by doing so, and spend the amount so saved on essential repairs and renovations in the government owned building at Indore.

General Amenities : Food articles and clothes are said to be provided to inmates in accordance with the provisions of rules 6 (B) of *draft* Rules for the management of Destitute Homes, a copy of which is enclosed as Annexure-8. But the rule is silent about the quantity of food articles. An unauthenticated list describing the scale of diet is however attached to the rule and it appears to be sufficient for a person for her daily needs. The staff does not seem to be quite conversant with the rules. The material is both sufficient and of reasonably good quality. There was no complaint

either about its quality or its quantity. This food is supplemented by other nutrients on the advice of medical officer.

Rations are purchased from a regular contractor who has been awarded this contract by a committee headed by the District Collector. The food is cooked by girl inmates themselves.

The scales of clothes, toiletry and other material of daily use are provided in various sub-sections of section 6 of the rules. But, it was reported that clothes and medicines are generally arranged through community participation in view of acute shortage of funds.

Although it is a mandatory provision in rule 8(8) of the Rules that the services of a part-time lady medical officer shall be made available to each Home, this rule is not followed here. Medical examination and pregnancy test of new entrants is done at the district general hospital while monthly health check up is done by Dr. Rani Bhatnagar, who has lent her services on honorary basis.

Girls are encouraged to appear at various examinations conducted by boards and universities. 2 lady instructors engage young inmates in educational activities and girls appeared to be genuinely interested in it. During the past 2 years 3 inmates passed their degree courses, 5 higher secondary and 4 secondary examination. From amongst the present inmates 2 are for their BA examination from IGNOU and 1 from Vikram University. The arrangement of fees and books is done through community resources.

The home has a TV, a radio, carom-board, badminton equipment, and some other indoor game devices. It also has some musical instruments for girls to play while they engage themselves in songs and prayers. They are also provided newspapers and magazines so as to be in touch with the world outside. The inmates observe festivals and national days with gaiety and the participation of community on such occasion is encouraging.

Interview of inmates with their relatives and members of family are allowed only on the written permission of the Superintendent.

Vocational Training and Rehabilitation : Inmates are trained in various arts including embroidery, toy-making, knitting and tailoring. Some of the inmates have in the past been trained in computing, nursing, food preservation, cooking, baking, handicrafts, etc. There is no great opportunity of choosing a vocation of ones interest because of lack of resources and the small number of inmates. But if an inmate wants to pursue a vocation of her choice through her own resources, she is allowed to do so.

Efforts are made to rehabilitate rescued girls through (a) marriage (b) restoration to families (c) employment in some organization and (d) self-employment. The records of Home showed that during the period of preceding two years (2002- 04)

9 girls were restored through employment and 36 through marriage to suitable persons finalized with the intervention of the Advisory Committee.

The Home keeps proper record of all follow-up activities after an inmate is rehabilitated. The superintendent ensures that girls rehabilitated in jobs or in marriage are not harassed in any manner. The study team randomly picked one name out of the inmates rehabilitated in marriage and visited her place. She is wedded to a Jain youth engaged in the business of incense making and has a child from her marriage. The in-laws have shown compassion to the girl and their relations are cordial. She is happy with her rehabilitation.

Community resources and voluntary services are very efficiently involved and utilized in this institution. The credit goes to the personal efforts of the superintendent and her colleagues who devote time and energy for networking such institutions and individuals. Sister Dipti of Prem Sagar School of Handicapped Children, Satyarth Shikshan Samiti, Pushpa Mission Hospital and Krupa Social Welfare Centre run by Catholic Church, Diocese of Ujjain, have extended a helping hand every time it is required.

Some Administrative Difficulties : The management of this Home is greatly disappointed with the manner funds are made available to them for day-to-day administration of the institution. The rent of the building has not been paid for the last 2 years. Bills of contractors are pending for several months. Medicines, dresses and other essential commodities are purchased with community donations. The owner of the house is pressing to vacate the premises due to non-payment rent. He has not undertaken any repair or white wash. Electric wires have started hanging loose from the walls and may cause a mishap any time. Under these circumstances it is really difficult to manage the Home efficiently.

Recommendations :

- Appropriate funds must be placed at the disposal of the management of this Home. Commissioner WCD must ensure that the disbursement of sanctioned budget is timely so that smooth functioning of these institutions is not adversely affected.
- A part-time lady medical officer must be posted at this Home. Rules in this regard are very clear and should not be violated.
- The department should have its own buildings for running various homes for women and girls. Rented houses in crowded localities do not provide the right ambience for the development of inmates. This home in particular is adjacent to a police mess from where unwelcome and ugly advances are reported being made. As a consequence the entire windows and ventilations are blocked by masonry, rendering the inside of the building dark and suffocating. A change of place is imminently necessary.
- The distance between Indore and Ujjain is not much. The Department of WCD should consider merging of the homes at Indore and Ujjain to create one home after necessary modifications in the big building of the Home at

Indore. The building could be so modified as to effectively segregate destitute girls from those rescued from moral danger. This would be both economical and efficacious.

- Otherwise also, the average daily inmate population of this home (as at various other homes) does not justify a staff of 10 persons with an Advisory Board comprising 11 persons.

Short Stay Home

House No.458, Shiv Sadan,
Narsingh Ward, Amanpur, Jabalpur

(Date of visit : June 18, 2004)

This Short Stay Home has been established on November 2, 1981 by the government under provisions of section 21 of Prevention of Immoral Traffic (in women and girls) Act. Women and girls can be admitted to this home by an order of the Magistrate under provisions of sections 10(2), 17(2) and 19(2) of the Act. But the management is not sure whether the Rules for the Management of Destitute Homes will also apply to this institution or not. A copy of the proceedings of the Advisory Committee that met on 22.5.2001 was provided to the Study Team (**Annexure-9**). This reads like a set of rules for the admission, release, rehabilitation and management of inmates in this home. According to proceeding No.3 the superintendent of the Home is authorized to admit a girl on her own discretion, under intimation to the nearest police station. Thus there is a lot of confusion about the applicability of rules in these homes.

There is no minimum or maximum age prescribed for eligibility of a girl to be admitted to the home; but, as reported by the management, such girls are generally between the ages of 15-35 years.

The home has the capacity to accommodate 50 inmates, as against which there is only one girl aged 14 years staying in the Home for the past 15 days. During a period of 7 years (1994-2001) the average daily number of inmates in this institution was 5. During the same period, 58 women were admitted to this institution, out of which 6 escaped on different occasions, 3 died of various diseases, 36 were restored to their families, 7 were transferred to other institutions and only 6 were rehabilitated in marriage. During the past three years (2001-04) 23 girls have been restored to their families under order of the concerned magistrate.

For an institution, the average daily inmate population of which has never exceeded 5, the sanctioned staff strength is 9 – a Superintendent (Smt. Mangalesh Singh), a general assistant, an instructor (tailoring), a clerk, a part-time medical officer and 4 other helpers. There is an 11 member Advisory Committee, headed by the district Collector, for advising the superintendent in day-to-day management of the Home. Posts of part-time medical officer and two helpers are lying vacant. No medical officer is willing to work, even on part-time basis, for a paltry sum of Rs.100/- per month. Under orders of the District Collector one Dr. Kusum Solanki has now started visiting the home once in a fortnight.

This SS Home is housed in a rented building in a crowded locality. The house has six rooms, a kitchen, an office and other facilities. Because of its location in a residential area the staff faces various kinds of difficulties. The residents of the area are not happy with the presence of this institution in their neighbourhood and they keep on nagging the staff, asking them to vacate the premises and to go to

some other place. It is also frequented by unsocial elements who keep threatening the lower staff if they object to their unnecessary presence.

With a single 14 year old inmate inside this huge house, with no staff quarter attached, without the presence of a female staff within or near the premises, this home is guarded during day and during night by a single male helper who is on the rolls of the department.

Even during the visit of the Study Team the single 14 year old inmate made a complaint to the general assistant (superintendent was out to Bhopal on official duty) of the Home about some objectionable advances made towards her by the male peon who was on guard during the day. She complained that he came inside the residential room inside the building when she was alone inside and made unwelcome gesticulations. The spot officer of the Home took immediate action against the peon.

Recommendation :

The average daily inmate population of this Home and the manner in which it is functioning for the past 10 years, do not justify a huge expenditure on 9-member staff and a separate rented 6-room living accommodation. The Department of WCD must, therefore, consider seriously whether it would be in the fitness of things to continue it as a separate entity or to merge it with Nari Niketan, Jabalpur – another protective home already functioning in the same city under the same department.

Nari Niketan

895, Subhadra Kumari Chauhan Ward,
Napier Town, Jabalpur

(Date of visit : June 18, 2004)

Nari Niketan, Jabalpur is another Nirashrit Mahila Griha (Destitute women Home) of the kind we visited at Ujjain. This Home was also established in the year 1963-64 for orphans, unmarried mothers, destitute girls, divorcees and women in moral danger. These inmates are kept in the Home under provisions of "Nirashrit Mahila Griha ke liye Niyamavali" (Rules for the management of Destitute Home). This time we were provided with a copy of these rules duly approved by the Government of Madhya Pradesh (**Annexure-10**).

Rule 2 of these rules authorizes the Home to keep orphaned girls and unmarried mothers *above* the age of 16, and widows, divorcee girls and other women upto the age of 16 who, in the opinion of the government, are in moral danger and deserve protection and support. Rule 5 of these rules however contradicts the provisions of rule 2 and says that 'divorcee girls, widows and other women in danger of moral depravation who are between the age group of 13-45 years can be admitted to this Home. This discrepancy of age for admission of an inmate needs to be reconciled by a suitable amendment.

A destitute girl can be admitted to this institution only when she produces a certificate to that effect from a sarpanch, an MLA, MP, a gazetted officer or head of a registered NGO. The superintendent can temporarily admit a girl on her request without such certificate, but this action has to be approved by the Advisory Committee within 7 days of admission.

The Home was initially started for accommodating upto 50 inmates but the current capacity of the building is to house only 15 inmates.

Building : This Home, like the Home in Ujjain, is also housed in a rented double storeyed building located in a residential area. It was reported that the rent of the house has not been paid for the last 3 years because of lack of funds! The building is just enough with 2 rooms to accommodate the average daily inmate population of 10. It has a kitchen, stores, and space in the verandah for vocational training. The building is properly maintained. The rooms are well ventilated and properly white-washed.

The office of the Superintendent and of staff of the Home is located in two separate rooms in the same building. A male helper keeps guard of the Home because there is no residential accommodation for any lady staff attached to the Home.

There is no open space for movement or exercise of inmates, no facility for indoor or out-door games or for gardening, no separate room for doctor's consultation (if at all one comes!). The two toilets are sufficient for the present number of inmates,

and are generally clean. Since the post of a sweeper is lying vacant, inmates do the work of sweeping and cleaning of their premises themselves.

Composition of Inmates : On June 18, 2004 there were 8 inmates in the Home and one of them had a male child aged 1½ months. They were aged between 16-24 years. One of them had stayed there for more than 3 years – she is mentally retarded and has been coming in and going out of the Home for the past about 9 years. 2 inmates are in the Home for more than 2 years, 1 for more than one year and the rest 4 for about 6 months.

5 of these girls (including 2 deaf-dumb and 3 mentally retarded) were destitute, having no support either in family or in the society. Of the remaining 3, One was deserted by her husband and one other a run-away from her home because she wanted to marry a person for whom her parents had serious objection. Both these girls had some kind of a family outside but no one came around to accept them. The last one was a strange case – she was deaf-dumb but could write in Telugu which none of the staff understood. She was quite aggressive and was supposed to be lodged in the Home on suspicion of being a naxalite. The Study Team advised the Superintendent of Home to refer the case to IB of local police who had facility of understanding Telugu and who could investigate about the antecedents of the lady for a final disposal of her case.

All 8 inmates were lodged in a single dormitory.

Staff and Management : For the management of this Home, where the average daily inmate population is 10, there is a sanctioned staff of 9 workers, including Superintendent (Mrs. Maya Das Gohya), General Assistant (Mrs. Lata Chaurasia), 1 craft instructor (Mrs. KC Chadda), a male Assistant (Mr. Vivek Pasalkar) and 4 other helpers.

No part-time lady medical officer visits the Home – none has been appointed, although it is a mandatory provision (rule 8{8})of rules. All new entrants are sent to the district general hospital out-side for medical examination and pregnancy test. Even when there are 3 mentally sick patient, there is no facility of a regular psychiatric treatment for them. Only when a case is complicated, it is referred to Psychiatric Centre, Gwalior.

An 11-member advisory committee has been constituted under the Chairmanship of the District Collector for giving necessary directions to the superintendent in the day-to-day management of the Home. There are 4 official and 5 non-official members on this committee, while the Superintendent Home is its Member-secretary.

General Amenities : Rules 6 (B) of Rules for the management of Destitute Homes, a copy of which is enclosed as Annexure-10, is silent about the quantity of food articles allowed per head for the inmates. There are some administrative instructions about the scale of diet and by all measures this scale is sufficient for a

person to meet her daily needs. The staff does not seem to be quite conversant with the rules. The material is both sufficient and of reasonably good quality. There was no complaint either about its quality or its quantity. This food is supplemented by other nutrients on the advice of medical officer.

Rations are purchased from a regular contractor who has been awarded this contract by a committee headed by the District Collector. The food is cooked by girl inmates themselves. The bills of the ration contractor have not been paid for the past several months because of non-allocation of funds. The scales of clothes, toiletry and other material of daily use are provided in various sub-sections of section 6 of the rules.

The composition of inmates is such that educational activities cannot be run as desired. 3 girls are mentally retarded, 2 deaf-dumb and 1 non-hindi speaking. The rest 2 engage the craft teacher in learning reading and writing together with other creative works during their leisure time.

The home has a TV for the entertainment of inmates. They are also allowed to meet their relatives and members of family on the written permission of the Superintendent.

Vocational Training and Rehabilitation : There is provision in the Home for training on arts such as embroidery, toy-making, knitting, tailoring and computing. Some of the inmates have in the past been trained in computing, pickle making, cooking, and handicrafts. But the existing composition of inmates and their mental condition does not provide a good ambiance for such creativity.

Efforts are made to rehabilitate rescued girls through (a) marriage (b) restoration to families (c) employment in some organization and (d) self employment. During the past 6 years 1998-2004 a total number of 99 girls were admitted in the Home out of which 56 were restored to their families, 3 rehabilitated in marriage, 4 in employment, 9 transferred to other suitable institutions and 19 opted to leave the Home at their own will.

The Home keeps proper record of all follow-up activities after an inmate is rehabilitated. The superintendent ensures that girls rehabilitated in jobs or in marriage are not harassed in any manner. It was reported that apart from staff members going to the place of rehabilitated girls, they also visit the Home off and on, treating it as their *peehar* (maternal place). Some of the married girls visit the Home with their husband and children at festivals and religious occasions.

Surprisingly (and unlike the Home at Ujjain) community participation in the activities of this home is conspicuous by its absence.

Some Administrative Difficulties : Lack of proper funds is a major impediment in the smooth running of the Home. At times the management finds it extremely difficult to pressurize the ration contractor to supply good quality of food items

when his bills are not paid for 6 to 8 months. Non-payment of rent of the hired building for 3 years is unreasonable and unjustified. The superintendent and staff of the Home have to listen to obnoxious remarks from the land-lord for no fault of theirs. Medicines, and other essential commodities are purchased on credit only with great pleadings from the staff. Supervisory officers of the department of WCD must attend to these situations and take remedial steps so as to regulate the disbursement of allotted funds in time and without being reminded time and again.

Recommendations :

- Appropriate funds must be placed at the disposal of the management of this Home. Commissioner WCD must ensure that the disbursement of sanctioned budget is timely so that smooth functioning of these institutions is not adversely affected.
- A part-time lady medical officer must be posted at this Home. Rules in this regard are very clear and should not be violated.
- The department should have its own buildings for running various homes for women and girls. Rented houses in crowded localities do not provide the right ambience for the development of inmates.
- The Department of WCD should consider merging of the Short Stay Home and the Nari Niketan of Jabalpur into one institution. That would save wasteful expenditure.
- Inmates suffering from mental sickness should be transferred to an appropriate facility run by the government at Gwalior or to an institution run by voluntary organizations (such as Mother Teresa Homes)
- The case of an inmate supposedly belonging to some naxalite group should be referred to the Intelligence Branch of local police for investigating her antecedents so that appropriate action can be taken to restore her to family.

(C) POLICE STATIONS FOR WOMEN (Mahila Thana)

The Study Team had the opportunity of visiting 4 Women Police Stations designated in Madhya Pradesh as 'Mahila Thana'. All the Women Police Stations in the state function under direct supervision of an Additional DG of Police and an IG of Police (A.ja.k) stationed at Police Headquarters, Bhopal. Each such Police Station has the services of a Paramarsh Kendra which is a kind of community involvement of voluntary social workers for the guidance and counseling of women in conflict with law or women victims of violence. Women Police Stations have been specially created to deal with such women and to help them in their access to justice both through the process of social reconciliation and the established legal process of the criminal justice system. All Women Police Stations are headed by women police officers of appropriate ranks.

A brief description of the 4 Women Police Station visited by the Study team is as follows :

Mahila Thana, Jahangirabad
Near Police Control Room, **Bhopal**

(Date of visit : May 3, 2004)

This police station is housed in a newly constructed building, the design of which has been approved by the police headquarters specially for Women Police Stations. It is under the charge of a Town Inspector (TI), Dr. (Smt) Laxmi Kushwaha, who is a well-read and well trained police officer. She is assisted by one Sub-Inspector, 2 Asstt. Sub-Inspectors, 8 Head Constables and 14 Constables. One post of ASI is lying vacant. Of the 8 head Constables, 5 are women and the rest 3 men. Likewise, out of 14 constables, 13 are women and one men. One male constable works as driver.

The problem with this Women Police Station is that being located at the capital city of the state there is always demand for women constables for law and order duties in connection with demonstrations, processions, *mela*, VIP visits and so on. This creates shortage of staff for regular duties of the station. The actual effective strength of this Thana is therefore always short and needs to be increased.

On the day of visit by the team, no accused or complainant was present at the police station. The record shows that during the year 2002, 4 cases were registered, all under section 498A of the IPC, and 5 women were arrested and kept at this Women Police Station. None of them was over-detained and their cases are under trial in courts. Likewise 8 cases were registered during the year 2003, 3 under 498A, 2 under 366A & 506 IPC, 2 under 3,4,5,7 PITA and 1 under 3,4 Dowry Act. 10 women were arrested and confined to this lock-up but were produced before the magistrate within 24 hours and their cases are pending decision in concerned courts. Upto April 2004, 3 cases have been registered (2 under PITA and one under

498A) and the 6 accused women arrested have been remanded to judicial custody within the time prescribed under CrPC.

This Women Police Station has the facility of a computerized help-line and during the period of preceding 3 years appropriate counseling has been rendered through this electronic device to 1350 callers. Counseling room is on the first floor of the building and is well equipped with educative posters. Voluntary lady-social-workers of repute attend counseling sessions by turn on all working days at this Centre.

General amenities at this PS are good. There is one lock-up for arrested women with a capacity to hold 10 persons at a time. Being new, it is well maintained and clean. It has an attached toilet, periodically cleaned with disinfectants and has a stored water facility. Male persons arrested and requiring custody are sent to nearby police stations. There has been no escape from or death in custody. Persons requiring treatment are sent to police hospital or the district general hospital which are located close-by.

Accused women brought under custody are searched invariably by a lady constable. They are also allowed to meet their legal aids and advocates in a room provided for this purpose. Women are escorted to the courts or to jails in police van under proper lady police guard.

Since generally family court cases are registered at this PS, investigative excesses or physical torture of any kind is ruled out. Simple threatening and shouting are common methods of investigation and these are sufficient to bring out the truth.

Recommendations :

- There should be separate staff for “security, law and-order” and for investigations; otherwise investigations are unnecessarily delayed, causing avoidable hardship to the accused.
- Some additional male staff needs to be posted to support women officers going to field duties for investigation of crime in remote and difficult areas.
- One more lady SI and 2 more lady ASIs are required at this Women Police Station in view of its location at the capital city of the state and the extent of duties assigned.

Mahila Thana, MTH Compound
Near Rajwada, Old Palasia, Indore

(Date of visit : May 22, 2004)

Women Police Station of Indore was established on December 4, 1987. It is housed in an old rundown building, the crusted plaster of which is falling from ceilings and walls. The premises are big enough, but a major portion of the building looks unusable or packed with junk and confiscated goods. The building requires immediate repairs. It would perhaps be more economical and beneficial in the long run if it is scrapped and built anew.

This Police Station is under the charge of a Town Inspector (TI), Ms Kamlesh Gupta. The sanctioned strength of the PS in addition to TI is: 4 SIs, 2 ASIs, and 10 Head Constables and 10 Constables. But the actual posting are different. There is no SI or ASI, 4 posts of Head-constables are lying vacant. As for constables, there are 25 instead of the sanctioned 10. Of 6 head constables all are women. The sanctioned strength of 10 constables is all women. Others are also women on attachment from various sources. The absence of male constables creates problem when the force has to go to remote villages or to disturbed situations for affecting arrests and investigations.

On the day of visit by the team, one accused and a host of complainants were present at the police station. While the accused was inside the narrow cell improvised in the middle of the police station, complainants were waiting for counselors to arrive. Living accommodation in the lock-up is so small that 2 persons at a time would cause overcrowding. It has no attached toilet. Facilities provided in the PS are not in good shape.

The record shows that during the preceding year 2003, 4 cases were registered, of which 3 were under section 498A of the IPC, and 1 each under 406/34 IPC and 8 PITA. 7 women were arrested in these cases and kept at this Women Police Station. None of them was over-detained and their cases are under trial in courts. This police station is authorized to deal with cases involving 498A,304B,376, 363, 366, 354, 324, 506, 294 and 509 of IPC, offences under PITA and Anti-Dowry Act.

Counseling room is within the PS premises and is spacious enough to accommodate 15 persons. It is well equipped with educative posters. Voluntary lady-social-workers of repute attend counseling sessions by turn on all working days at this Centre. Apart from the Paramarsh Kendra within the PS premises there are 7 more such kendras at Sanyogita Ganj, Pandhri Nath, Malhar Ganj, Chandan Nagar, Pardeshipura, Sawyer and Depalpur. In all 57 women social workers are giving their services at these centers. Computerized statistics shows that during the period from 1.11.02 to 30.4.04, the total number of complainants that registered at various Paramarsh Kendras was 329, out of which 299 cases were settled at the Kendras by mutual understanding, 20 filed cases with the

courts, 1 case was registered at the Women Police Station, 7 were awarded FR and 1 was still pending investigation.

Male persons arrested and requiring custody are sent to nearby police stations. There has been no escape from or death in custody. Persons requiring treatment are sent to M.Y. General Hospital.

Accused women brought under custody are searched invariably by a lady constable. They are also allowed to meet their legal aids and advocates across the grated door of the lock-up. Women are escorted to the courts or to jails under proper lady police guards. But there is no provision either for conveyance charges or for food for arrested persons. It is surprising to note that expenses on these accounts are met by the Thana-in-charge or her staff from their own sources. Even when traveling out of Indore, the staff gets only railway warrants from station to station, but no money for short journey or for incidental expenses.

Recommendations :

- Rules regarding provision of food and conveyance for the arrested accused and for short journey of accompanying escort should be recast and made reasonable to avoid embarrassment to the staff of Women Police Stations.
- Some additional male staff needs to be posted to support women officers going to field duties for investigation of crime in remote and difficult areas.
- At least one lady SI and 2 lady ASIs must be posted at this Women Police Station even if all the posts sanctioned are not possible to be filled up.
- For better mobility of the staff, a vehicle deserves to be provided to this PS.

Mahila Thana, Madan Mahal
Right Town, Jabalpur

(Date of visit : June 19, 2004)

As in the case of Women Police Station Bhopal, this police station is also housed in a newly constructed building, specially designed for the purpose. It is under the charge of a Sub-Inspector, Mrs. Surekha Parmar, an experienced police officer with 15 years standing in the department. She is supported by two other Sub-Inspectors, Mrs. Shabana Parvez, who presently is on leave and Mr. HD Bairagi, nearing retirement. Against the sanctioned strength of 48 other security personnel, this Women Police Station has actual posting of 25 among whom 3 are men and 22 women. One lady constable each is drawn on attachment from the 16 police stations falling under the jurisdiction of this PS. In order to compensate for vacancies of sanctioned staff, services of 12 lady home-guards are obtained on daily basis.

On the day of visit by the team, no accused or complainant was present at the police station. The record shows that during the short period of 4 months in the year 2004, a total number of 24 cases were registered, in which 33 men and 18 women were arrested. They were all produced before the magistrate within the prescribed time and there was no case of over-detention.

It is interesting to see that all cases registered at this police station were under provisions of section 498A of the IPC. The only exception is a case booked under 376. 50 out of 51 men and women arrests by this PS during investigation of these cases were under section 498A and 1 men was apprehended for the offence of 376. The Department of Sociology in the University should go into some kind of socio-economic study to ascertain the causes of such a large number of violations of this law in the area.

This Women Police Station has its Paramarsh Kendra (Counseling Centre) located far away in the office premises of the SP. Voluntary lady-social-workers of repute attend counseling sessions by turn on all working days at this Centre.

General amenities at this PS are good. The sanctioned capacity of the lock-up is to house 4 men and 4 women in separate rooms in the police station. It was reported that the number of arrested persons has never exceeded its capacity on any day. Being new, the premises are well maintained and clean. There is an attached toilet to both the cells, periodically cleaned with disinfectants and having a stored water facility. No incident of escape or death has occurred at this PS. Persons requiring treatment are sent to Victoria Hospital or to Lady Elgin Hospital under proper police escort.

Accused women brought under custody are searched invariably by a lady constable. They are also allowed to meet their legal aids and advocates in a room

provided for this purpose. Women are escorted to the courts or to jails in police van with proper lady police guards.

Rules for providing food or beddings to arrested persons are not very clear. An amount of Rs.10/- is spent on one time meals which is definitely not sufficient. Similarly, no amount is sanctioned for short journeys of either the staff or the accused. Arrested persons are transported to court, jail or hospital by public transport or by hired taxis, but the expenses incurred are borne by the staff from their own pocket.

Recommendations :

- It appears that the provisions of Section 498A of the Indian Penal Code are being used in excess of the real intention behind the law. Higher authorities of the department of Police need to look into this aspect and ensure that there is no misuse of the provision and that not more than the real culprits are arrested pending investigations.
- One more lady SI and 2 more lady ASIs are required at this Police Station in view of the number of cases registered and extent of investigations required.
- Paramarsh Kendra (Counseling Centre) of this Women Police Station, which at present is operated from the office of SP, Jabalpur, should be located within its own premises to facilitate both complainants and police personnel.
- The practice of obtaining services of lady home-guards to supplement lady police force, as done here, is a good practice and should be adopted at other Women Police Stations as well.

Mahila Thana, Padav
Near Railway Station, **Gwalior**

(Date of visit : July 1, 2004)

This police station is housed in a newly constructed building. It is supposed to be under the charge of a Town Inspector (TI), but the post is no filled up and therefore Smt. Anita Mishra, Sub-Inspector, holds the charge. She has the support and assistance of one male ASI, Mr. Amar Singh Chauhan. The present situation of sanctioned staff and actual posting at this Women Police Station is as follows :

Post	Sanctioned	Actually posted	Vacancies
Inspector	1	Nil	1
Sub-Inspectors	2	1	1
Assistant Sub-Inspectors	2	1 (male)	1
Head Constables	4	4 (3 men 1 woman)	nil
Constables	10	10 (2 men 8 women)	nil

Obviously this Women Police Station is quite under-staffed. Apart from the sanctioned posts lying vacant, it needs the services of some more constables, both men and women. This deficiency is to some extent compensated by borrowing the services of 4 lady home-guards. But, as the SI informed, home-guards are not as trained as regular police constables and therefore cannot be of much assistance in matters of investigation and enquiries.

On the day of visit by the team, no accused or complainant was present at the police station. According to the records of the office, 53 persons were arrested and kept at this police station under custody during the past 3 years. All of them were charged under section 498A of the IPC (read with 506IPC or 3 & 4 Dowry Act).

This Women Police Station has the services of 3 Paramarsh Kendras (Counseling Centres). One center functions at this police station itself and the other two are at Hujrat Kotwali and Murar. In all 96 lady social workers of repute render voluntary services at these centers. They attend the center by turn on all days of the week in groups of 4 or 5. According to the lady staff posted at the police station this experiment of community participation is effective in resolving several difficulties of both, the police personnel and the complainants.

General amenities at this PS are reasonably good. There is one lock-up for arrested women with a capacity to hold 10 persons at a time. Male persons arrested and requiring custody are sent to nearby police stations. The room for custody of women has an attached toilet, periodically cleaned with disinfectants and has a stored water facility. There has been no escape from or death in custody. Persons requiring treatment are sent to civil hospital.

Accused women brought under custody are searched invariably by a lady constable. They are also allowed to meet their legal aids and advocates in a room provided for this purpose. Women are escorted to the courts or to jails in police van under proper lady police guard.

Rules for the payment of diet charges to accused persons seem to be different at different police stations. The practice followed here appears to be more reasonable except for the amount paid for the purpose. An accused person in custody at this police station or on transfer from here to some other place is entitled to receive food worth Rs.25/- per day. This expenditure is made by the staff of the police station and a form (xvi (a)-47 Pol Hq) is filled up for claiming reimbursement.

Recommendations :

- Posts sanctioned but lying vacant must be filled up by suitable appointments.
- 2 more lady ASIs are required at this Police Station in view of the number of cases registered and the extent of investigation work required.
- Higher authorities of the department of Police need to look into the number of persons arrested under 498A and ensure that there is no misuse of the provision of this section and that not more than the real culprits are arrested pending investigations.

GENERAL RECOMMENDATIONS FOR WOMEN'S PRISONS

Prison Buildings

- A structurally separate women's prison should be constructed at each divisional headquarter. It may be attached to the Central or District prison but the main gate should be separate and the entire management (except security arrangement of outer wall) should be in the hands of women personnel.
- The size of the building should be decided by the average number of women prisoners of that division for the past 10 years and possible number after 15 years in accordance with the rate of increase in crime amongst women in the area.
- Apart from a fully functional kitchen, a common-room, an indoor patients facility and work-sheds, sufficient space should be left within the main-walls for movement of prisoners and for future expansion of living accommodation.
- Residential quarters of lady staff must be attached to this prison.

- Women's sections of various prisons deserve to be surveyed urgently for repair works, additional living barracks, and facility of segregation of various categories of inmates. This survey should be followed by execution of essential works on an urgent and time-bound basis.
- It is a matter of concern that Madhya Pradesh, a state badly affected by the problem of severe overcrowding in prisons, has no open institution for lodging convicted prisoners. In a state like Rajasthan, the prison population of which is half that of MP's, has 10 open camps. The Government of MP must think on this issue and create at least 2 such facilities at suitable places in the state.

Prison personnel

- Staff strength and staffing pattern of all prisons, particularly that of women prisons, needs to be examined for its adequacy and appropriateness. A general view exhibits that prison institutions are severely understaffed in the state - these are administered with the sanctioned strength of 1961, whereas prison population has gone 3-times up as compared to that time. A committee should be appointed by the government to examine this issue and to make suitable recommendations to correct staff structure, the functions of prison personnel and their working conditions including salaries. Implementation of its recommendations should be done within a time-frame.
- Appropriate training courses should be introduced in the Jail Training Institute attached to this prison for sensitization of prison personnel (both men and women) engaged in the management of women offenders. They must be trained in sympathetic understanding of the problems of women undergoing incarceration who need help (a) to maintain a continued emotional touch with their family and society outside (b) an appropriate developmental program during their stay in prison and (c) rehabilitation with self reliance and dignity after release.
- In the prison department of MP there has, for long, been a practice of appointing *Extra-temporary* lady warders. Such warders are appointed for a period of 89 days on a fixed salary, and are reappointed after break of service for one day, so that they do not acquire any legal right either for permanent employment or for grade-increment in salary. This system is in vogue in the state particularly for guarding of women prisons. Such employees run the risk of being terminated from service at any time without notice and, therefore, are totally at the mercy of the employer. They are like 'daily wagers' and have to lose pro rata salary for any leave they take. At jails where there are only two such lady warders, they work for 12 to 16 hours a day on 7 days a week, without any holiday. Even when the number of warders is 3, they cannot exercise the right of leave or rest on Sundays. For these *employees* there is no holiday, no sick leave, no

emergency at home, no respite. There are several such lady warders working at various jails of the department for as long as 8 to 10 years without gaining any confirmation or grade-increment and that also in an age when we are talking so much about women empowerment. The system of "extra-temporary appointment" of warders, particularly women, should be immediately stopped and those of them working as such for more than 2 years (with a break in service for 2 to 7 days after each spell of 89 days) should be confirmed and taken on regular pay rolls.

- Clerical duties should be performed by separate clerical staff. Security and supervisory staff should not be engaged for the purpose.
- At sub-jails or district jails where the average number of women prisoners is so small that it is not viable to post permanent lady staff, the department should coordinate with the DG Home Guards to place a panel of lady home guards at the office of jail superintendent so that when a single women is sent to the prison, the services of these lady home guards may be requisitioned for as long as the lady prisoner is alone or till she is transferred to a suitably managed prison.
- Posting of women staff at various women's prisons needs to be rationalized. At most of the prisons visited by the Study Team, the number of lady warders was so small that it was impossible to restrict their duty hours to the prescribed period of 8-hours a day. Some of them were working for 12 to 16 hours, which amounted to the violation of general conditions of service as well as their human rights to personal health and family welfare. Therefore, lady warders should be transferred from prisons where they are spare and over-staffed and be posted at prisons where they are genuinely needed. This needs immediate attention of prison headquarters.
- A post of Assistant IG of Prisons (Women) needs to be created at Prison Headquarters and an officer (preferably a lady) of the rank of Central Jail Superintendent must be posted on it. She must be responsible for the proper management of all women prisons in the state.

Legal Services

- The study team feels that every prison with an average inmate population of 100 or more must have a prison welfare/probation/law officer on its strength to look-after the legal matters of prisoners.
- The number of prison welfare/probation/law officers at Central and District Prisons should be so increased that there is at least one for every 800 inmates. Instead of keeping a separate cadre for these officers, they should be drawn from the cadre of Jailors. This will not only provide opportunities for jailors to learn welfare work but also resolve the anomalies that are

arising in their promotions. One of them should be specially assigned the responsibility of looking after the legal matters of women inmates.

- Prison inmates, particularly women, have no awareness of what free-legal-aid system is. Private lawyers generally discourage the accused from obtaining free legal assistance, saying this is not going to help them. Some of the inmates (men as well as women) who got free legal assistance with the intervention of presiding judicial magistrate of the court, complained that even these lawyers are not as “free” as intended by law; they do not take interest in the case unless paid privately by the clients over and above the fees they get from the District Legal Service Committee. An appropriate check on this tendency needs to be exercised by the district and the state legal services authority.
- There is no uniform pattern of free legal services at jails and sub jails. State Legal Services Authority should evolve a common system to be obligatorily followed by all district committees with regard to the availability of lawyers, legal clinics in prisons, legal awareness programmes, jail-adalat, and lok-adalat in jails.
- It is strongly recommended that District Coordination Committees of CJS should be appointed to periodically review cases of under-trial prisoners (men and women) – particularly, awaiting trial in NDPS, 498A, 109 and 151 CrPC, Railway Act, petty bailable offenses. A periodical status study must also be conducted of prisoners with petty fines, or those not in a position to procure and produce surety, prisoners in need of free legal assistance, mentally sick, and those about-to-be-released and without support outside. A joint committee of various organs of district criminal justice system can help such inmates in restricting their undue and unnecessary incarceration.
- The Prison Welfare/Probation officer should keep constant touch, both formal and informal, with the District Legal Aid Committee and ensure legal assistance for under-trial prisoners as and when they need it, instead of waiting for the DLSA to organize a camp at the prison.
- Prisons should keep a separate record of meetings of advocates (both private and free) with their clients in jail. The jailor should apprise the DLSA about the number of times an advocate deputed by it under free legal aid program has met the prisoner and about the progress of the case.
- Two issues (1) the unending wait of mentally sick criminal prisoners for the beginning of their trial in the court of law, and (2) the blatant denial of under-trial prisoners’ right to be physically present before the presiding judicial magistrate for extension of the period of remand as provided under proviso (b) to section 167(2) of the CrPC, deserve to be raised in higher judiciary as a PIL for seeking uniform directions to be followed by all agencies of the criminal justice system.

Work Programs

- The right to work and to receive vocational training has an obvious gender bias. There are various vocations open to men prisoners, but almost none to women inmates. Work programs for male prisoners include computer work, painting, handlooms, power-looms, soap factory, Spices grinding and packing, printing, durrie weaving, type-writing, dairy-development, blanket weaving, and so on. But at most jails women prisoners are left only with menial or unskilled works. This needs the attention of policy makers in the government and of departmental officers at headquarter level. Some rehabilitative works such as hosiery, knitting on machines, cloth printing, dress making, uniform tailoring, toy making, computing, etc., can be introduced in the women sections of prisons, particularly those where the number of women inmates is sufficiently large. Even under-trial prisoners should be allowed to work and be paid for it.
- The rehabilitation aspect of prisoners (both men and women) is totally neglected. Prison Department, Department of WCD, Social Welfare Department, Industries Department and some banks offering innovative loan schemes to small entrepreneurs can sit together to evolve a suitable scheme of economic rehabilitation of women willing to start their own business or manufacturing unit. CHRI is willing to participate in any such meeting for logistic support.

Medical aspects and hygiene

- At central prisons where the daily average number of inmates in the women's section is 50 or more, one member of the team of doctors should be a whole time lady medical officer who could look after medical and health aspects of women and children apart from attending to other duties of prison hospital.
- A lady part-time Medical Officer must be appointed for every prison where women inmates are lodged. It should be ensured that she visits the women section of the prison on a regular basis (daily, weekly or on call, depending on the number of prisoners) to attend to health problems of women inmates.
- Ironically, part-time medical officer and male nurses are paid Rs.100/- and Rs.50/- per month respectively. It is natural that they ridicule this offer and treat it as an insult to their profession. For them to visit the prison daily is an unrewarding physical and financial burden, because more than this amount is spent daily on propulsion charges of their vehicles. This aspect should be considered by the government on an urgent and priority basis.

- The care of personal hygiene of women inmates (nails, lice, sanitary napkins in times of need, parched skin, unwanted hair, oral hygiene, washing, combing and oiling of hair and so on) should be assigned to some para-medical or specially trained women staff. Sanitary napkins should be purchased from the market or prepared by women prisoners out of suitable material (gauge cloth and cotton sheets) supplied by the department – the practice of providing rags and torn cloth from the clothing store of the prison must be immediately discarded.

General Amenities

- At most prisons in the state there is no separate kitchen for women. They have therefore to suffer the resultant agonies of a common kitchen – by the time food reaches them from the male-prisoners jail, it is cold, residuary and tasteless. In our country women have the traditional privilege of managing kitchens and they should not be deprived of this right even during incarceration. It is suggested that in all prisons where women inmates' average population is 50 or more, there should be a fully functional separate kitchen and all women, by turn, should be engaged in the preparation of food. They should even be given the liberty to prepare a variety of meals within the food scales provided under rules.
- Interview sheds for women inmates (until separate prisons are constructed for them) should be separate from the sheds for men prisoners. It is an established fact that the number of visitors for women offenders is much less than that of their male counterparts. Therefore, in their case the time allowed to meet relatives and acquaintances should be extended to one hour. There should be no restriction on the frequency of meeting with advocates for the purposes of drafting appeals or briefing of a case.
- A printed post card (with blank columns about date of admission, FIR or case number, name of Thana, offence under which booked, the court remanding the person to custody, next date of hearing, etc.,) should be made available to each new entrant for informing near relatives about his/her incarceration.

Correctional programs

- Prison administration must understand that community participation in correctional work is aimed at *supplementing* government efforts in reformation and rehabilitation. If the services of NGOs, CBOs and voluntary organizations are utilized properly, they can open new channels of resource utilization in prison reforms. Some very good work in the field of vocational training, recreation, education, employment and medical treatment of prisoners has been done at several places where prison administration has exhibited receptivity and cooperation with community workers.

- Prison management should contact some local NGO or philanthropic organization for providing the services of a lady who could engage women prisoners in some kind of useful activity – formal education, craft, embroidery, knitting, crochet work, etc. – that could help them overcome their dull monotony and waste of time during incarceration.
- At some of the jails of Chhattisgarh and MP some voluntary organizations have come forward to secure release of women prisoners arrested under Railway Act by depositing their petty fines, and to stand surety for women first-offenders and those granted bail in cases involving petty crimes. Efforts should be made by prison welfare/probation officers to emulate such practice by networking local philanthropic organizations and individuals.
- With the cooperation of voluntary agencies some kind of counseling on psychological and spiritual aspects must be organized in women section of prisons on a regular basis.
- Depending upon the size of prison population each women’s prison should have a library. We may keep there books that even semi-literate women and children can see and understand – picture books, cartoon books, booklets published by voluntary organizations such as Bodh and BGVS for semi-literate adults, religious books, and so on. We may keep them replacing if these are torn by repeated reading – they are cheap or even free. Ask voluntary organizations to donate. Collect old magazines, used indoor games and picture books from private persons. Take the services of NGOs or voluntary organizations for the purpose.
- There are several voluntary organizations that lend support to disadvantaged groups in medical check-ups, literacy and education, legal matters, standing surety, arranging small amounts for payment of fine and in rehabilitation of offenders after release. They need to be contacted for such welfare activities in prisons.
- A crèche with appropriate facilities should be developed for the upkeep of innocent children staying with their mothers in the prison. Arrangements should also be made for sending such of them to out-side schools who have gained the age of proper schooling. Prisoners’ Welfare Fund can be used for arranging fortnightly outings for these children so that they are exposed to the world outside prison.

Prison Visiting System

- Prison Visiting System should be revived, regulated and made effective. Persons with better standing in the society should be appointed as Non-official Visitors so that they may command respect among prison officials

and be helpful in bringing about improvement in prison conditions. Women visitors should pay attention to the legal and correctional needs of women prisoners and make efforts to assist them through government and non-government agencies.

- Persons of credible social status should be appointed as Non-official Prison Visitors so that they may command respect of prison personnel and make the prison visiting system produce desired results. Retired Judges, women advocates, retired or working professors of Sociology and Criminology, retired defence officers, social-workers of repute, ex-administrative officers and the like should be appointed as prison visitors and should be given the authority to visit jails without prior notice.

GENERAL RECOMMENDATIONS FOR PROTECTIVE HOMES

- At least one protective home for women and girls should be opened in Bhopal, the capital city of Madhya Pradesh. This should be a sufficiently large institution with facility of housing various categories of inmates (including those seeking short stay after release from prisons). It must be housed in a specially designed building owned by the government and having facility of effective segregation of different kinds of inmates.
- Protective homes run by Department of WCD are very small, scattered and over-staffed. It is impractical and extravagant (if not wasteful) to keep a staff of 10-12 persons for an institution, the average daily inmate population of which is 5 or 10. The department should think of merging some of these institutions. The problem of segregation of various categories of inmates could be solved by modifying existing buildings or by constructing new and more suitable ones in place of the present rented ones which are in crowded localities.

For example, the distance between Indore and Ujjain is not much. The Department of WCD should consider merging of the homes at Indore and Ujjain to create one home after necessary modifications in the big building of the Home at Indore. The building could be so modified as to effectively segregate destitute girls from those rescued from moral danger. This would be both economical and efficacious. If we think of these 2 institutions collectively, there are 23 members of staff looking after 24 inmates. This does not seem to be justified. The staff saved from here could be utilized by creating a new facility at Bhopal where there is none.

- Bigger institutions can be better furnished with work-force and physical facilities essential for efficient management of homes and for deriving optimum results. Vocational training, education and medical care can be

more practical, varied and result oriented. Vehicles, ambulances and security guards demanded now by small homes can also be provided if the inmate population is merged to make a big institutions.

At Short Stay Home of Jabalpur, there is a sanctioned staff of 9 officials and a 6-room residential accommodation for managing 1 inmate. The average inmate population of this institution has never exceeded 5 since its inception 10 years back. This wasteful expenditure can be better utilized if this institution is merged with the Nari Niketan in the same city. Even if the Department of WCD constructs its own building to run the combined institution of SS Home and Nari Niketan by taking loan from the HDFC, the money saved from the salary of 9 staff members and the rent of present 6-room house would perhaps be sufficient to pay the EMI on loan, and eventually the building will be a government property.

- The department should have its own buildings for running various homes for women and girls. Rented houses in crowded localities do not provide the right ambience for the development of inmates. Careless attitude of land-lords, their pressure for vacating premises, constant nagging and unwanted intrusion by neighbours, mischief by unsocial elements, all demand that institutions (particularly for such delicately balanced group of women as confined in protective homes) should be designed, located and constructed in such a manner that they are capable of fulfilling their objectives. Specially designed government buildings located away from crowded localities will suit the need, and this principle should be followed by the government.
- All mentally sick women presently lodged in protective homes not meant for them, should be immediately transferred to the Mental Hospital at Gwalior, where, it is said, there is facility to keep such patients. As an alternative they can also be shifted under proper instructions to Homes run by voluntary organizations such as Mother Teresa Ashram, Nanakheda, Swati Nagar, Ujjain; Mother Teresa Ashram, Navlakha, AB Road, Indore or Mercy Home for Mentally Retarded Women, Morar, Gwalior, where they shall be taken care of by trained workers.

GENERAL RECOMMENDATIONS FOR WOMEN POLICE STATIONS (Mahila Thana)

- It is necessary to carve out special channels in the CJS to allow women an easy access to justice when there is sufficient ground to do so. Women Police Stations are an important step in that direction and therefore a

Mahila Thana should be provided at each District in a phased manner as part of a time-bound program

- Many of women activists and social workers contend that for times immemorial women have been at the root of torture meted out to their gender and that therefore it is not necessary to post only women staff at Mahila Thanas. What is required is that all men or women officers posted at these institutions should be properly trained and sensitized to the issue of gender discrimination and to the essential requirements of dealing with women in confrontation with the established law, and women who are victims of violence.
- Women Counselors appointed for the counseling centre should be chosen on the basis of their contribution in social work particularly in the field of women empowerment and women welfare. Political affiliation should not be the only criterion for such selection.
- Counselors should refrain from functioning as 'mediators' between the victim and the perpetrators of harassment or violence. They should basically advise complainants whether to adopt an informal social approach to resolve family difficulties or to enter into the structured process of criminal justice system for a formal legal redress. When it is necessary to register a case, they immediately advise the victim to do so and ask the Police Station to take prompt legal action.
- The pattern of building approved for Mahila Thana by Police Head quarters generally meets the requirements of a police station meant specifically for women complainants. This pattern needs to be emulated at all places where Mahila Thanas are being contemplated.
- The number of cases registered under section 438A of IPC far out-number the total of cases registered under all the remaining sections. Higher officials of Police and Prosecution must ensure that this section is not misused and no excesses are done in the matter of arrest and remand to judicial custody.
- A computerized help-line on the pattern of WPS Bhopal should be installed at all other districts in a phased manner.
- Some men constables need to be posted at Mahila Thanas in order to facilitate and assist women force in effecting arrests and investigations in remote and difficult areas.
- A uniform provision must be made for food and short journey allowance of accused and escorting force. Administrative instructions to this effect must be sent to all women police stations immediately to prevent both hardship and irregularity.

- All WPStations, where the work of investigation is large enough, should be provided with an independent vehicle for quick and effective work.
- Old and dilapidated buildings housing WPStations should be replaced with properly designed new ones.

FORMAT FOR ASSESSMENT OF CONDITION OF WOMEN IN PRISONS

(Actual format is 24 pages because of space for information and replies)

PART - A GENERAL

1. Name and address of the prison/ place or custodial institution visited :
(including place, Distt., State)
2. Date of visit
3. Name of Jail Superintendent
4. Total capacity

	Convicts	Under trials	Detenues	Other	Total
Male					
Female					
5. Socio-economic projects of women inmates.
Actual strength of the Prisoners (as on the day visit)

	Convicts	Under trials	Detenues	Other	Total
Male					
Female					
- 5A. Socio-economic profile of women inmates.
6. If there is overcrowding, what arrangements are being made for prisoners' safekeeping ?
7. Number of children with women prisoners and their age group.
8. Building
 - (a) Age of buildings
 - (b) State of building and need for any additions
Renovations or repairs
9. Drainage
 - (a) Is the drainage system proper?
 - (b) If not, what are the defects?
 - (c) Are drains being cleaned periodically?
10. Management
 - (i) Whether women prison is managed by women prison staff.
 - (ii) Whether there is separate prison cadre of women officers
11. Staff

	<i>Male</i>	<i>Female</i>
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 - (a) Sanctioned strength

- (b) Actual strength

- 12. System of training of Staff (*Please specify*)
 - (a) whether there is gender sensitization programme for prison staff
 - (b) whether they are given training in human handling skills.
- 13. Involvement of NGOs and social activists in prison activities.
 - (a) Name of the NGO involved
 - (b) The purpose of their visit
 - (c) Whether they educate the prisoners on their rights, privileges and duties.
 - (d) Opinion of the inmates on the visit of the NGOs
- 14. Custodial death
 - No. of deaths during last 5 years
 - (i) Natural
 - (ii) Unnatural
- 15. Unusual Incident

Did any unusual incident or tension take place during the preceding year .
If so, please furnish details.

**PART B - CONDITIONS WITH REFERENCE TO THE REPORT OF
THE NATIONAL EXPERT COMMITTEE**

- 1. Separate Jail for Women

Whether the place of detention / custody is exclusively for women? If yes, please furnish details of area of accommodation. If not, give area available for women detainees.
- 2. Condition of the place of custody of women prisoners.
 - (a) Is there privacy (including when going to the toilet).
 - (b) Is there adequate security (including when going to the toilet at night).
 - (c) Is the place separated from the place for male prisoners.
- 3. Conditions of women undertrials
 - (a) Detention period Number
 - Upto 6 months
 - 6-12 months
 - 1-2 years
 - 2-3 years
 - 3-5 years
 - Above 5 years
 - (b) Are women undertrial kept separate from convicted prisoners?

- (c) Are there any undertrials who have been detained in jail unduly long?
 - (d) Are female undertrials effectively produced before the trying magistrate on the date of hearing?
 - (e) No. of women undertrials granted bail but unable to seek release because of failure to arrange sureties.
 - (f) Is there any problem of providing escort for women undertrials for court appearance?
 - (g) Holding of Lok Adalats in Jail premises.
4. Physically handicapped women inmates
No. of Physical handicapped
- (i) Locomote
 - (ii) Mental Health problems
 - (iii) Visual
 - (iv) Hearing
5. Whether there are separate arrangements for each of above categories.
6. Medical facilities and medical examination
- (a) No. of Doctors (Male & Female)
 - (b) Availability of the Psychiatrists
 - (c) No. of para-medical personnel (exclusively for women)
 - (d) No. of beds (exclusively for women)
 - (e) Availability of medicines Adequate / Inadequate
 - (f) Visits by specialists
 - (g) Isolation/segregation of patients suffering from infectious diseases.
 - (h) No. of prisoners suffering from T.B.
 - (i) No. of prisoners suffering from HIV/AIDS
 - (j) Arrangements for detection and prevention of HIV/AIDS.
 - (k) Ambulance service.
 - (l) Drug de-addiction and counseling services
 - (m) Inoculation of children staying with women prisoners.
 - (n) Any NGO involved in health care of prisoners.
 - (o) Is there a medical examination of a woman inmate on her admission.

- (i) Periodicity of medical checkup
 - (p) Is the testing for AIDS mandatory? What do the women convicts feel about it?
7. Provisions of Lady Doctors/Nurses
- (a) No. of women Doctors posted
 - (b) No. of women nurses posted
- If women doctors and nurses are on a visiting basis.
- (c) Visits by Women Doctors
(Indicate periodicity of visits)
 - (d) Visits by women nurses
(indicate periodicity of visits)
8. Medical facilities for handicapped
What are the arrangements of medical care for physically, handicapped and mentally handicapped. Please describe.
9. Facilities for Expectant and Lactating mothers
Are facilities provided as per rules?
- (a) Medical care
(Anti natal & post natal)
 - (b) Nutrition provided.
 - (c) Education in child rearing & motherhood
 - (d) Work assigned to them during pregnancy and Lactation period.
 - (e) Medical checkup and cares of new born and infants.
 - (f) Whether there is arrangement for safety from the fellow prisoners with special reference with special reference to babe-in-arms?
 - (g) Number of pregnant women / lactating mothers at the time of the visit.
 - (h) Are existing rules adequate to meet the needs of special categories of inmates.
10. Women suffering from contagious diseases-
Are they kept in isolated care / isolated wards.
11. Diet for Women Prisoners.
- (a) Whether there is separate kitchen for women prisoners
 - (b) Facility for clean water
 - (c) Is food being provided as per the prescribed scales?
 - (d) Scale of ration -
Cereals
Non-cereal
Fruit milk
Others (specify)

- (e) Extra diet provided on medical prescription
- (f) Are food items being stored properly
- (g) Comments on quality and quantity of food
- (h) Are the prescribed scales adequate?

12. Clothing and bedding.

- (a) List of items of clothing and bedding supplied to inmates. In respect of clothing specify no. of sets and intervals at which supplied again.
- (b) Indicate Extra / Special provisions for sick and old women.
- (c) Are the same items provided to undertrials.
- (d) Are they sufficient and adequate to meet the needs of inmates.
- (e) Whether women prisoners have freedom to wear apparel of their choice?
- (f) If no, what can be done to improve the condition.
- (g) Facilities for washing of clothes.

13. Items supplied for personal hygiene (Indicate amount and frequency of supply)

-	Uniform for convicts	Washing soap	Sanitary napkins
-	Comb	Bath soap	Others
-	Mirror	Oil	

14. Cleanliness, Sanitation and Hygiene

- (a) No. of toilets
- (b) No. of bathrooms
- (c) Ratio of No. of toilets/bathrooms and No. of inmates
- (d) State of cleanliness and hygiene of toilets and bathrooms.
- (e) State of cleanliness and personal hygiene of inmates.
- (f) Is water available in sufficient quantities?
- (g) Is the mode of storing water safe?

15. Work Programme for convicts for under trials

- (a) Types of work
- (b) Whether inmates are put on work for punishment or as therapy

16. Wages paid

Daily wages amount per day
(Specify for skilled/unskilled)

For convicts for under trials

For female inmates	Skilled	Unskilled
For male inmates	Skilled	Unskilled

17. Menial duties within Jail (cleaning, sweeping etc.)
 - a) Are they done by prisoners?
 - b) If so, are they paid, and how Much?
18. Labour
 - (a) Is productive work available for labouring prisoners
 - (b) Who checks the work in the evening
 - (c) Is the output of each convict properly recorded on the work tickets.
19. Training to inmates
 - (a) Facilities for training given for skill and trade (vocational etc.)
 - (b) Facilities for providing other knowledge use of bank, post office, health center, employment exchange saving schemes.
 - (c) Facilities for awareness programme regarding their rights, status etc.
20. Interviews with relatives
 - (a) System of interviews with family members and lawyers.
 - (b) No. of interviews permitted and how often.
 - (c) *Total No. of meetings allowed with family*
 - (d) No. of letter permitted to receive / to send; specify how often.
21. Release on parole furlough
Whether women prisoners are released temporarily on parole / furlough. If yes,

(a) Total No. of inmates on parole.	Total No. of days allowed parole.
(b) Total No. of inmates on furlough	Total No. of days allowed parole.
22. Facilities for education

	<u>For convicts</u>	<u>For under trials</u>
(a) No. of Women Prisoners	Literate	Illiterate
(b) Details of literacy and educational programmes.		

 Details of educational programmes and literacy classes.
 - (i) Status of Prison Library and its utilization by prisoners.
 - (ii) Is compulsory education provided for illiterate prisoners.
23. Recreational facilities
 - (a) Details of recreation activities such as games & sports, TV etc.
 - (b) Cultural activities

- (c) Yoga and meditation
 - (d) Spiritual programme
 - (e) Library
 - (f) Others (Specify)
24. Classification
- Are prisoners classified according to age, nature of crime, length of sentence
 - Is treatment given according to this classification
25. Are all adolescent prisoners of ages 18 to 20 or 22 kept in separate custody from adult women.
26. Are habitual offenders, prostitutes keepers kept in separate custody from other inmates.
27. Are there any mentally ill/mentally affected women inmates in custody. (Mental Health Act does not permit non-criminal, mentally ill persons to be put into prison)
28. Are there any women and children in prison custody who are victims / witnesses or in protective custody. (Prisons officials cannot admit anyone without a proper warrant of custody from a competent authority).
29. Special facilities provided for inmates with children.
30. (a) Are the children kept with the mothers.
- (b) If not give details of visits permitted. - Accommodation
- (c) Facilities for accompanying children:
- | | No. of Accompanying children covered |
|---------------|--------------------------------------|
| Accommodation | |
| Food | |
| Medical Care | |
| Clothing | |
| Education | |
| Recreation | |
31. Till which age is child kept with mother
- After release of child - give details of visitations allowed.
32. Details of system for
- (a) Probation
 - (b) Parole
 - (c) Bail
 - (d) Any other non-institutional treatment
33. Appeals
- Has there been any undue delay in forwarding appeals to courts, or in receipt of courts order an appeal.
34. Facilities/system for open jails for Women

35. (a) Are any women detained who are destitutes, beggars, vagrants (Detained under section 109 Cr. PC)
 (b) What are the arrangements for the custody of single women in jails or sub-jail where there is no female warden?
36. (a) Is corporal punishment given to women
 (b) Are handcuffs, fetters or isolation used for women.
37. Is there any woman inmate staying beyond her sentence.
38. Pre-mature release of women prisoners
 Whether there is expeditions disposal of cases of premature release of women prisoners especially old aged and serious ailing prisoners.
39. Procedure for search of female prisoners-
 - Is it by female wardens.
 - Are there any complaints.
40. System of receipt/disposal of complaints/grievance
 - Redress system.
 - Is there a complaint box
 - Direct reporting
 - Periodic meetings.
 - If a women prisoner wants to complain against any prison officer can she address it to an independent external channel?
 - Can the family friends and non-governmental organization file a complaint about a prisoner's situation with the jail authorities?
41. (a) Is there a prison manual available
 (b) Can it be asked for and seen by inmates, staff, accredited visitors.
42. Is there a separate volume of the manual with regard to female.
43. Awareness of rights and privileges
 Whether rights and privileges of prisoners have been prominently displayed?
 - Are the inmates aware of there rights, privileges and duties.
 - who informed them.
44. - System of release-How are her relatives informed.
 - System when no relatives visits/comes at time of release.
45. (a) System for arranging rehabilitation after release.
 (b) Are the rehabilitation schemes in place for women convicts? Are there any monitoring agency for the same?
46. Are there any after care/short stay Homes for released prisoners who are homeless or abandon.
47. Legal Aid
 (a) Is a postcard/inland letter supplied to an inmate within 24 hours of her admission to prison to enable her to give information of her incarceration to a relative/friend/legal aid institution.
 (b) Availability of Legal aid
- | | |
|--|---------------------|
| Type of Legal Aid counseling | <u>No. of women</u> |
| Representation in court others (specify) | <u>prison</u> |
| (c) Provision for Lok Adalat | <u>benefited</u> |

48. Visits
- a. Whether there is a Board of visitors in the State.
 - b. No. of non-official visitors Male = Female
 - c. No. of visits made by the visitors during the previous year
 - d. No. of visits made by Judicial authorities
 - e. No. of visits made by Non – Judicial authorities
 - f. Is there a visitors book
 - g. List of accredited visitors
 - h. Do the inmates recognize non-official visitors by name or face?
 - i. Did anyone make any request to a non-official visitor?
 - j. If any complaint has been made was it forwarded to the appropriate authority and follow up action taken?
 - k. What is the quality of visitors' notes?
 - l. What is the profile of the non-official visitors.

PART - C (OBSERVATIONS & RECOMMENDATION)

1. Observations and Remarks on the functioning of the prison administration, problems and grievances, adequacy or otherwise of sanctioned and available staff, their training, infrastructure, medical facilities etc.etc.
2. Comprehensive set of recommendations on each aspect.

Detailed recommendations on each aspect e.g. Infrastructure, medical facilities, legal issues, Rehabilitation, Diet etc.etc.

Assessment of Women's Protective Homes.

Preliminary :

Acts/Rules under which women are kept in the Home/Shelter.

Officials/Organizations/individuals authorized to place/commit/introduce a woman in the Home/Shelter

Form of application (if prescribed) to admit a woman in the Home/Shelter

Maximum period for which a woman can be kept in the Home/Shelter

Minimum/maximum age for keeping a woman in the Home/Shelter

Category/kind of women that can be admitted and through whom

General observations of the Study Team

Date of Visit:

1. Name and location of the protective home:
2. Officer-in-charge:
3. a) Sanctioned strength of staff:
b) Actual strength of staff:
4. a) Sanctioned capacity of the protective home?
b) Actual Number of women (on the day of the assessment)
5. a) Age-wise distribution
b) Category-wise distribution (e.g., destitute, delinquent, victims, mentally ill, vagrant, beggars, rescued from moral danger, etc.)
c) Distribution according to period of stay.
6. Facility for segregation of different categories of women

- a) Which categories are housed together ?
- b) Which categories are segregated ?

7. Accommodation :

S.No	Kind of accommodation	Number available	Number in use	Toilets - attached or outside
i	Cells for single persons			
ii	Rooms for upto 4 persons			
iii	Association dormitories for upto10 persons			
iv	Barracks for 20 or more persons			
v	Assembly Halls for occasional gatherings/functions/entertainment			
vii	Others (if any)			

8. Other facilities :

- Office
- Kitchen
- Indoor hospital
- Doctors' consultation room
- place of worship
- indoor games
- out-door games,
- garden,
- open space for movement,
- others

9. General condition of toilets and provision for cleaning and maintenance.

10. What arrangements exist for

- a) food
- b) clothing

(Attach copy of relevant rules/administrative orders)

11. Arrangements for medical treatment of inmates?

- a) general
- b) in times of emergency
- c) for mentally ill
- d) counseling

12. Are there separate facilities for pregnant women?

- a) diet
- b) medical care
- c) pre-natal training in childcare

13. Are women with children kept in the home? Yes | No
 If yes, attach rules/administrative orders for the upkeep of children?

14. Recreation facilities are available for these women?

15. a) Are they involved in any kind of vocational training? Yes | No

b) If so, names of vocations available

c) Number of vocational teachers available

d) Are women allowed to choose what they want to do? Yes | No

16. Is any work allotted to the women within the home? Elaborate.

17. Facilities for education

18. Are these women allowed visitors? If so, how often and for how long
 (Rules)

19. Rehabilitative measures for women (see Rules)

Actual rehabilitation during past 3 years

Year	Nature of Rehabilitation	No. of women rehabilitated	Follow-up meetings	Number of failures
01-02				
02-03				
03-04				

20. Are women given any financial assistance when they leave the institution?

21. Do NGO's and other people from the community interact with the inmates?
 If yes, in which way?

22. Is there any socio-legal counseling cell operating?

23. What is the interaction between the inmates and staff like? Elaborate.

24. Is there any sort of abuse that the women complain of?

General observations of the investigator :

Annexure-5

PROGRAM OF VISIT TO INSTITUTIONS

Under NCW Project

	Week-days	Program of Visit	No. of days
April 25 to May 3, 04 at Bhopal	Sun : April 25	Internal meeting of Study team to finalize modalities and methodology of investigation	1
	Mon : April 26	Meeting with DG Prisons; DG Police; Secretary, Prisons; and Secretary, Department of Women and Children; Director WCD, etc for obtaining permission for access to various institutions	1
	Tues : April 27 Wed : April 28 Thur : April 29	Central Prison, Bhopal	3
	Fri : April 30	District Prison, Hoshangabad	1
	Sat : May 1	Borstal Institution & Sub-jail, Narsinghpur	1
	Sun : May 2	Internal meeting of the group to pool information and to share views on future strategies of investigation.	1
	Mon : May 3	Mahila Thana Jahangirabad, Bhopal	1
May 19 to 27, 04 at Indore and Ujjain	Wed : May 19 Thurs : May 20	District Prison, Indore	2
	Fri : May 21	Mahila Uddhar Griha, Indore	1
	Sat : May 22	Mahila Thana, MPH Compound, Kotwali, Indore	1
	Sun : May 23	Internal meeting of the group to pool information and to share views on future strategies of investigation.	1
	Mon : May 24 Tues : May 25	Central Prison, Ujjain	2
	Wed : May 26	District Prison, Ratlam	1
	Thurs : May 27	Destitute Women's Home, Ujjain	1
June 14 to 19 at Jabalpur	Mon : June 14 Tues : June 15	Central Prison, Jabalpur	2
	Wed : June 16	Sub-Jail, Mandla	1
	Thurs : June 17	District Prison, Damoh	1
	Fri : June 18	Short Stay Home for Women, Jabalpur Mahila Sadan, Home for Destitute women, Jabalpur	1
	Sat : June 19	Mahila Thana, Madan Mahal Station, Jabalpur	1
June 29 to July 2 at Gwalior	Mon : June 29 Tues : June 30	Central Prison, Gwalior	2
	Thurs : July 1	Mahila Thana, Padav, Near Railway Station, Gwalior	1
	Wed : July 2	District Prison, Datia	1

Number of Institutions Visited by the Study Team :

Prisons Housing Women Inmates	*11	*Central Prisons 4
Protective Homes for Women	4	District Prisons 6
Police Station for women (Mahila Thana)	4	Sub-jails 1
Total	19	

Hon'ble Chief Justice
Madhya Pradesh High Court
Jabalpur

August 12, 2004

Hon'ble Sir,

The **Commonwealth Human Rights Initiative** (CHRI), New Delhi is a non-partisan international non-governmental organization and part of a family of independent organizations **working together for the practical realization of human rights of the ordinary citizen of the Commonwealth**. Human rights education and advocacy are at the core of all CHRI's activities.

The National Commission for Women, New Delhi, had assigned to the CHRI an assessment of custodial institutions where women are confined in the state of Madhya Pradesh. In this connection, the Study Team constituted by the CHRI visited several prisons, protective homes, and police stations established by the state for the custody and protection of women in MP.

During their visit to the District Prison at Damoh, the Study team came across a case in which six (6) innocent children of the age below five years, belonging to a single joint family, are, of necessity, lodged in the prison because all the five adult members of that family are remanded to judicial custody, and there is no one outside to look-after these children. The CHRI wishes to bring to your kind notice some details of the case with the hope that Your Lordship's intervention might bring relief to these children from the ill effects of the unwanted incarceration that they are suffering.

This case (No.155/04 in the Court of Additional District & Sessions Judge (I) Damoh, Shri R.M. Patel) has been registered for the offence of bride-burning (under Sections 498A, 304B, 201/34 of IPC and 3 / 4 of Anti-Dowry Act) and the entire family of the in-laws of the deceased have been arrested by SHO, PS Javera, Ghat Khamaria, Damoh, and remanded to judicial custody by the trial court. Names of the accused together with their relationship with the deceased are as follows :

- | | |
|----------------------------|-------------------------------|
| 1. Ramdayal s/o Natthu | Father-in-law |
| 2. Dularibai w/o Ramdayal | Mother-in-law |
| 3. Ghanshyam s/o Ramdayal | Elder Brother-in-law (Jeth) |
| 4. Kaushalya w/o Ghanshyam | Elder Sister-in-law (Jethani) |
| 5. Mohan s/o Ramdayal | Husband |

Four (4) children of Kaushalya and two (2) children of the deceased wife of Mohan, are also with the two accused women presently lodged in the women section of Damoh District Jail. The family belongs to Aharwar (Harijan)

community and is financially wrecked. It appears to the Study team that at the time of asking for judicial remand, only five accused adults were produced before the trial magistrate and the accompanying six children were not taken to the court room, otherwise the presiding judge, in his own judicial prudence, would have questioned the propriety of sending such large number of innocent children to prison, even if that was permitted under jail rules.

Before proceeding any further the CHRI wishes to clarify that it intends no interference in the process of law. In case, after due investigation, all the five accused are found to have committed or assisted in the commitment of crime, they must be charge-sheeted. The CHRI does not also mean to dilute in any way the offensiveness of crime under section 498A, although it believes that the section is open to misuse, because the general tendency of the aggrieved party in such cases, is to extend the number of accused to cover even innocent family members, just for the sake of putting them to inconvenience and harassment.

But we do feel that in this particular case, the preventable incarceration of 6 innocent children can be avoided if the two accused women are let out on personal recognizance, so that even while facing charges and standing trial (if investigations so warrant), they can bring up these children in the free society. The chances of these two women jumping bond are almost nil because their husbands are in prison and, with the encumbrance of 6 children, they are so deeply rooted in the society that they cannot think of breaking their family ties to escape trial.

These two women are equally worried about their house and (whatever little) household belongings because heavy rains could wash out everything in the absence of someone to care for them.

Some social workers, with whom the Study team interacted to know the socio-economic profile of this family, are of the opinion that the family is so deprived that, on release, these two women and their accompanying children shall face starvation in the absence of their breadwinners. They feel that an attempt to set them free shall become counter productive, because while in prison, the women get at least two time meals and the children some milk and porridge as per prison rules.

But, in a 'Welfare State' that we are proclaimed, this cannot be a justification for keeping or continuing to keep these eight souls in jail only because they are somewhat better off here, than in the free society. After all we have a Social Welfare Department and a Department of Woman and Child Development in the State, and the Hon'ble Court can always direct them to take proper care of these women and children, in case of dire necessity.

We, in the CHRI, feel it desirable to bring these facts to your kind notice and to request for some action within the provisions of law for imparting social justice to the six innocent children in prison in this case.

With highest regards
Humbly yours
(Radhakant Saxena) Consultant

Copy submitted to the Chairperson, District Legal Services Authority, District Courts, Damoh, MP, with the request kindly to extend the services of a panel lawyer to plead the case on behalf of these accused.

(Radhakant Saxena)
Consultant

List of officials interviewed

Name	Contact Detail & Designation
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Government of Madhya Pradesh

Department of Prisons

Mrs. Rekha Bhargava, IAS	Principal Secretary, Department of Prisons Tel: 0755-24441522
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Department of Women and Child Development

Mr. R.N. Bairwa, IAS	Principal Secretary Tel: 0755-2441114
Mrs. Suranjana Ray, IAS	Commissioner Tel: 0755-25533182
Mrs. Dr. Pragya Avasthi	Joint Director Tel: 0755-2555414

Police Department

Mr. S.K.Das	DG Police Tel: 0755-2443500
Mr. Nandan Dubey	Additional DG Police Tel: 0755-2443536

Department of Prisons and Correctional Services, Bhopal

Mr. Sukhpal Singh	DG Prison Tel: 0755-2558198
Mr. RS Vijay Vargiya	DIG (Law) Tel: 0755-2573403 (off), 0755-2430537 ®

Central Jail, Bhopal (Tel. 0755-2742250)

Mr. Purushottam Somkunwar	Superintendent
Ms. Jyoti Tiwari	Deputy Jailor

JABALPUR Central Jail (Tel: 0761-2620016)

Mr. M.R Patel	Superintendent
Mr. Lal Pramod Singh	Jailer
Mr. A.S.Senger	Deputy Jailer
Mr. G.K. Kontu	Prison Welfare Officer
Mr. Ashok Singh	Law Officer
Dr. D.C. Kumar	Senior Chief Medical Officer

Central Jail, Gwalior Tel: 0751-2481921

Mr. Gopal Tamarakar	Jail Superintendent Ph- 0751-2481051
Mr. V.K Sharma	Jailor (M) 9827333846
Mr. Ramesh Sharma	Deputy Jailor
Mr. M.K. Tiwari	Prison Welfare Officer
Mr. Rakesh Bahangri	Probation Officer
Dr. P.S. Trivedi	Medical Officer

Ujjain Central Prison Bherugarh Tel: 0734-2581020

Dr. Suhel Ahmed	Jail Superintendent
Mr. K.S. Tomar	Jailor
Mr. Mirza Sahib Baig	Deputy Jailor
Mr. D.K. Saras	Prison welfare Officer
Dr. A.L. Agarwal	MD: Full time Doctor

Damoh District Jail, TEL: 0781-222184

Mr. C.K. Mishra	Jailor
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Indore District Prison Ph- 0731-2701528 (o), 0731- 2702139

Mr. S.H. Deshmukh	Jail Superintendent
Mr. V.R. Upadhyay	Jailor
Dr. Sahkeel Ahmed	(MBBS and DOMS) Full time Doctor
Mrs. Madhu Hamilton	Full time nurse from jail

Ratlam District Jail

Mr. S.S. Chauhan	Jail Superintendent
Mr. Ranjit Singh	Deputy Jailor

District Jail Hoshangabad Tel: 0754-252438

Mr. N.S.S. Parihar	Jail Superintendent
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District Jail and Borstal Institute, Narsinghpur Tel: 0779-236330 0779-236343

Mr. Sanjay Pandey	Jail Superintendent
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Mandla Sub-Jail (Tel: 07642-251052)

Mr. M.S. Patel (SDM)	Superintendent (Part time)
Mr. Phul Singh Paraste	Jailor
Dr. Mahind Tija	Part time Doctor

Protect Homes for Women

Nariniketan, 895 Subhadhra Kumar Chauhan Ward, Napier Town, Jabalpur

Smt. Maya Das Gohya	Superintendent
Smt. C.K. Chadda	Teacher
Smt. Lata Chaurashi	Assistant to Superintendent

Short Stay Home, Jabalpur

Smt. Manglesh Singh Tripti Tripathi	District Programme Officer, Superintendent
Smt. Chhaiya Pandey	Instructor

Mahila Udhar Griha Indore
29/3 Old Palasis Indore M.P Tel 0731-2561775/366058

Smt. Tripti Tripathi	Programme Officer
Smt. Anju Shah Shah	Superintendent
Smt. Indu Pandey	Instructor

Nariniketan Ujjain Dewas Road

Mrs. Nishi Singh	Superintendent
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Police Stations for Women (Mahila Thana)

Mahila Thana, Madan Mahal, Jabalpur Tel: 0761-2411625

Smt. Surekha Parmur	S.I. Tele : 0761-5066655 ® 9826343934(M)
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Mahila Thana, Padav Near Railway Station, Gwalior Tel: 0751-2445242

Ms. Palavi Trivedi	Sub-Divisional Officer
Mrs. Anita Mishra	Sub-Inspector
Mr. Amar Singh Chauhan	Sub-Inspector

Mahila Thana, MTH Compound, Indore : Tele. (M) 9826507721 Tel: 0731-2522111

Ms. Kamlesh Gupta	Town Inspector
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Mahila Thana, Bhopal Tele : Tel: 0755-2443860, (M) 0755-3124004

Mrs. Dr. Laxmi Kushwaha	Town Inspector. (M) 9826507721 Tel: 0731-2522111
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District Legal service authority, Ujjain

23, Kibe Compound, Daba, Ujjain
Tel: 0734-2584305

Justice S.M. Srivastav:	Chairperson, DLSA
Mr. Lokendra Singh Thakur:	Dist Legal Aid Officer